

**CITY OF RYE
BOARD OF APPEALS APPLICATION,
INSTRUCTIONS AND MEETING SCHEDULE**

PLEASE NOTE

BOARD OF APPEALS APPLICATIONS

ARE FILED IN THE CLERK'S OFFICE
(not the Building Department)

BY THE DEADLINE DATE AND TIME

INDICATED ON THE Board of Appeals.

Meeting Schedule 2012 which is located

on the last page of the application and is followed

by a list of instructions for the completion of

the application

Person Preparing Public Notification List: _____

Application #: _____
Date Filed: _____
Hearing Date: _____

**APPLICATION
BOARD OF APPEALS
CITY OF RYE**

**PLEASE COMPLETE EACH ITEM BELOW. ATTACH ADDITIONAL PAGES IF NECESSARY TO
PROVIDE COMPLETE RESPONSES.**

PART I Property Information:

- A. Address: _____
- B. Lot Size: _____ sq. ft. Width: _____ ft. Depth: _____
- C. Zoning District: _____
- D. Allowable Sq. Ft. _____ Existing Sq. Footage: _____
Proposed Sq. Ft.: _____ Difference: _____
- E. Allowable Floor Area Ratio _____ Existing Floor Area Ratio: _____
Proposed Floor Area Ratio: _____
- F. Tax Assessment Map: _____ Block No.: _____ Lot No.: _____
- G. Description of all existing buildings and structures on the property:

- H. Description of proposed project:

- I. Located on the _____ side of _____
_____ feet in a _____ direction from the intersection of
_____ and _____
- J. Is property located in a flood plain? _____ First Fl. Elev. _____

- K. Does this application pertain solely to a one-family residence? _____
If yes, enclosed is \$300 application fee
If no, enclosed is \$500 application fee

PART II - General Information:

A. Applicant: (If Applicant is not owner, attach document confirming interest in property):

Name _____

Address: _____ City _____ State _____ Zip _____

Telephone No.: _____ Email: _____

Fax: _____

B. **Property Owner**

Name _____

Address: _____ City _____ State _____ Zip _____

Telephone No.: _____ Email: _____

Fax: _____

C. **Applicant Representative (attorney, architect), if applicable**

Name _____

Firm: _____

Address: _____ City _____ State _____ Zip _____

Telephone No.: _____ Email: _____

Fax: _____

PART III Variance Information:

A. What is the general objective of this application? What do you want to do that you have been told you cannot do?

Area Variance? _____ Use Variance? _____

Code Interpretation? _____ Board of Architectural Review? _____

Flood Plain Management Law Variance? _____

B. Have any previous applications been made to the Board of Appeals or Planning Commission concerning the property, or any summons or warrant issued for a court appearance concerning the matter in question? If so, summarize the proceeding and the disposition and attach a copy of each decision and/or resolution.

- C. What Section(s) of the Rye City Code is (are) in question? State whether the Board's jurisdiction is appellate, original, or interpretive.**
- D. What specific relief is requested from the Board of Appeals? If a variance is requested, state the applicable zoning requirement (e.g. number of feet) and the requested variance (e.g. number of feet) from that requirement.**
- E. Will the proposed improvement or relief have any effect on the neighborhood? State your reasons.**
- F. Will there be hardship or practical difficulty if the requested relief is not granted? State your reasons.**
- G. Is there any alternative to the proposed improvement or relief? If there is, describe the alternative and explain why you are not adopting it. State whether the alternative would also require relief from the Board of Appeals, and describe such relief.**
- H. State any other reasons for granting the application.**

I. Set forth any other relevant information.

PART IV Signatures:

By signing this application the applicant attests that to the best of his/her knowledge all information provided herein is accurate and truthful. The signature of the applicant and owner also grants consent to have any City Staff or City Board or Commission members responsible for the review or approval of this application(s) to enter the property of the subject application.

Owner Signature

Date

Applicant Signature

Date

BOARD OF APPEALS

MEETING SCHEDULE 2012

APPLICATION DEADLINE TIME: 12:00 P.M.

