

**ZONING BOARD OF APPEALS
INCORPORATED VILLAGE OF OLD BROOKVILLE
VARIANCE APPLICATION**

I. FILING REQUIREMENTS

One (1) original set of documents "1" through "7" listed below together with eight (8) separate copies of the original set must be filed with the Village Clerk. The eight (8) copies must be provided in collated form with all surveys, maps, drawings, plans etc. folded and made part of each set. Partial or incomplete submissions will result in the rejection of the application.

1. The application form must be signed by the owner(s) of the premises or be accompanied by the written consent of the owner(s) of the premises
2. Disclosure affidavits must be signed by the owner (s)of the premises and representatives of the owner(s)
3. The environmental assessment form must be signed by the owner(s) of the premises
4. A copy of the denial letter issued by the Building Inspector. The variance application must be filed within sixty (60) days of the date of the denial letter.
5. A survey of the subject premises prepared, signed and sealed by a licensed land surveyor dated within six (6) months of the date the variance application is filed with the Village. The survey must show:
 - a. all existing structures and improvements including, without limitation, driveways, patios, decks, walkways and the like
 - b. all proposed structures to be erected thereon drawn to scale, and the uses or proposed uses indicated thereon
 - c. distances to lot lines from all structures on all sides.
 - d. a legend showing all the applicable zoning data, i.e. acreage/square feet, volume, coverages, height, setbacks, etc.
6. A radius map, drawn to scale, showing the size and location of all parcels located within a radius of 300 feet measured from all points of the subject property, having and printed and indicated thereon the section, block, lot and the name(s) and mailing address of the property owner(s) for each parcel shown. The property owner(s) are to be the last owner(s) of record of the property as shown by the records of the County Clerk of Nassau County on the date the application is filed. The radius map must be signed by the owner(s).
7. Drawings, plans and elevations showing an accurate scale drawing or plan of the

proposed construction prepared by a licensed architect

8. \$1,500.00 check payable to the Incorporated Village of Old Brookville representing a filing fee
9. A separate check payable to the Incorporated Village of Old Brookville in the amount of \$2,500.00 as a deposit to ensure reimbursement by the Applicant for expenses associated with the appeal including engineering, legal and other fees. Any balance remaining of this deposit will be returned to the Applicant provided that the Applicant files with the Village Clerk a written demand for such refund. All unclaimed deposits shall become the property of the Village two years after the filing of the decision, resolution or other final determination with the Village Clerk, as provided in Chapter 154-4 of the Village's Code, "Fee Schedule."
10. One (1) set of photographs showing the location of the proposed construction and all property boundary lines from said construction shall be submitted to the Board of Appeals at the time of the hearing.

II. HEARING DATE AND PLACE OF FILING

After filing a completed application with the Village Clerk, a hearing will be scheduled. The Board of Zoning Appeals of the Incorporated Village of Old Brookville normally meets on the second Wednesday of every odd month. You will be advised of the hearing date.

Deliver or mail all copies of the application to:

Sandra L. Albro, Village Clerk
Incorporated Village of Old Brookville
201 McCouns Lane
Old Brookville, NY 11545
Tel:(516) 671-4664, Fax (516) 671-4725

III. NOTIFICATION REQUIREMENTS

After copies of the completed application are filed with the Village Clerk, as aforesaid, a Public Notice will be prepared and filed with The Glen Cove Record Pilot for publication. This notice will also be forwarded to the Applicant, or the Applicant's representative, who shall mail the same, by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AT LEAST TEN (10) DAYS BUT NOT MORE THAN TWENTY (20) DAYS before the date of the public hearing to all property owners within 300 feet from the subject property as set forth in Section I, Paragraph 6 above. An Affidavit of Mailing (see attached) shall be prepared, executed and delivered to the Village Clerk along with copies of the certified mail receipts and receipt cards not later than three (3) days prior to the hearing.

Office Use Only

Office Use Only

Publication date -
 Mailing of Notice -
 1st Hearing date -
 2nd Hearing date -

INCORPORATED VILLAGE OF
OLD BROOKVILLE
 TOWN OF OYSTER BAY, NASSAU COUNTY, N.Y.

