

**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

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

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

Office Use Only

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)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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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

INC. VILLAGE OF OLD BROOKVILLE
TOWN OF OYSTER BAY

(a) is the applicant, or

- (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 Old 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 _____, 20

Notary Public

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			☐
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☐	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☐	☐

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☐	☐

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing:	☐	☐
a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

Project: _____

Date: _____

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ 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.

Name of Lead Agency_____
Date_____
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)

PRINT FORM

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
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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