BOARD OF APPEALS	APPLICATION	PUBLIC NOTICE	CERTIFICATES OF MAILING
MEETING DATE *	DEADLINE	AVAILABLE	DUE
January 19	December 29 12:00pm	January 3	January 13
February 16	January 26 12:00pm	January 31	February 10
March 22*	February 23 12:00pm	February 28	March 9
* changed from 3/15			
April 19	March 29 12:00pm	April 3	April 13
May 17	April 26 12:00pm	May 1	May 11
June 21	May 31 12:00pm	June 5	June 15
July 19	June 28 12:00pm	July 3	July 13
No August Meeting			
September 13	August 23 12:00pm	August 28	September 7
October 18	September 27 12:00pm	October 2	October 12
November 15	October 25 12:00pm	October 30	November 9
December 13	November 20 12:00pm	November 27	December 7

***All dates subject to change. Please check with Clerk's Office before filing application.**

IMPORTANT

**PICK UP PUBLIC NOTICE FOR NEIGHBOR NOTIFICATION
BEGINNING TUESDAY AFTER APPLICATION DEADLINE DATE
(Public Notice (Agenda) will also be available at www.ryeny.gov)**

INSTRUCTIONS FOR APPLICATION TO CITY OF RYE
ZONING BOARD OF APPEALS

• Public hearings by the Board of Appeals of the City of Rye are held on the third Thursday of each month, or at the call of the Chairman. Applications are to be made by the owner of the property. Applicants should submit the following necessary items to the **City Clerk's Office** with their applications **by the "Application Submission Deadline" (usually 3 weeks prior to the meeting)**. *Technical questions* pertaining to the completion of the application should be directed to the **Building Department** and/or the **Assessor's Office**. *Questions pertaining to the filing of the application* should be directed to the **City Clerk's Office**.

1. **Eight** signed copies of the **application** with all details completed. **One copy must be the original for filing in the City Clerk's Office**. (Duplicate copies should be on paper no longer than 11"). All eight copies are to be delivered to the City Clerk's Office no later than noon on the Deadline Date.
 2. **Eight** copies of the **denial letter** from the Building Inspector or order of administrative official on which application is based. Application will **not** be accepted without this information.
 3. **Eight** copies of the **Environmental Quality Review Assessment form** for any application, other than for an area variance, or one involving a minor structure.
 4. **Eight** copies of **tax map** for area (obtained in City Assessor's office), including all parcels within Public Notice requirement area (300 ft.). The subject parcel should be highlighted.
 5. **Eight** sets of **photographs** (clear photo copies are acceptable) of the premises showing how the requested changes relate to surrounding/abutting properties.
 6. **Seven** (7)sets of plans and elevations no larger than 24 x 36 and **One** (1) shall be at 1/8" = 1 ft. on one sheet (if possible) which will fold down to 8 1/2 x 11 for the **original** application"). of proposed new building, structure, or alteration, including all pertinent information such as proposed and required setbacks, building heights, floor plans, ground contours, survey or any other information that may assist in explaining the request. These plans **MUST** be scaled and include sheets depicting the site plan, floor plan, and elevations of the structure. The plans should include a table showing the dimensional requirements of the structure, its existing dimensional status, and proposed dimensions with respect to the applicable zoning requirements.
Incorporate Zoning Comparison Table information into plans/drawings.
 7. **Eight** copies of any **prior decision documents** (available at City Clerk's Office) from previous variance applications for the property, if applicable.
 8. Application fee of **\$300** for single-family residences and **\$500** for all other applications. Check made payable to the City of Rye.
 9. **Please secure application submittals with binder clips.**
- Applicants are encouraged to submit copies of any communications from abutting parcel owners indicating their opinion of the requested variance.

- Applications will be scheduled for a hearing in the order they are received at the City Clerk's Office. The Board may limit the number of applications heard at each meeting. **The minimum application processing time required before a scheduled hearing may vary, but will never be less than three weeks.**

- Once the application is received and scheduled on the agenda, you will need to notify your neighbors (Public Notification List) **(see page 3).**

- Prior to the hearing date, an inspection of the property will take place. **Please be sure that a house number (minimum 2") is visibly displayed on the front of the house so it can be easily seen from the street.**

PLEASE NOTE

The Board of Appeals has adopted a policy of receiving only the best available evidence of facts at hearings concerning applications. Therefore, evidence will generally be received only through sworn testimony of persons having personal knowledge of the facts and from information received with the application.

Deviations from the above policies will only be made on good cause shown.

APPLICATION SUBMISSION/PROCESS CHECKLIST

Submit a total of 8 collated applications (1 original and 7 copies) in the following order:

STEP 1:

- Application
- Denial letter from Building Inspector
- Application check list - with copies of former decisions documents, if applicable
- Environmental Assessment form
- Tax map for area (subject parcel highlighted)
- "Google Earth Map" of property
- Photos of premises
- Plans, drawings (folded to 8 ½" x 11" size) with Zoning Comparison Table info incorporated
- Fee (\$300 or \$500) should be attached to original copy

- Prepare Public Notification List (obtain information from Assessor's office)
- Obtain Public Notice from Clerk's office the **TUESDAY AFTER APPLICATION DEADLINE**; or online at www.ryeny.gov (Board of Appeals – Agenda)
- Notify Neighbors (Public Notification List) by **certified mail**
- Please provide the **certificates of mailing** to the Clerk's office with Public Notification List no later than **THURSDAY** prior to meeting. **Applications will not be heard if Clerk's office does not receive this information by this deadline.**

PUBLIC NOTIFICATION REQUIREMENTS AND PROCEDURES

An application for a variance will not be considered complete unless a Public Notification List (see attached standard form), prepared by the applicant in accordance with the following requirements and procedures is filed by the deadline.

