



Board of Appeals PROCEDURE INSTRUCTIONS

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

AFTER A LETTER OF DENIAL HAS BEEN RECEIVED, THE FOLLOWING PROCEDURE SHOULD BE FOLLOWED:

1. **Board of Appeals Application Form must be submitted with applicable fee:**
 - Completed on all three pages.
 - Notarized on the back exactly as the name(s) appear on the front of the application.
 - Signed on the last page.
 - Copy of DEED (must be legible)
 - TEN (10) COPIES
2. **The legal owner** of record of property in question or his/her legal managing agent or representative **MUST** be present at all hearings.
2A. Letter of Denial – insert in this package.
3. **Surveys:**
 - NOT OLDER THAN 10 YEARS – NO EXCEPTIONS**
 - TEN (10) COPIES
4. **Plans and Plot Plans:**
 - PLANS MUST HAVE ARCHITECT'S STAMP**
 - Area, bulk, height of building and setbacks (all zoning calculations) must be shown on submitted plans.
 - TEN (10) COPIES – 11" x 17" HARDCOPIES
ONE (1) COPY – FULL SIZE – BRING TO HEARING
 - PDF of all plans sent to the Secretary of the Board of Appeals pdobrien@rvcny.us.
5. **Color photographs** (minimum size 3 inches by 5 inches) of the subject premises and all adjacent properties, including front views (rear views, if applicable), are required.
 - EACH PHOTO MUST BE PROPERLY IDENTIFIED AS TO SUBJECT, LOCATION AND DATE TAKEN.**
 - TEN (10) COPIES
6. **ON CORNER PROPERTIES, THE ADJACENT RESIDENCES MUST BE SHOWN ON A COMPREHENSIVE SITE PLAN**
 - TEN (10) COPIES

7. **Radius Maps** – Prepare radius map showing all lots within a 200 foot radius from all corners of property in question as per Rules of the Board of Appeals.
 - DESIGNATE:** Section, Block and Lot(s), Street Addresses, Size of Lot and Name of Owner of each parcel within said radius.
 - Information must be up to date (within 30-days of the meeting date)
 - TEN (10) COPIES
8. **Secure names and addresses** of owners within said radius using Section, Block and Lot(s) from required Radius Map. List the names and addresses on the form; submit one (1) copy of the list of names to the Secretary of the Board of Appeals.
9. **Fee** for application to the Board of Appeals (*based on type of application*). Check made payable to: Inc. Village of Rockville Centre.
 - Ascertain from the Building Dept.
10. **Short Environmental Assessment Form must be completed for Residential Property and Long Environmental Form for Commercial Property.**
 - TEN (10) COPIES
11. **All proposals affecting FRONT YARD SETBACKS (for both interior and corner lots) require that the applicant submit documentation indicating the average front yard setback of all homes on the same side of the block from corner to corner. This documentation MUST be prepared by a LICENSED architect, engineer, or land surveyor.**
12. **Open / Closed Permit Search Form must be completed (Building Dept. will supply one copy / applicant must make required copies and collate in packet).**
 - TEN (10) COPIES
13. **Zoning Affidavit Form must be completed.**
 - TEN (10) COPIES
14. **Copy of all previous Zoning or Planning Board decisions**

WHEN ALL OF THE ABOVE REQUIREMENTS HAVE BEEN SATISFIED AND ACCEPTED BY THE SECRETARY OF THE BOARD OF APPEALS, THE APPLICANT WILL BE NOTIFIED IN WRITING AS TO THE INDEX NUMBER ASSIGNED, YOUR APPLICATION AND THE CALENDAR DATE ON WHICH IT WILL BE HEARD.

