

INCORPORATED VILLAGE OF EAST ROCKAWAY
INSTRUCTIONS FOR APPLICATION TO ZONING BOARD
OF APPEALS

1. An application for a building permit is a prerequisite to any application or appeal to the Board.
2. No applications or appeals to the Zoning Board of Appeals will be considered until the applicant or person making the appeal shall have first received a Denial Notice from the Superintendent of the Building Department.
3. The following forms to accompany application; **(Please collate into ten (10) complete sets)**
 - A. Ten (10) complete and accurate lists of the names and addresses of the owners of all the lands within a radius of two hundred (200) feet of the boundary lines of property affected by such application; such list shall contain the Section, Block and Lot as indicated on the Village Tax Map, **using the forms provided**; names and addresses shall be obtained from the current tax roll;
 - B. Ten (10) copies of an area map of all properties within two hundred (200) feet of the subject property lines showing the size of the plots on maps, clearly indicating **Village** Section, Block and Lot for each property, as well as the subject property; **using form provided**;
 - C. Ten (10) copies of the permit application;
 - D. Ten (10) copies of a current legible survey by a licensed engineer or surveyor showing the property involved and indicating the Section, Block and Lot numbers on the Village Tax Map;
 - E. Ten (10) copies of the Denial Letter;
 - F. Ten (10) copies of "Appeal to the Zoning Board of Appeals" Application, **using the form provided**;
 - G. Ten (10) sets of plans;
 - H. Ten (10) copies of Environmental Assessment Form, **using the form provided**;
 - I. Ten (10) copies of the Affidavit of Certification by Applicant, **using the form provided**;
 - J. Ten (10) sets of UN-mounted photographs showing actual conditions on both sides of the street and the portion of the property or structure in question;
 - K. Ten (10) copies of a statement setting forth the reasons justifying the variance request. This statement must address the following:
 - 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - 2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - 3) whether the requested area variance is substantial;
 - 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - 5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

4. The applicant or his/her authorized agent shall mail notice of the hearing, postmarked no less than ten (10) days nor more than twenty (20) days before the hearing, to the owners of all properties located within two hundred (200) feet of the exterior limits of the subject property as shown on the current tax roll:

A. Notice of hearing addressed to the owners of properties that are directly adjacent to the subject property shall be sent by Certified Mail – Return Receipt Requested. For purposes of this subsection, “adjacent” shall include property located on the opposite side of any street or right-of-way.

B. Notice of hearing addressed to the owners of all other properties located within two hundred (200) feet of the exterior limits of the subject property shall be sent by first class mail.

5. The applicant or his/her authorized agent shall also file an affidavit of mailing with the Board of Appeals office no less than two (2) business days before the hearing. Said affidavit shall contain a sworn statement by the affiant that he/she is the person that actually mailed the notices and a list of the names and addresses of the property owners that were notified and the manner in which they were mailed notice. The affidavit shall be accompanied by the receipts for those notices mailed by certified mail and any return receipts received at the time the affidavit is filed. Failure to mail the notices as required by Subsection B above and/or provide the affidavit of mailing to the Board of Appeals office as required herein may result in postponement of the public hearing.

6. **Posting of Signs.** The applicant or his/her authorized agent shall post a sign on each frontage of the subject property giving notice that an application is pending before the Board of Appeals and the nature of that application, as well as the date, time and place at which the public hearing will take place.

A. The signs shall be twenty (20) inches by thirty (30) inches and shall be supplied to the applicant by the Village Building Department for a fee. Said signs shall be located at the center of the frontage of the subject property, not more than ten (10) feet back from the property line. It shall be located not less than two (2) feet nor more than six (6) feet above grade and it must be clearly visible from the street. On or before the date and time of the public hearing, the applicant or his/her agent shall certify, in writing, in a notarized affidavit to the Board, that he/she has erected the sign as described herein.

B. Such sign or signs shall be displayed for a period of not less than ten (10) days immediately preceding the public hearing and shall be removed by the applicant or his/her agent within three (3) days after the hearing has taken place. Failure to post signs and/or provide affidavit of posting as required in Subsections A and B above, may result in a postponement of the public hearing.

Signs are available at the Building Department, for a fee of \$20.00. Applicant or his/her authorized agent MUST contact the Building Department at 887-6310, a minimum of five (5) business days prior to the required posting date.