Step 1 After filing the application for a variance at the City Clerk's Office, go to the Assessor's Office in City Hall. Ask for a copy of the Tax Map showing your property and all other properties within **300** feet of your property. Using the most current City of Rye Tax Maps and Tax Assessment Roll, prepare the Public Notification List (Neighbor List), listing the Tax Map sheet, Block and Lot Number, Owner's Name and Owner's Mailing Address for each property located wholly or partially within three hundred (**300**) feet of the perimeter of the property that is the subject of the application for a variance. The owner's mailing address may not be the same as the address of the property. If the mailing address is that of a bank or tax service, the notice must be delivered or mailed to the actual address of the property. Do not deliver or mail the notice to the bank or tax service. [NOTE: If the application involves a request for a use variance and the property is within **300** feet of another municipality, you must include the Clerk's Office of that municipality in your notification list.] Type or clearly print the required information. It must be legible.

Step 2 Obtain a copy of the Public Notice for your public hearing date from the City Clerk's Office (available beginning the Tuesday after application deadline, or online at www.ryeny.gov). Deliver a copy of the Public Notice (**the entire Public Notice must be copied**) to all of the property owners listed on the Public Notification List by mail in accordance with the following requirements:

- (1) The mailing shall be limited solely to the public notice provided to the applicant by the City Clerk.
- (2) The public notice shall be mailed to all property owners by **certified mail (no Return Receipt necessary)** at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (3) At least five business days prior to the public hearing, the applicant shall provide to the City Clerk all **certificates of mailing**.
- (4) In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.

Delivery by Mail: Mail Public Notice to all property owners listed on Public Notification List by **certified mail**, posted within Westchester County at a post office or official depository of the Postal Service, at least ten (10) days before the date of the public hearing.

Step 3 . **Attach a copy of the Public Notification List (neighbor list), the Public Notice and a copy of the certificates of mailing for each property. (please copy several receipts onto one sheet of paper)**

If a mailed Public Notice is returned by the Postal Service because it could not be delivered, file the envelope with the City Clerk, indicating the reason for the return, no later than the day of the public hearing.

A public hearing on an application will not be held until the applicant has complied with all the notice requirements.

APPLICATION CHECK LIST FOR PERMITS

To facilitate the approval process, the City of Rye requests that applicants indicate below all permit applications that are pending, have been approved, or have been rejected for the subject property. This checklist will allow City authorities to be more familiar with properties that are the subjects of current applications. Please indicate all applications submitted for the property in question, including those that were prepared for projects separate from the current one. Intentionally omitting any items from this checklist is cause for delay or rejection of the application(s) being considered.

Please submit this checklist in conjunction with the application(s) to the appropriate City authority.

Board, Commission, or Inspector	Date(s) of Prior Approval	City Identifier Reference(s)	Previous Actions(s) on Applications	New Permit applied for (Check boxes)
Appeals				
Architectural Review				
Conservation				
Landmarks				
Planning Commission				
Building Inspector				
City Engineer				
Naturalist				
City Planner				
Other				

Name: _____ Property Address _____ SBL No. _____
Sheet Block Lot

Signed: _____ Date: _____

Project I.D.#

**Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only**

PART I--PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR		2. PROJECT NAME	
3. PROJECT LOCATION: Municipality _____ County _____			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY:			
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: _____			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approval(s)			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION, WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/Sponsor name: _____		Date: _____	
Signature: _____			

<p>If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment</p>
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PART II -- ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE 1 THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the full EAF
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6 ? If no, a negative declaration may be superseded by another involved agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? Explain Briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain Briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other Impacts (Including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes, Explain briefly

PART III -- DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

Signature of Responsible Officer in Lead Agency Signature of Preparer (If different from responsible officer)

Date

ZONING COMPARISON TABLE

(To be incorporated into Plans)

<u>Zoning District</u>	<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u>
<i>Principal Building(s)</i>			
Lot Area (in sq. ft.)			
FAR			
First Floor Area	n/a		
Second Floor Area	n/a		
Other Floor Area	n/a		
Total Floor Area			
Front Yard			
Shortest Side Yard			
Total of Two Side Yards			
Rear Yard			
Building Height			
<u><i>Accessory Building(s)</i></u>			
Floor Area			
Shortest Setback			
Building Height			