AT THIS TIME THE APPLICANT IS REQUIRED TO:

1. **Notify ALL owners** within the required radius at least fifteen (15) days before the scheduled meeting date. Said notice is to briefly state the nature of the appeal, the Index No., date of hearing and the address of the property in question.
2. **Affidavit of Service is to be completed, notarized, and returned** to the Secretary of the Board of Appeals (Building Department) after certified mailing is done.
3. **Certified mail receipts and all green cards returned** to the applicant shall be given to the Secretary of the Board of Appeals **no later the two (2) days before the Board of Appeals scheduled hearing.**



4. **ALL ADDITIONS, FENCES, POOLS, ETC. MUST BE STAKED OUT IN THE FIELD AT LEAST (7) DAYS PRIOR TO THE HEARING DATE SO THE BOARD MAY VIEW THE PROPOSED WORK.**



5. **UPON COMPLETION OF THE STAKE OUT, NOTIFY THE SECRETARY OF THE BOARD OF APPEALS AT 516-678-9248. FAILURE TO PERFORM THESE TASKS MAY RESULT IN YOUR CASE BEING ADJOURNED TO A FUTURE DATE.**

NOTE: ALL APPLICATIONS AND FORMS ARE AVAILABLE AT THE OFFICE OF THE SECRETARY OF THE BOARD OF APPEALS, BUILDING DEPARTMENT, 110 MAPLE AVENUE, HOURS MONDAY THRU FRIDAY, 8 AM TO 4:00 PM, PHONE 516-678-9248

NOTE: IT IS RECOMMENDED THAT THE APPLICANT ATTEND A ZONING BOARD HEARING PRIOR TO THEIR SCHEDULED DATE TO OBSERVE THE PROCEEDINGS. CONTACT THE BUILDING DEPARTMENT AT 516-678-9248 FOR AVAILABLE DATES.

VILLAGE OF ROCKVILLE CENTRE
110 MAPLE AVE
P.O. BOX 950
ROCKVILLE CENTRE, NY 11570

PATRICK D. O'BRIEN
SUPERINTENDENT OF
BUILDINGS

516-678-9250
FAX #: 516-678-4544
email: pdobrien@rvcny.us



THOMAS DOMANICO R.A.
DEPUTY SUPERINTENDENT OF
BUILDINGS

516-678-9249
FAX #: 516-678-4544
email: tdomanico@rvcny.us

Dear RVC Board of Appeals Applicant:

We want your appearance before the RVC Board of Appeals to be a beneficial experience and offer you the following suggestions:

1. Consider coming to any regular Board of Appeals meeting well before your application hearing date to observe the Board's handling of various cases, in order to be better prepared for your hearing.
2. While you're retaining of an attorney is optional, you may want to consult an attorney familiar with zoning matters if your case is complex or to focus your presentation.
3. Well before your hearing date, you could benefit from speaking to and showing your plans to your neighbors, especially those adjacent to and near your property, before they get the requisite legal notice. Good communication goes a long way in avoiding misunderstanding on the night of the hearing.
4. Be prepared to spend the evening on your hearing night. The order of the cases to be heard is not determined until the night of the hearings and no one can predict how long each case will take. The Board does not deliberate on the case heard until the end of all the evening's hearings.
5. Expect members of the Board of Appeals to visit your premises unannounced in order to exercise their fact-finding and to prepare for your hearing.

Please check with the Building Department if you have any further questions.

Patrick O'Brien, Secretary to the Board

BOARD OF APPEALS OF THE VILLAGE OF ROCKVILLE CENTRE
APPLICATION FORM

Index No. _____

1. Name of Applicant(s): _____

2. Name of all Property Owners on the current deed (if different than Applicant):

3. This appeal is taken from the determination of the Building Inspector dated _____ concerning §340-_____ of the Code of the Village of Rockville Centre.

An application is hereby made for:

- Area variance Special Use Permit
 Use variance Other: _____
 Interpretation of §340-_____ Substantial Occupancy _____
 Confirmation of a non-conforming use

4. Location of subject premises on the Land Map of Nassau County:

Section ____ Block ____ Lot _____

5. Street address of subject premises:

6. Street address of Applicant (if address of Applicant is different than the subject premises):

7. Interest in property – Name and address (if other than owner of subject premises):

8. Description of **existing** building on the subject property:

- a. Height in feet of building: _____
- b. Number of stories of the building: _____
- c. Nature of the **current** use of the property (give a brief description):