7. When an application to the Zoning Board of Appeals is filed, it shall be accompanied by a fee payable in cash or check made payable to the *Incorporated Village of East Rockaway* according to the following schedule:

A. A filing fee of \$350.00 shall be required upon the filing of any application to the Zoning Board of Appeals.

B. For all applications to the Zoning Board of Appeals, a separate check for deposit of \$1,500.00 which shall be applied to cover the following costs which may be incurred by the Village in processing the application:

- 1) Advertising.
- 2) Stenographic minutes of meetings and hearings.
- 3) Engineering costs.
- 4) Inspection costs.
- 5) Legal fees.
- 6) Recording fees.
- 7) Planning, sound, traffic, environmental or other specialized studies.
- 8) Any other costs attributable to the application.

8. A public hearing on an application shall not be held until all items above have been completed as submitted.

NOTICE: This APPLICATION must be TYPEWRITTEN or printed, filed at least thirty-five days prior to the date of the meeting set by the Board of Appeals, accompanied by all necessary information. (See reverse side of this sheet.)

Filed20..... Case No.

INCORPORATED VILLAGE OF EAST ROCKAWAY

Village Hall

ATLANTIC AVENUE, EAST ROCKAWAY, N.Y.

APPEAL FROM DECISION OF THE SUPERINTENDENT OF BUILDINGS DATED.....
APPLICATION FOR VARIANCE OR EXCEPTION FROM THE REQUIREMENTS OF THE ZONING CODE

NAMES AND ADDRESSES

Applicant for Relief: Address:
Owner: Address:
Lessee: Address:

TO THE CHAIRMAN OF THE BOARD: An appeal is hereby taken from the decision of the Superintendent of Buildings, and application is hereby made for the following variation from the requirements of the Zoning Code.

Item

A Variation of Section-

To Permit the Erection of-
In accordance with plans filed-

B To Permit the Alteration of-
In accordance with plans filed-

To Permit the Conversion of-
In accordance with plans filed-

To Permit the Maintenance of-
In accordance with plans filed-

Premises Affected is situated on the N E S W side of
distant feet N E S W of the corner formed by the intersection of
and East Rockaway, County of Nassau, N.Y.

C Section

Block

Plot

Street or House Number:

Does property face on two different public streets?

(If on two streets, give both streets and numbers.)

Attached hereto is a copy of the order or decision issued by the Administrative Official. (Denial Letter)

D Issued on 20..... (Give date of order or decision) Items No.

E Question Involved:

Use Area Height

F In Connection with - A PROPOSED - An EXISTING - Building. (Circle one)

G LOCATED IN BUILDING ZONE DISTRICT DESIGNATED AS:

H Date Erected:

I Character of Construction: (Check one)

Wood Frame:

Ordinary:

Fire resistive:

J Size of Lot: feet front feet deep
Size of Building: At street level: feet front feet deep
Size of Building: At typical floor level: feet front feet deep
Size of Building: Height: Stories: feet

OCCUPANCY OF EACH FLOOR:

K Cellar 1st Floor
2nd Floor 3rd Floor

QUESTIONNAIRE

- (1) Has any previous application or appeal been filed with this Board on these premises? Yes No
- (2) Is there a school or hospital in the - block, or within 200 feet of the premises in question? Yes No
- L (3) Has court summons been served relative to this matter? Yes No
- (4) Have you inquired of the Village Clerk whether there was any petition pending to change the use district regulations affecting the block on which these premises are located? Yes No
- (5) What is the approximate cost of the work involved in this application? \$.....

ATTACHED HERETO AND MADE A PART OF THIS APPLICATION, I SUBMIT THE FOLLOWING:

(Note - All these papers must be submitted with the application)

M A COPY OF DECISION OR ORDER OF ADMINISTRATIVE OFFICIAL on which application is based.
(10 copies)

N A TYPEWRITTEN or printed STATEMENT of the principal points on which I base my application, with description of proposed work, if any. (10 copies)

TEN (10) SETS OF DRAWINGS, all including:
A block diagram with street numbers, section, block and lot numbers and street frontage, showing the character and occupancy of all property affected, with points of compass indicated.
O A complete floor plan of building with all necessary measurements.
A longitudinal section with heights marked thereon also front elevations.
A current survey of the property showing all existing and proposed improvements.

P A full list of NAMES AND ADDRESSES of owners of all properties shown on block diagram, and indicating property owned by section, block and lot numbers along with the area map. (10 copies)

Q Ten (10) sets of unmounted photographs showing actual conditions on both sides of street, between intersecting streets and the portion of the property or structure in question. Print street names and mark premises in question.

R Ten (10) copies of the permit application with ten (10) copies of recent survey by a licensed engineer or surveyor showing the property involved.

S Ten (10) copies of Environmental Assessment Form.

T Ten (10) copies of the Affidavit of Certification by Applicant.

