

## ZONING BOARD OF APPEALS

### PROCEDURE TO FOLLOW WHEN REQUESTING A ZBA HEARING

The ZBA normally meets on the **fourth Tuesday** of the month.

**NOTE: In order to be eligible to appear before the ZBA the applicant's application must have first been denied by either the Planning Board or the Building Inspector.**

1. Complete the attached application form.
2. After receipt of application, the Zoning Board of Appeals will notify the applicant concerning the date and time of public hearing.
3. The applicant is required to provide notice of the public hearing to all property owners within two hundred (200) feet of the property under consideration. This notice shall be by letter, sent "Certified Mail - Return Receipt Requested" and so sent as to give the property owners a minimum of ten (10) days notice prior to the public hearing. (A suggested letter format is attached for guidance).
4. **Public Hearing - The Applicant**
  - A. Must have **signed and notarized an "Affidavit of Notice"** attesting to the fact that notification was made to all property owners within 200 feet of applicant's property.
  - B. Must have list of names and addresses of all persons to whom notice was sent.
  - C. Must have signed **returned receipts** from all names contained on list in item B.
  - D. Must have signed and notarized form "Reimbursement for Professional Consulting Services".
  - E. Must have a completed signed and notarized "Owner's Consent Affidavit" in the event that the applicant is **not** the owner of the property under consideration (example - the applicant may be a renter or lessee or tenant).

## ZONING BOARD OF APPEALS Fee Schedule

### **F. Application to Zoning Board of Appeals:**

(1) Fees.

(a) Interpretation of ordinance: One hundred fifty dollars (\$150), plus the cost of publication of the notice of public hearing.

(b) Variances:

[1] One- and two-family homes: One hundred dollars (\$100), plus the cost of publication of the notice of public hearing.

[2] All others: One hundred fifty dollars (\$150), plus the cost of publication of the notice of public hearing.

(c) Special permit: One hundred fifty dollars (\$150), plus the cost of publication of the notice of public hearing.

(d) Appeals from the Building Inspector: One hundred dollars (\$100), plus the cost of publication of the notice of public hearing.

(e) The initial application fee shall be applied to the fee charged by the ZBA's legal consultant. The ZBA's legal consultant fees that exceed the initial application fee shall be charged to the applicant.

(2) The Zoning Board of Appeals may refer any application presented to it for a variance, special permit or appeal to such legal, engineering, planning, technical, environmental or other consultants as it shall deem reasonably necessary to enable it to review such application as required by law.

(a) The charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Town and such consultant.

(b) The Zoning Board of Appeals Chairman shall approve all such charges before they are incurred. All such charges shall be paid upon submission of a town voucher.

(c) The applicant shall, in addition to the payment of the fees set forth above, reimburse the Town for the cost of such consultant services upon submission of a copy of the voucher therefore. Such reimbursement shall be in addition to the application fee and shall be payable prior to the filing of the decision and order of the Zoning Board of Appeals.

**ZONING BOARD OF APPEALS**

**Town of Tuxedo**

File # \_\_\_\_\_

Received: \_\_\_\_\_

Section: \_\_\_\_ Block: \_\_\_\_ Lot: \_\_\_\_ Notified: \_\_\_\_\_

Hearing: \_\_\_\_\_

**TO THE ZONING BOARD OF APPEALS**

The undersigned (is) (are) the owner(s), lessee(s), (or state other interest in premises) \_\_\_\_\_  
\_\_\_\_\_ residing at \_\_\_\_\_

\_\_\_\_\_ hereby appeals to the Zoning Board of Appeals of the  
Town of Tuxedo, Tuxedo, New York, from a requirement, decision or determination of the Planning  
Board and/or Building Inspector of said Town, a copy of which is hereto annexed and made a part  
hereof, that the following described structure located at or proposed to be erected upon certain  
premises located at \_\_\_\_\_

in said Town of Tuxedo, is contrary to the provisions of Article \_\_\_\_, Section \_\_\_\_, of the Town of  
Tuxedo Zoning Law of 1975.

1. Description of structure: \_\_\_\_\_

2. Permit desired: \_\_\_\_\_

3. Reason for appeal: \_\_\_\_\_

Attached hereto is a plan of the subject premises drawn to scale showing the following items:

1. Name of record owner(s) of premises and of all adjoining properties.
2. Location of existing structures.
3. Location of proposed structures.
4. Location of all existing and proposed streets or highways.
5. Any other information pertinent to the application.