9. Description of the **desired** use of the property:

10. Estimated total cost of the proposed change(s)/renovation(s) to the subject premises:

\$ _____

11. Number of Occupants: _____

12. Date of denial from Department of Buildings of Rockville Centre: _____

13. Reason for denial from Department of Buildings of Rockville Centre (site specific sections of the Zoning Code of the Village of Rockville Centre, as applicable):

14. Description of the precise relief sought from the Rockville Centre Board of Appeals (site specific sections of the Zoning Code of the Village of Rockville Centre, as applicable):

15. State the principal points in support of this application for a variance. Please include the following information, if applicable: description of existing conditions, description of proposed work, description of hardship and/or practical problems created by current property, any other factual information deemed pertinent.

16. Name(s), address (es) and phone number(s) of the person(s) who will appear for the Applicant at the Board of Appeals hearing:

_____	_____
_____	_____
_____	_____

17. Provide information on any deed restrictions running with the land that prohibits the desired use of the property:

Please attach the following documents to this Application:

- A. Comments of surrounding property owners affected by this Application.
- B. Most current building application including a site plan survey with all proposed new buildings, structures and/or additions or extensions of existing structures and the distance from any new construction to property lines.
- C. Decision of the Department of Buildings of Rockville Centre.
- D. Survey of the existing subject premises.
- E. Any other required information.
- F. Submit previous Zoning Board, Planning Board or Board of Trustee decisions/approvals/denials.

OWNER: **This section must be completed for all applications.**

Be advised that I am the owner of record of the property referenced herein and hereby consent to this application. By this application, I hereby authorize employees or agents of the Village of Rockville Centre, in conjunction with this application, to enter and inspect the project site as necessary.

I hereby depose and say that I have made no previous application to this Board for this authority sought herein; upon information and belief a previous application was made for the same or similar authority sought herein and denied by this Board, but that this application contains facts not alleged or shown in any previous proceeding before this Board.

Owner(s) Signature (Print & Sign)

Applicant(s) Signature (Print & Sign):

Sworn to me this
___ Day of _____, 20___.

Notary Public

Sworn to me this
___ Day of _____, 20___.

Notary Public

BOARD OF APPEALS, ROCKVILLE CENTRE, N.Y.

IN THE MATTER OF THE APPLICATION OF _____	}
--	---

NOTICE

Case No. _____ 20

PLEASE TAKE NOTICE that the undersigned has applied to the Board of Appeals of the Incorporated Village of Rockville Centre for a {PERMIT} {CONSENT} {VARIANCE} under or from provisions of the Building Zone Ordinance affecting premises known as

in the Village of Rockville Centre, said premises being within such a distance from property reputedly owned by you as to require notice to you under the Rules of the said Board.

The nature of the application is briefly as follows:

The Board of Appeals will hold a public hearing upon said application at the Eugene J. Murray Village Hall, One College Place, Rockville Centre, New York, on _____ day of _____ 20 , at 7:30 P.M. or as soon thereafter as the matter may be reached, at which time all persons interested shall have the opportunity to be heard.

Dated _____ **20** _____
Applicant

This notice shall be sent by CERTIFIED mail, and return receipt (green card), filed with Board of Appeals before the Board hearing.

(by) _____
(its) _____

AFFIDAVIT OF SERVICE

STATE OF NEW YORK }
COUNTY OF } ss.:

_____ being duly sworn, deposes
and says: that he resides at No. _____
_____ County of Nassau, State of
New York. That on the _____ day of _____, 20____, deponent
then being upwards of eighteen years of age, served the notice on the reverse side
hereof upon property owners required by the Rules of the Board of Zoning Appeals
to be given notice, by certified mail by depositing true copies thereof in a securely
closed and duly post paid wrapper in the Post Office of Rockville Centre, Nassau
County, New York, directed to each of said property owners at the addresses
designated in writing by the Secretary of said Board.

