

ZONING BOARD OF APPEALS APPLICATION CHECKLIST

**COMPLETED APPLICATIONS MUST BE SUBMITTED BY NO LATER THAN THE
FIRST FRIDAY OF THE MONTH TO BE CONSIDERED TO BE SCHEDULED FOR THAT
SAME MONTH'S HEARING**

INITIAL TO INDICATE THAT REQUIRED ITEMS ARE ATTACHED.

- 1) Application is complete and **submitted in quadruplicate (sorted in the numerical order of this checklist) AND electronically (one single PDF only, pages arranged in the numerical order of this checklist)** along with a filing fee of \$500 and deposit of \$1500. ____
- 2) Copy of Building Department letter of denial. ____
- 3) Survey, signed and sealed, SHOWING ALL EXISTING STRUCTURES. ____
- 4) Floor plans and exterior elevations, signed and sealed by a Registered Architect or Professional Engineer. ____
- 5) Radius Map, drawn to scale, indicating Name, Section/Block/Lot, and lot dimensions of all property owners within a 200-foot radius. ____
- 6) List of Names and Addresses of all property owners within a 200-foot radius. ____
- 7) Short Environmental Assessment Form. ____
- 8) Copy of the Filed Deed. ____
- 9) Color photographs of the subject property and surrounding area homes. ____
- 10) Plot Plan indicating all proposed/existing landscaping details, impervious surfaces, and stormwater retention. ____

As per NYS General Municipal Law §239-m, all applications will be submitted to the Nassau County Planning Commission and require said Commission's action prior to scheduling of hearings.

I understand that the Village is relying on the accuracy of the information provided herein. I affirm this application is a true statement of conditions at the subject address. By submitting this application, I acknowledge and agree that I am the owner of the subject property or have the approval of the property owner to submit this application. I understand that my failure to submit any of the above required documentation will result in my application being delayed until the documentation is submitted, and the application is complete. I acknowledge that any future change to any application approved by the Zoning Board of Appeals will require approval from the Board.

Name (Print)

Signature & Date

ZONING BOARD OF APPEALS
INCORPORATED VILLAGE OF BAYVILLE

ZONING VARIANCE APPLICATION INSTRUCTION SHEET

This application and all of the following documents must be submitted in QUADRUPLICATE.

1. **APPLICATION:** All questions **MUST** be answered. Any questions or information not applicable must be so noted as "N/A". The information provided should pertain only to matters concerning the applicant's request for the variance. The application must be properly signed and notarized.
 - A. A filing fee of \$500.00 must be submitted with each application.
 - B. In addition to the application fee, the applicant is liable for and shall pay all charges incurred by the Village in connection with the application in accordance with Section 80-89 of the Village Zoning Code. Such costs and disbursements shall include but are not limited to:
 1. Re-publication Costs
 2. Engineering fees and inspection costs
 3. Zoning Board fees, and disbursements
 4. Stenographic and reproduction costs
 5. Consultant fee
 6. Document recording fees
 - C. The applicant must submit with the application an additional amount of \$1500.00 to be placed on deposit from which payment of actual charges will be deducted. If the sum of \$1500.00 is exceeded, the applicant shall deposit a further sum or sums on request of the Village Clerk. Any balance remaining on deposit will be refunded to the applicant.
 - D. The application fee and deposit amount shall be made payable by check or money order to THE INCORPORATED VILLAGE OF BAYVILLE.
2. **COPY OF THE BUILDING DEPARTMENT'S LETTER OF DENIAL:** If the application concerns work to be done or work already accomplished for which a building permit is required, and the Building Department has issued you a letter of denial for said permit this letter must be submitted with your application.
3. **SURVEY:** A survey, signed and sealed by a N.Y.S. Licensed Land Surveyor and showing all existing structures at the time of this application, must be submitted to and approved by the Building Department.

4. PLOT PLAN: A plot plan indicating: all existing and proposed landscaping details; square footage of all impervious surfaces; storm-water retention systems with design calculations. As per Village Code **§ 80-67.5C**. "*Facilities required hereunder shall be designed for the on-site retention and discharge of 100% of runoff calculated on the basis of three inches of rainfall over a one-hour period.*"
5. DRAWINGS REQUIRED (when applicable): Submit floor plans and exterior elevations for any alterations and additions to a structure or a totally new structure. These drawings must be prepared by a licensed Architect or Professional Engineer and can be preliminary, not complete Construction Documents. They must be drawn to scale, including Zoning Code analysis, building and room dimensions and the design flood elevation if in a flood zone.
6. RADIUS MAP: Must be drawn to scale and show the name, section, block and lot number(s) and lot dimensions, all of the property owners within a two hundred foot (200') radius of the farthest outer perimeter of the subject property. On a separate sheet of paper, list the names and addresses of the property owners within this 200' radius.
7. A Short Environmental Assessment Form (attached to the application) must be completed by each applicant.
8. A COPY OF THE FILED DEED is required with the return of the application.
9. PHOTOGRAPHS of the subject property and surrounding area homes.