Telephone # \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of applicant or agent

STATE OF NEW YORK: COUNTY OF \_\_\_\_\_ SS:

On the \_\_\_\_ day of, \_\_\_\_\_ before me came \_\_\_\_\_

To me known to be the individual(s) described in and who executed the foregoing application for an  
Appeal and acknowledged that they (s)he executed the same.

\_\_\_\_\_  
Notary Public

Town Code requires that you notify all property owners within two hundred (200) feet of the property noted in the application at least ten (10) days before the hearing. It is further required that you send the notices by certified mail return receipt requested and that the receipts be given to the Zoning Board on the hearing date.

A copy of an "Affidavit of Notice" which you are required to complete and sign is enclosed with this application packet.

The completed affidavit and the proof of mailing is to be presented at the hearing. A bill for publication fees will be forwarded to you for payment to the Zoning Board Clerk at a later date.

The applicant is responsible for notifying all property owners located within 200 feet of the property boundaries under consideration. Below is the suggested format of a letter that can be used or a copy of the legal notice will be sufficient as well.

JOHN DOE  
ADDRESS

Date

Jane Doe  
Address

Dear

By this letter, please be advised that \_\_\_\_\_  
Applicant or Applicant's representative) has made an application for a (variance, special permit, code interpretation) to the Zoning Board of Appeals, Town of Tuxedo, Orange County, New York.

This application is pursuant to Article \_\_\_\_ Section \_\_\_\_\_  
of the zoning law of the Town of Tuxedo.

The variance applied for is of the following description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

in accordance to the application filed with the Zoning Board of Appeals and dated \_\_\_\_\_.

You are further advised that a public hearing in the Tuxedo Town Hall will be held on the \_\_\_\_\_ day of  
at \_\_\_\_\_ (am or pm).

Very truly yours,

**Reimbursement for Professional Consulting Services**

The Town Board, Planning Board and Zoning Board of Appeals in the review of any application described above, may refer any such application presented to it to such engineering, planning, environmental or other technical consultant as such Board shall deem reasonably necessary to enable it to review such application as required by law. The charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Town and such consultant. All such charges shall be paid upon submission of a Town bill. The applicant shall reimburse the Town for the cost of such consultant services upon receipt of the bill. Such reimbursement shall be made prior to the final action on the application.

Permit will not be issued and site plan or subdivision will not be signed until bill is paid in full.

The Town Board hereby adopts the policy, to take immediate effect, that hereafter any Town of Tuxedo Board or Town Official shall not take a conclusive action relative to the granting of approvals, variances, permits, certificate of occupancy and similar official acceptance when the applicant, lessee, lessor, property owner and/or property location has an outstanding violation of code and/or Town of Tuxedo fee pending against said applicant or property, and that a board or official may conduct such preliminary procedures that it may deem necessary or appropriate to assure conformance with code requirements and/or the law with the understanding that final approval and/or acceptance procedure relative to the application will not be taken until such time as the violation is fully satisfied.

I have read and understand the above statements.

\_\_\_\_\_  
Signature of Applicant

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public



**Town of Tuxedo  
1 Temple Drive  
Tuxedo NY 10987**

**Owner's Consent Affidavit**

File #: \_\_\_\_\_

Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Name of Project: \_\_\_\_\_

Name of Fee Owner: \_\_\_\_\_

Address: \_\_\_\_\_  
City State Zip

Telephone #: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_  
City State Zip

Telephone #: \_\_\_\_\_

State of New York  
County of Orange, ss:  
Town of Tuxedo, NY

\_\_\_\_\_ Being duly sworn, deposes and says that he/she/they reside(s) at \_\_\_\_\_ in the county of \_\_\_\_\_ in the state of \_\_\_\_\_ that he/she/they is/are the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Town of Tuxedo aforesaid and designated as Section: \_\_\_\_\_, Block, \_\_, Lot, \_\_\_\_\_, of the Tuxedo Tax Map and that he/she/they hereby authorize(s) the within application in his/her/their behalf and that the statements of fact contained in said application are true, and agrees to be bound by the determination of the Board.

Sworn to before me **Owner:** \_\_\_\_\_

\_\_\_\_\_ Day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public