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

617.20
Appendix B
Short Environmental Assessment Form

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? 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.			NO	YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
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, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

<p>5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?</p>	NO	YES	N/A
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	NO	YES	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____</p>	NO	YES	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?</p>	NO	YES	
<p>9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____</p>	NO	YES	
<p>10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____</p>	NO	YES	
<p>11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____</p>	NO	YES	
<p>12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?</p>	NO	YES	
<p>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? 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: _____ _____ _____</p>	NO	YES	
<p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban</p>			
<p>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?</p>	NO	YES	
<p>16. Is the project site located in the 100 year flood plain?</p>	NO	YES	
<p>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? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____</p>	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	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 AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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)?		

	No, or small impact may occur	Moderate to large impact may occur
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?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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)

DISCLOSURE AFFIDAVIT

In the matter of the Application of

Name of Applicant(s) (Exactly as name appears on deed, lease and/or contract)

For a variance, modification, revocation of declaration of restrictions, or (state other relief requested) which requires the favorable exercise of discretion by the Board mentioned below*

Affidavit of Certification by applicant pursuant to the provisions of Sec. 809 of the General Municipal Law.

BEFORE: Board of Appeals of the Village of Rockville Centre

Refer to the preamble Form 8A disclosure before completing this form.

Every applicant, owner, lessee, agent, contract vendee and attorney must execute this disclosure affidavit.

STATE OF NEW YORK

ss.:

COUNTY OF NASSAU

_____ being duly sworn,

Name (Exactly as name appears on deed, lease and/or contract) deposes and say (s):

***Strike out inapplicable phrases, letters or words and fill in where necessary.**

Your deponents(s) is(are) (an attorney for) (an agent of) (an officer of) the applicant(s) in the above entitled proceeding (and) (who) is (are) the owner(s) in fee, (contract vendee) (lessee) or (describe other category) of the premises referred to in the application and is (are) interested in the outcome thereof (except as otherwise stated) and there are no other persons interested either in the fee ownership or as holder of an encumbrance upon the property.

Your deponent's address is as follows: _____

(street)

(town/city)

(state)

(zip)

TO BE COMPLETED BY BUSINESS – IF NOT APPLICABLE, PLEASE LEAVE BLANK

Your deponent is an officer, _____

(office title)

of _____

(name of corporation/company)

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: _____

(street)

(town/city)

(state)

(zip)

OFFICERS:

ADDRESS:

OFFICERS:

ADDRESS:

APPLICABLE TO BUSINESSES ONLY

(continued)

SHAREHOLDERS:

ADDRESS:

Your deponent is a (General) Partner of _____

_____, a co-partnership.

(Limited Partnership) having a principal place of business at _____

Comprising the following named (General) Partners, whose addresses are set opposite each partner's names:

NAME:

HOME ADDRESS:

TO BE ANSWERED BY ALL

Are any state officer(s) or any Officer(s) or employee(s) of the County of Nassau or of the Village of Rockville Centre a Political Party Officer(s), interested in the favorable exercise of discretion of the Board of Appeals in the above entitled proceeding?

_____ NO _____ YES

(Signed initials required)

(If yes, please complete below)

NAME	POSITION	ADDRESS	NATURE & EXTENT OF INTEREST
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SWORN TO BEFORE ME THIS DAY

PRINT NAME (exactly as name appears on deed, lease and/or contract)

NOTARY PUBLIC

Signature

PRINT NAME (if more than one owner or applicant)

Signature

Every applicant, owner, lessee, agent, contract vendee and attorney must execute this disclosure affidavit.

This preamble to this Disclosure Affidavit is intended very briefly to explain the purpose of the affidavit. In general, New York State law requiring such an affidavit, was intended to disclose conflicts of interest when applications were made to the various Boards throughout the state. As application to the Board Appeals of the Village of Rockville Centre should disclose whether any officer or employee of the state, the Village of Rockville or the County of Nassau, or any Political Party officer has an interest in such applicant.

Party officer shall mean any person holding any party position or party office, whether by election, appointment or otherwise, in any party as defined by subd.5 of section 10104 of the election law.

For the purpose of the Disclosure, an officer, or employee or party officer shall be deemed to have an interest in the applicant when the officer-employee-party officer his or her spouse or 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.

A full copy of Section 809 of the General Municipal Law of the State of New York is available for review upon request.