When the application has been received by the Zoning Board and all paperwork is found to be correct and in order and the requisite fees paid, the application will be calendared for public hearing. Hearings are generally scheduled for the last Wednesday of each month, provided there is sufficient time to publish the Notice of Public Hearing, which must be done two weeks in advance of the hearing. If the application is not received in time to meet this requirement it will be put on for the following month. The Clerk of the Zoning Board will mail the applicant (or agent) a copy of the Public Notice as it will appear in the newspaper. A copy of this Notice must be mailed, certified mail, return receipt requested, to each name on the radius map listing, NO LATER than ten (10) days prior to the date of the hearing.

Once the mailing has been completed, the applicant (or agent) must submit a duly executed affirmation of mailing (sample attached) at least 10 days prior to the hearing date, giving the name of the person who mailed the notices, the Post Office where they were mailed from and the date they were mailed. The night of the hearing, the Clerk will request both the white mailing receipts and green return receipt post cards for verification.

NOTE: If the application pertains to work already commenced, no further work is to be performed until the case is brought before the Zoning Board and a decision has been rendered. Please set forth on the application the date work was commenced, when it was halted or completed, and full details as to what work was done or is still to be done as of the date the application was submitted.

Each application is reviewed on its individual merits. The Zoning Board of Appeals has the right to approve, deny or amend any application presented to it for consideration. The filing fee and deposit amount will be refunded for any application the Zoning Board denies to hear.

Granting of Use or Area Variances or issuance of Special Use Permits are subject to the review of the Nassau County Planning Commission in accordance with Section 239-M of General Municipal Law, whenever the subject property is within 500 feet of any municipal boundary, County road or highway, County stream or drainage channel. The Commission shall recommend Approval, Modification, Disapproval or Local Jurisdiction of the proposed action.

INCORPORATED VILLAGE OF BAYVILLE
34 SCHOOL STREET
BAYVILLE, NY 11709
(516) 628-1439

ZONING BOARD OF APPEALS APPLICATION

SECTION _____ BLOCK _____ LOT(S) _____

NAME AND ADDRESS OF THE OWNERS OF THE PREMISES FOR WHICH APPLICATION
IS BEING MADE:

APPLICANT'S NAME (IF NOT OWNER) _____

ADDRESS _____

DATE OF SUBMISSION: _____
(PRIMARY CONTACT)

NAME OF OWNER(S): _____

MAILING ADDRESS: _____

EMAIL ADDRESS (REQUIRED): _____

BUSINESS ADDRESS: _____

HOME TELEPHONE: _____ BUSINESS TELEPHONE: _____

(Refer to tax bill, contact Receiver of Taxes in Oyster Bay or Village Clerk in Bayville)

I hereby certify that all information submitted by me in this application is true to the best of my
knowledge and ability, and that the owner has authorized me to file this application.

(Signature of Applicant) (ELECTRONIC, DIGITAL, OR HANDWRITTEN)

(Date)

ZONING BOARD OF APPEALS APPLICATION

1. Property is located in which Zoning District: _____

2. Has present owner ever owned any adjacent or abutting property? YES ___ NO ___ If

“YES” to question #2 above:

A. Date property was acquired _____

B. If ownership of property has since been transferred, date of transfer _____

NOTE: If required, as in instances where single and separate ownership is an Issue, a Chain of Title must be submitted in the form of either an attorney’s affidavit or report of an accredited title company, showing single and separate ownership.

3. Have there been any previous variance applications made concerning this property?

YES _____ DATE _____ APPLICATION # _____

NO _____

4. Explain, in detail, the hardship that necessitates this request for a variance: _____

VILLAGE OF BAYVILLE BOARD OF ZONING APPEALS (ZBA)

34 School St., Bayville, NY 11709 Telephone 516-628-1439

Affirmations- Must Be Completed by Owner, Applicant and Agent

OWNER: _____ certifies that he/she/ is the owner of the property described in the foregoing application, that the below listed agent is authorized to make this ZBA application and that the statements contained herein are true to the best of my knowledge and belief.

I HAVE READ THE FOREGOING AND UNDERSTAND THAT ANY FALSE STATEMENTS MADE THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Date: _____

(ELECTRONIC, DIGITAL, OR HANDWRITTEN)
Owner's Signature

OWNER (Corp./LLP): _____ certifies that he/she is an officer/member of _____, owner of the property described in the foregoing application, that the below listed agent is authorized to make this ZBA application and that the statements contained herein are true to the best of my knowledge and belief.

I HAVE READ THE FOREGOING AND UNDERSTAND THAT ANY FALSE STATEMENTS MADE THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Date: _____

(ELECTRONIC, DIGITAL, OR HANDWRITTEN)
Officer/Member Signature

AGENT: _____ certifies that he/she is the agent in the foregoing ZBA application, has been duly authorized by the owner of the above-described property to make this application and that the statements contained herein are true to the best of my knowledge and belief.

