

Incorporated Village of Oyster Bay Cove
BOARD OF ZONING APPEALS
68 West Main Street, Oyster Bay, NY 11771
(516) 922-1016
(516) 922-1761-Fax

Application for Appeals to the Zoning Board

Documents that MUST BE RETURNED to:

Humes & Wagner, LLP.
147 Forest Avenue
Locust Valley, NY 11560:

**ONE ORIGINAL & 9 COPIES OF THE ENTIRE APPLICATION PACKAGE
COLLATED
INCLUDING ALL NECESSARY DOCUMENTS.**

- () All submissions **MUST** include a digital copy (PDF format) of the complete Submission (e.g. appeal package, survey, site plan, construction plans, etc.) on Either a flash drive or CD-ROM, clearly labeled with the Applicant's name, address and Section, Block and Lot.
- () Completed and signed **original** Appeal with all required supporting documents: Including the names and tax lot numbers for the adjoining land owners within 100 Feet of the property.
- () **2 SEPARATE CHECKS** made payable to the "Incorporated Village of Oyster Bay Cove"

(1) FILING FEE- \$1,000.00

(2) HEARING DEPOSIT- \$1,500.00

(The hearing deposit shall be used to pay for the actual costs incurred by the Village (i.e. engineering, environmental review, consulting, stenographer, administration, recording charges and legal expenses) up to the maximum amounts indicated in the Village Code. Should actual expenses exceed the \$1,500, applicant will be required to reimburse the Village for the total additional expenses. If Village expenses are less than \$1500, applicant must make a written request within one year of the decision to the Village Clerk for a refund. All hearing charges must be paid to the Village, before the Zoning Board of Appeals shall file its decision. A minimum hearing deposit is to be maintained by the applicant as per the Village Code.

- () A copy of the **Building Inspector's denial letter (you must file within six months of the denial letter). The denial letter or building department referral letter must be the top page of the submission.**
- () **All submissions must be bound.** Application materials must be stapled, plans folded to fit in a 11x13 envelope and collated, secured with a rubber band. Binder clips, bulldog clips, paper clips, etc. **cannot be** accepted. We cannot put them in the mail.
- () A completed Environmental Assessment Form
- () An **updated survey** showing **ALL** existing structures and proposed construction location with relief requesting.
- () A radius map or photocopy of the Nassau County Land Map showing all properties within 100 feet
- () Copy of last Recorded Deed
- () Copy of Recorded Covenants, Declarations, Restrictions affecting the premises
- () Copy of Prior Variances
- () Does the property lie within 500' of an adjacent municipality, and if yes, name which municipality.

Note:

- ☐ Photographs of the involved area should be obtained
- ☐ Consent of adjoining neighbors should be obtained
- ☐ The acceptance of the aforementioned documents by the Village Clerk does not constitute an acknowledgement that the documents are in proper form/complete. That determination is made by the Village Attorney's Office.

**THIS APPLICATION MUST BE SUBMITTED
WITHIN 6 MONTHS FROM YOUR DENIAL**

Incorporated Village of Oyster Bay Cove
68 West Main Street
Oyster Bay, NY 11771
Phone # 516-922-1016 Fax # 516-922-1761

BOARD OF ZONING APPEALS
Application for Appeals to the Zoning Board

RETURN ALL DOCUMENTS TO OYSTER BAY COVE VILLAGE HALL

-
1. Applicant(s)/Owner(s) Name: _____
 2. Address: _____ Phone # : _____
 3. If Applicant is Contract Vendee, list name and current address of property owners(s) and attach owner's consent to the application.

 4. Attorney, Engineer, or other Representative _____
Firm/ Company Name _____
Address _____ Zip Code _____
Phone# _____ Fax# _____
 5. Description of Subject Property:
Address _____ Sec. _____ Blk _____ Lot(s) _____
Zoning District: _____ Lot area: _____
 6. The variance involved relates to: (Strike out the words that are not applicable)

Use	Frontage	Side Yard	Width	Height
Area	Front Yard	Rear Yard	Depth	Floor Area

Flood Zone Regulations

Applications to vary the provision of Article _____, Section(s) _____, Subsections(s) _____ of the Building Zone Ordinances to construct or maintain (describe project).

_____ Attach the Building Inspector's written denial of building permit/certificate of occupancy. (IF MORE THAN ONE VARIANCE IS REQUESTED, PLEASE CHECK HERE [] AND LIST THE INFORMATION REQUIRED UNDER #6 ON AN ADDITIONAL PAGE.)

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- [illegible]

11. Does the Property lie within 500' of an adjacent municipality? _____

General Municipal Law Section 239-nn If a portion of this application falls within 500' of the Village OBC boundary, the abutting village shall be listed and notified as part of this mailing at least ten days prior to the hearing.

