

**ZONING BOARD OF APPEALS
INCORPORATED VILLAGE OF BROOKVILLE**

VARIANCE APPLICATION

I. FILING REQUIREMENTS

One (1) original set of documents "1" through "7" listed below together with ten (10) separate copies of the original set must be filed with the Village Attorney's office. The (10) ten copies must be provided in collated form with all surveys, maps, drawings, plans etc. folded and made part of each set.

Please package in an appropriately sized envelope for distribution.

Partial or incomplete submissions will result in the rejection of the application.

1. The application form. 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. 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. all trees eight (8) inches in diameter or greater measured at three (3) feet above grade with the diameter and type of tree identified
 - e. a legend showing all the applicable zoning data, i.e. 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 Applicant.

7. Drawings, plans and elevations showing an accurate scale drawing or plan of the proposed construction prepared by a licensed architect
8. \$1,000.00 check payable to the Incorporated Village of Brookville (Filing Fee)
9. A separate check payable to the Incorporated Village of 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 A224-3 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 Attorney's office, a hearing will be scheduled. The Board of Zoning Appeals of the Incorporated Village of Brookville does not meet on a regular basis, only as applications dictate. You will be advised of your hearing date.

Deliver or mail all copies of the application to:

Jeffrey G. Chase
Chase, Rathkopf & Chase, LLP
48 Forest Avenue
Glen Cove, NY 11542
(516) 671-5880

III. NOTIFICATION REQUIREMENTS

After copies of the completed application are filed with the Village Attorney's office, as aforesaid, a Public Notice will be prepared and filed with The Locust Valley Leader 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 Attorney's office along with copies of the certified mail receipts and receipt cards not later than three (3) days prior to the hearing.

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

Office Use Only

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

Office Use Only

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

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) FOR SURVEYOR/ENGINEER:

5. DESCRIPTION OF PROPERTY AND LOCATION:

PROPERTY ADDRESS _____

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

TOTAL ACREAGE _____

BOUNDED BY OR ABUTTING THE FOLLOWING STREETS:

6. 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 _____

7. WHEN WAS PROPERTY ACQUIRED BY OWNER:

8. HOW IS PROPERTY PRESENTLY USED:

9. 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

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

11. 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)

12. THE GRANTING OF THE REQUESTED VARIANCE WILL NOT BE A DETRIMENT TO THE HEALTH, SAFETY AND WELFARE OF THE NEIGHBORHOOD OR COMMUNITY, AND IS IN COMPLIANCE WITH THE STANDARDS SET FORTH IN SECTION 7-712 OF THE VILLAGE LAW OF THE STATE OF NEW YORK, FOR THE FOLLOWING REASONS:

13. STATE HOW THE GRANTING OF THIS VARIANCE WILL BENEFIT THE OWNER AND WHY IT IS NECESSARY:

14. 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:

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

16. 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 20__

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 20__

Notary Public

DISCLOSURE AFFIDAVIT REQUIRED ON ALL
ZONING AND SUBDIVISION APPLICATIONS
AND ALL APPLICATIONS FOR LICENSES OR PERMITS

INC. VILLAGE OF BROOKVILLE
TOWN OF OYSTER BAY

STATE OF NEW YORK)
)
COUNTY OF NASSAU)

_____ being sworn, deposes and
says:

1. This affidavit is submitted in connection with the application of _____

_____ to the Village of Brookville for a _____

2. I am the president, officer, director, member, attorney, engineer, builder, representative for (delete unnecessary words) the applicant.

3. I have read Section 809 of the General Municipal Law added by Chapter 646 of the Laws of 1969 which states:

"§809, Disclosure in certain applications

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest or any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

- (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 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 _____, 201

Notary Public