IMPORTANT NOTICE
All signatures must be original -- Photocopies are not acceptable.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

U Sworn to before me, this
day of 20..... (Applicant to sign here)

Notary Public, Nassau County, New York

AFFIDAVIT OF OWNERSHIP

State of New York ss:
County of Nassau

Being duly sworn, deposes and says that he/she resides at in the county of in the State of New York that he/she is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Village of East Rockaway, County of Nassau aforesaid and known and designated as Number and that he/she hereby authorized to make the annexed application in his/her behalf and that the statements of fact contained in said application are true.

Sworn to before me, this
day of 20..... (Owner to sign here)

Notary Public, Nassau County, New York

IN THE MATTER OF THE APPLICATION OF X
BEFORE THE ZONING BOARD OF APPEALS X
OF THE INC. VILLAGE OF EAST ROCKAWAY

Affidavit of Certification by Applicant Pursuant to
the Provisions of Section 809 of the General
Municipal Law

STATE OF NEW YORK
COUNTY OF NASSAU) SS.:

_____ being duly sworn, deposes and says: That your deponent is 21 years of age
or over; and That your deponent is an officer or agent of _____
applicant(s) and who is (are) the owner(s) in fee (contract vendee) (lessee) or describe another category _____
_____ of the premises referred to in the application, and is interested in the outcome thereof
(except as otherwise stated), and there is (are) no other person(s) interested either in the fee ownership, or as
holder of an encumbrance upon the property; That your deponent's home address is _____
_____ ; That your deponent is an officer _____
_____ (indicate official title) of _____, a corporation

duly organized and existing under and by virtue of the laws of the State of New York, with its principal place of
business at _____; that the identities of

all of the officers, directors and shareholders of the corporation* are as follows:

Officers: _____ Names: _____ Addresses: _____

Directors: _____ Names: _____ Addresses: _____

Shareholders: _____ Names: _____ Addresses: _____

* Where the corporation is not listed on the New York or American Stock Exchange.

Your deponent is a partner of _____
a co-partnership (limited partnership), having a principal place of business at _____
comprising the following named partners whose addresses are set opposite each partner's name:

<u>Name:</u>	<u>Home Address:</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

No State officer or any officer or employee of Nassau County, or municipality therein, is interested in the favorable exercise of discretion of the Board in the above-entitled proceeding, except as follows:

<u>Name:</u>	<u>Position:</u>	<u>Address:</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(signed)

Signature _____

Print Name _____

Sworn to before me this _____ day of _____, 20__

Notary Public _____

Appendix C
State 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 Inc. Village of East Rockaway County Nassau County	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <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? Describe: <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	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name 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(s) name and permit/approvals:	
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

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

- A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? 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 pattern, 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. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:
- E. 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. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- 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

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)

**VILLAGE OF EAST ROCKAWAY
ZONING BOARD OF APPEALS**

AFFIDAVIT OF POSTING

This is to certify that I have posted or caused to be posted a clearly visible sign, in accordance with Local Law No. 3 of 2004 of the Village of East Rockaway, on each frontage of the subject property located at _____ giving notice that an application is pending before the Zoning Board of Appeals and that a Public Hearing on said application will be held at the East Rockaway Village Hall, 376 Atlantic Avenue, East Rockaway, New York, on _____, 20____ at 8:00 P.M.

ZBA Application # _____

Hearing Date: _____

Date Sign Posted: _____

Signature

Print Name

Sworn to before me this
_____ day of _____ 20____

Notary Public

**VILLAGE OF EAST ROCKAWAY
ZONING BOARD OF APPEALS**

AFFIDAVIT OF MAILING

This is to certify that I have mailed Notices of Public Hearing for ZBA application # _____ submitted to the Zoning Board of Appeals, which hearing is to be held at the East Rockaway Village Hall, 376 Atlantic Avenue, East Rockaway, New York, on _____, 20____ at 8:00 P.M., in accordance with the requirements of Local Law No. 3 of 2004, as follows:

1. By certified mail, return receipt requested to the owners of property that are directly adjacent to the subject property at the addresses indicated on the current Village tax roll. Attached is a list of adjacent property owners and their respective mailing addresses, together with the certified mail receipts.*

2. By first class mail, to the owners of all other properties that are located within two hundred (200) feet of the boundaries of the subject property at the addresses indicated on the current Village tax roll. Attached is a list of the surrounding property owners and their respective mailing addresses.

Signature

Print Name

Sworn to before me this _____ day of _____ 20____

Notary Public

*This affidavit must be accompanied by the receipts for notices mailed by certified mail *and* any return receipts received at the time this affidavit is filed. Failure to do so may result in the postponement of the public hearing.