12. 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 results _____

13. **2 SEPARATE CHECKS made payable to the "Incorporated Village of Oyster Bay Cove"**

(1) FILING FEE- \$1,000.

(2) HEARING DEPOSIT- \$1,500.

(The hearing deposit shall be used to pay for the actual costs incurred by the Village (i.e. engineering, environmental review, consulting, stenographer, administration, recording charges and legal expenses) up to the maximum amounts indicated in the Village Code. Should actual expenses exceed the \$1,500, applicant will be required to reimburse the Village for the total additional expenses. If Village expenses are less than \$1,500, applicant must make a written request within one year of the decision to the Village Clerk for a refund. All hearing charges must be paid to the Village, before the Zoning Board of Appeals shall file its decision. A minimum hearing deposit is to be maintained by the applicant as per the Village Code.)

AFFIRMATION ON SEARCH OF NEIGHBORING PROPERTY OWNERS

Deposes and says:

That he/she is over the age of eighteen and resides at

That on the day of , 2010 , deponent searched the current Village or Town tax roll records and hereby certifies that such records show the above listed current title owners of the above listed properties within 100 feet of the subject premises.

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

Date: _____

Record Search Deponent's Signature

WHEREFORE, in accordance with the foregoing alleged facts applicants(s) request said Board of Appeals to vary the strict application of the aforesaid provision(s) of said Village's Building Zone Ordinance, to grant the relief requested and grant such other and further or lesser relief as to this Board seems just and proper.

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

Date: _____

Applicant(s)/Appellant(s) Signature(s)

(Note: General Municipal Law of the State of New York, Section 809 enacted in 1969 requires the filing of the following completed Disclosure Statement)

DISCLOSURE STATEMENT

deposes and says:

Applicant(s)/Appellant(s) Name _____

☐ **FOR INDIVIDUAL APPLICANTS** (Strike out if not applicable)

a. I am over the age of 21 and reside at _____

b. I am the _____ of the property designated
(owner/contract vendee-insert 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.

☐ **FOR CORPORATE APPLICANTS** (Strike out if not applicable)

a. I am the _____ of the _____ with
(Office Held) (Name of Corp.)

offices located at: _____
and am fully familiar with all the facts and circumstances hereinafter set forth.

b. The corporation was incorporated under the Laws of the State of _____ and is the _____ of the property designated as Section _____ Block _____ Lot(s) _____ on the Nassau County Land and Tax Map.

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

d. That 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.)

☐ **FOR PARTNERSHIP APPLICANTS** (Strike out if not applicable)

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

b. That the above partnership was established in _____
(Place)

on _____ and is the _____ of the property
(Owner or Contract Vendee)
designated as Section _____ Block _____ Lot(s) _____
on the Nassau County Land and Tax Map.

c. That the following are the names, addresses and interests, respectively, of all partners (joint ventures, etc.): (Add additional sheet if necessary)

Disclosure Statement must be completed.

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

3. That 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. That 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), 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. That 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(S) MADE THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Date

Applicants(s)/Appellant(s) Signature(s)

CONSENT OF ADJOINING OWNERS

(This page is not required and may be deleted)

We, the undersigned, property owners in the Village of _____
adjoining the property of Appellant(s) _____ herein described
as Section _____ Block _____ Lot(s) _____, hereby approve(s) the
granting of a variance by the Board of Zoning Appeals of said Village so as to permit the
use, construction, or alteration of the building or structure or the use of the land sought by
Appellant(s):

Name and Address of Person
(Please Print)

Signature

BOARD OF ZONING APPEALS
VILLAGE OF OYSTER BAY COVE

-----X

In the Matter of the Application of

**AFFIDAVIT PURSUANT TO
GENERAL MUNICIPAL
LAW, §809**

-----X

STATE OF NEW YORK:

COUNTY OF NASSAU: SS:

_____, being duly sworn, deposes and says

1. Complete either paragraph A or B, and cross out the inapplicable paragraph:

(A) FOR INDIVIDUAL APPLICANT: I am (the applicant) (one of the applicants) in the above matter.

(B) FOR ENTITY APPLICANTS: I am the _____ of the applicant in the above matter, and am authorized to make this affidavit on behalf of the applicant.

2. I make this affidavit for the purposes of complying with the requirements of General Municipal Law §809.

3. No officer of the State of New York, and no officer or employee of the County of Nassau, the Town of Oyster Bay, or the Village of Oyster Bay Cove, and no party officer of any political party, has an interest in the within application within the meaning of General Municipal Law §809, except as stated hereinafter (if none, state: NONE):

4. In the event there is any change in the information set forth herein between the date hereof and the final determination of this application, a supplemental affidavit will be filed promptly to provide that further information.

Sworn to before me on

This ____ day of _____, 20____

(Notary Public)