Date Received -
 Date Accepted -
 Fees Paid -
 Deposit Paid -

ZONING BOARD OF APPEALS

1. NAME, ADDRESS AND TELEPHONE NUMBER(S) OF OWNER OF LAND:

2. NAME, ADDRESS AND TELEPHONE NUMBER(S) OF APPLICANT IF OTHER THAN OWNER:

3. NAME, ADDRESS AND TELEPHONE NUMBER(S) OF ATTORNEY:

4. NAME, ADDRESS AND TELEPHONE NUMBER(S) OF SURVEYOR/ENGINEER:

5. NAME, ADDRESS AND TELEPHONE NUMBER(S) OF ARCHITECT:

6. DESCRIPTION OF PROPERTY AND LOCATION:

PROPERTY ADDRESS _____

SECTION _____ BLOCK _____ LOT(S) _____ VILLAGE ZONING
DISTRICT _____

TOTAL ACREAGE _____

7. IS PROPERTY LOCATED WITHIN 500 FEET OF THE FOLLOWING:

THE BOUNDARY OF ANY CITY, VILLAGE OR TOWN _____

THE BOUNDARY OF ANY EXISTING OR PROPOSED COUNTY OR STATE PARK OR ANY OTHER RECREATION AREA _____

THE RIGHT- OF- WAY OF ANY EXISTING OR PROPOSED COUNTY OR STATE PARKWAY, THRUWAY, EXPRESSWAY, ROAD OR HIGHWAY _____

THE EXISTING OR PROPOSED RIGHT-OF-WAY OF ANY STREAM OR DRAINAGE CHANNEL OWNED BY THE COUNTY OR FOR WHICH THE COUNTY HAS ESTABLISHED CHANNEL LINES _____

THE EXISTING OR PROPOSED BOUNDARY OF ANY COUNTY OR STATE OWNED LAND ON WHICH A PUBLIC BUILDING OR INSTITUTION IS SITUATED _____

THE BOUNDARY OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, AS DEFINED BY ARTICLE TWENTY-FIVE -AA OF THE AGRICULTURE AND MARKETS LAW, EXCEPT THIS SUBPARAGRAPH SHALL NOT APPLY TO THE GRANTING OF AREA VARIANCES _____

8. DATE PROPERTY WAS ACQUIRED BY OWNER: _____

9. HOW IS PROPERTY PRESENTLY USED:

10. THE REQUESTED VARIANCE RELATES TO: (Cross out words not applicable)

USE	FRONTAGE	DEPTH	WIDTH	HEIGHT	AREA	COVERAGE
FRONT YARD		REAR YARD	SIDE YARD	FLOOR AREA		VOLUME

11. SPECIFIC PARAGRAPH (OR SECTION) OF THE VILLAGE'S ORDINANCE INVOLVED IN THIS ACTION:

12. DESCRIPTION OF PROBLEM OR REASONS FOR THIS APPLICATION: (Example: the proposed deck will result in a side yard of x feet compared to the requirement of y feet)

15. HAS THE PREMISES AT THE SUBJECT ADDRESS EVER BEEN THE SUBJECT OF A PRIOR VARIANCE APPLICATION ? _____ IF YES, STATE THE DATE OF HEARING, RELIEF REQUESTED AND RESULT:

16. LIST ALL ADDITIONAL DOCUMENTATION BEING SUBMITTED IN SUPPORT OF THIS APPLICATION:

17. AFFIDAVIT OF PROPERTY OWNER

STATE OF NEW YORK:

COUNTY OF NASSAU:

_____ being duly sworn
deposes and says: that he resides at

_____ in the State of New York; that he is the owner in fee of all that certain lot, piece or parcel of land identified above, being entirely within the Village of Brookville; that all statements made in this Application and all supplementary documentation are true and complete to Deponent's own knowledge, and he hereby authorizes

_____ with address at

_____ as his agent

to make and affirm the preceding application and to enter into agreements with respect to the subject property: all of which acts will be done in Deponent's name and he undertakes to be bound by any and all such agreements as if made by himself.

Sworn to before me
this _____ day of _____ 200__

Notary Public

AFFIDAVIT OF APPLICANT

STATE OF NEW YORK:

COUNTY OF NASSAU:

_____ being duly sworn
deposes and says: that he resides at

_____ and that he is authorized by the owner to make the above application and that all the statements made in this and all supplementary documentation are true to Deponent's own knowledge.

Sworn to before me
this _____ day of _____ 200__

Notary Public

- (b) is an officer, director, partner or employee of the applicant, or
- (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
- (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

3. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York, American Stock or Nasdaq Exchanges shall not constitute an interest for the purposes of this Section.

4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

4. I am familiar with all persons having an interest in the person, partnership or association making this application as defined in Subdivision 2 of Section 809 and hereby state that no officer or employee of the State of New York, the County of Nassau, the Town of Oyster Bay, or the Village of Brookville has such an interest in the applicant except those whose name, residence and extent of interest are stated on Schedule A which is annexed to this affidavit and signed by me.

Sworn to before me this

_____ day of _____, 200

Notary Public

Project ID Number

617.21

Appendix C

State of 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 OF LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals	
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: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

Over

1

PART II - ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I 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?
 Yes No 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

AFFIDAVIT OF MAILING

Name of Applicant: _____

STATE OF NEW YORK)

) ss.:

COUNTY OF NASSAU)

being duly sworn, deposes and says that on the _____ day of _____ 20____, (s)he served the Notice attached hereto upon the following persons at the address indicated:

Owners of record of parcels located within a radius of 300 feet (attach additional sheet if necessary)

	Section	Block	Lot

by depositing same securely enclosed in a postpaid wrapper in the Post Office regularly maintained

by the United States Government at _____ in the County of Nassau:

That said notice was mailed by registered* or certified* mail, return receipt requested, which receipt is attached hereto and forms a part hereof.

Sworn to before me this _____

_____ day of _____, 200_____

Notary Public

* strike out one