I HAVE READ THE FOREGOING AND UNDERSTAND THAT ANY FALSE STATEMENTS MADE THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Date: _____

(ELECTRONIC, DIGITAL, OR HANDWRITTEN)
Agent's Signature

(Note: General Municipal Law of the State of New York, Section 809 **requires** the filing of the following completed Disclosure Statement)

DISCLOSURE STATEMENT

_____ affirms and says:
(Name of Applicant/Declarant)

1. FOR INDIVIDUAL

a. I am over the age of 18 and reside at _____

b. I am _____ of the property designated as
(owner/contract vendee - cross out one)
Section _____ Block _____ Lot(s) _____ on the Nassau County Land and Tax Map which forms the subject matter of this application and am fully familiar with all the facts and circumstances hereinafter set forth.

1. FOR CORPORATION

a. I am the _____ of _____
(Office Held) (Name of Corp.)
and am fully familiar with all the facts and circumstances hereinafter set forth.

b. The business address of _____ is
(Name of Corp.)

c. Said corporation was incorporated under and pursuant to the _____
_____ Law of the State of _____ and is the _____ of the
property designated as Section _____ Block _____ Lot(s) _____ on the Nassau County Land and
Tax Map which forms the subject matter of this application.

d. The following are the names and residences of each officer, director and
shareholder: (Set forth names, residences and relationship to corp.) (Add page, if necessary.)

e. The corporate stock of said corporation has not been pledged to any person nor
has any agreement been made to pledge the said stock: (except: If any, set forth details on added page.)

1. FOR PARTNERSHIP or LIMITED LIABILITY COMPANY ("LLC")

a. I am a _____ of _____
(Partner, Member, Joint Venturer, etc.) (Name of Partnership or LLC)
and am fully familiar with all the facts and circumstances hereinafter set forth.

b. The above partnership/LLC was established in _____
(Place)
on _____ and is the _____ of the property designated
(Date) (Owner or Contract Vendee)
Section _____, Block _____, Lot(s) _____ on the Nassau County Land and Tax Map which
forms the subject matter of this application.

c. The following are the names, addresses and interests, respectively, of all partners
or members (joint venturers, etc.) (Add page, if necessary):

2. There are no encumbrances or holders of any instruments creating an encumbrance upon the subject property (except: If any, set forth details.)

3. Neither deponent nor any other person mentioned in this statement is a Village officer or employee or is related to a Village officer or employee. (except: If any, set forth details.)

4. No State Officer or employee or local municipal officer or employee in the Nassau County or his spouse or a person by consanguinity related to either of them within the third degree is (are) the Applicant(s) or an officer, director or employee of the Applicant(s), or legally or beneficially owns or controls the corporate stock of the Applicant(s) or is a partner of the Applicant(s) or associated with the Applicant(s) in a joint venture or has an agreement with the Applicant(s), expressed or implied whereby his compensation for services is to be dependent or contingent upon the favorable exercise of discretion in the granting of the application herein. (except: If any, set forth details.)

5. In the event there is any change in the matters set forth herein prior to the public hearing relating to the property affected hereby, deponent(s) will file with the Village a supplemental statement indicating the details of such change within 48 hours of such change.

I HAVE READ THE FOREGOING AND UNDERSTAND THAT ANY FALSE STATEMENT MADE THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Date

Applicant(s) Declarant(s) Signature(s)
(ELECTRONIC, DIGITAL, OR HANDWRITTEN)

PERMISSION TO INSPECT PROPERTY

"I hereby authorize: the members of the Board of Appeals, the Building Inspector, and/or the Village Engineer, to enter upon and inspect my property located at:

Upon reasonable notice given, prior to the Board of Appeals rendering a determination with regard to this application."

(Date)

(Signature of Property Owner)

(ELECTRONIC, DIGITAL, OR HANDWRITTEN)

AFFIRMATION OF SERVICE BY MAIL

_____, affirms and says:

On (date) _____, I served the individuals on the attached

listing at the addresses as shown on said listing, the Notice of Hearing

for Case #Z (fill in case #) _____ as issued by the Zoning Board

of Appeals of the Incorporated Village of Bayville, by depositing a true copy of said Hearing

Notice which was enclosed in a post-paid, properly addressed envelope, with the notation,

“Certified Mail, Return Receipt Requested”, in an official depository under the exclusive care

and custody of the United States Postal Service, which official depository is located at

(Address of Post Office) _____.

I HAVE READ THE FOREGOING AND UNDERSTAND THAT ANY FALSE STATEMENTS MADE
THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45
OF THE PENAL LAW.

Date: _____

(ELECTRONIC, DIGITAL, OR HANDWRITTEN)
Signature

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 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	YES
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	YES
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 or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ 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 or 500-year flood plain?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If 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: _____	NO	YES
	☐	☐
	☐	☐
	☐	☐
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
	☐	☐
21. Is the project located within, or within ½ mile of, a disadvantaged community? If No, could impacts from the project affect a disadvantaged community? If Yes to either question in 21, answer the following question. a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):	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: _____		