

# Incorporated Village of Hewlett Neck

## INSTRUCTION FOR BOARD OF ZONING APPEALS APPLICATIONS

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*After receiving a denial letter from the Building Inspector,*

SUBMIT **ONE ORIGINAL, (7) SEVEN COPIES AND A PDF THUMB DRIVE** OF **EACH** OF THE FOLLOWING 60 DAYS PRIOR TO MEETING DATE:

- A. **PETITION** – must include:
    - a. Owners name and address
    - b. Property address
    - c. Description of property location
    - d. Section, Block and Lot
    - e. Resident Zoning District
    - f. Description of relief sought
    - g. Statement of basis of claim for relief
  - B. Architectural/ Engineering plans, with elevations and cross sections of proposed work and a color rendering of exterior changes.
  - C. Completed **ENVIROMENTAL ASSESSMENT FORM**
  - D. Completed **AFFIDAVIT OF DISCLOSURE** pursuant to General Municipal Law §809 signed by ALL property owners.
  - E. **LETTER OF DENIAL** from the Building Inspector
  - F. If application is made by an individual other than property owner – **WRITTEN AUTHORIZATION** from property owner consenting to application being made by attorney/architect/engineer or other. Authorization must clearly state that the person signing the authorization is the only owner of the property. If there is more than one owner, all owners must sign authorization.
  - G. **UP – TO – DATE SURVEY** of property
  - H. **MOST RECENT DEED** to the property
  - I. **300 FT RADIUS MAP & LIST OF CURRENT RESIDENTS WITHIN THE 300 FEET**- Legal notice must be mailed TEN (10) days prior to meeting to those residents within the 300 ft radius, certified mail and return receipt. The certified receipts from the post office must be submitted at least FIVE (5) days prior to meeting and the green return cards shall have Village Hall 30 Piermont Ave, Hewlett NY 11557 as the return address.
  - J. **NOTARIZED AFFIDAVIT OF MAILING** – listing the names and address of the properties within the radius must be submitted to the Building Dept. no later than 5 days prior to meeting date.
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**ALL FEES TO BE PAID AT TIME OF FILING**  
(CHECKS MADE OUT TO VILLAGE OF HEWLETT NECK)

**Filing fee: \$500.00 & Deposit fee of \$2,000** to defray costs of legal notice, stenographer, clerk fees, postage and attorney fees. (If deposit is insufficient, an additional deposit will be assessed) If deposit exceeds actual costs, unused portion will be returned within 120 days)

**Maintain filing fee: \$1,000**

**BOARD OF ZONING APPEALS**  
**INCORPORATED VILLAGE OF HEWLETT NECK**

IN THE MATTER OF THE APPLICATION OF

OWNER NAME (S) : \_\_\_\_\_

FOR A VARIANCE OF SECTION(S) : \_\_\_\_\_

OF THE VILLAGE CODE OF THE INCORPORATED VILLAGE OF HEWLETT NECK.

**TO:** THE BOARD OF ZONING APPEALS INCORPORATED VILLAGE OF HEWLETT NECK

THE PETITION OF \_\_\_\_\_

RESPECTFULLY ALLEGES AS FOLLOWS:

1. THE PETITIONER(S) IS A (ARE) RESIDENT(S) OF NASSAU COUNTY, CURRENTLY RESIDING AT \_\_\_\_\_, N.Y.

2. THE PETITIONER(S) OWN(S) THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION LOCATED ON THE (N,S,E OR W) SIDE OF \_\_\_\_\_  
\_\_\_\_\_ AT THE INTERSECTION OF \_\_\_\_\_  
(OR \_\_\_\_\_ FEET FROM \_\_\_\_\_ THE INTERSECTION OF \_\_\_\_\_  
\_\_\_\_\_) , WITHIN THE INCORPORATED VILLAGE OF HEWLETT NECK.

THE PREMISES IS ALSO DESIGNATED AS SECTION \_\_\_\_\_, BLOCK \_\_\_\_\_, LOT(S) \_\_\_\_\_  
(& \_\_\_\_\_) ON THE NASSAU COUNTY LAND AND TAXMAP.

THE SUBJECT PREMISES IS LOCATED WITHIN THE RESIDENCE DISTRICT  
" \_\_\_\_\_ " .

3. THE SUBJECT APPLICATION SEEKS A VARIANCE OF SECTION(S) \_\_\_\_\_  
\_\_\_\_\_ OF THE VILLAGE CODE OF THE INCORPORATED VILLAGE OF  
HEWLETT NECK, IN ORDER TO: (CONSTRUCT) (MAINTAIN) A: \_\_\_\_\_

\_\_\_\_\_  
IN ACCORDANCE WITH PLANS SUBMITTED HEREWITH.

4. A VARIANCE OF SECTION (S) \_\_\_\_\_

IS REQUIRED BECAUSE THE (CONSTRUCTION/INSTALLATION) IS NON-CONFORMING TO  
VILLAGE CODE IN THAT: \_\_\_\_\_

5. THE REQUESTED VARIANCE WILL HAVE NO ADVERSE EFFECT UPON THE SURROUNDING  
PROPERTIES, WILL PROVIDE FOR A REASONABLE USE OF THE SUBJECT PREMISES  
COMPATIBLE WITH THE SURROUNDING PROPERTIES AND IN CONFORMITY WITH THE  
STANDARDS PRESCRIBED FOR GRANTING OF SUCH A VARIANCE, AS SET FORTH IN THE  
BUILDING ZONE ORDINANCE OF THE INCORPORATED VILLAGE OF HEWLETT NECK.

WHEREFORE, PETITIONER(S) RESPECTFULLY REQUEST(S) THAT THE BOARD OF  
ZONING APPEALS GRANT THE VARIANCE(S) AS REQUESTED HEREIN ALONG WITH SUCH  
OTHER AND FURTHER RELIEF AS MAY BE JUST AND PROPER.

DATED: \_\_\_\_\_

\_\_\_\_\_  
(SIGNATURE OF PETITIONER)

\_\_\_\_\_  
(SIGNATURE OF PETITIONER #2)

DISCLOSURE AFFIDAVIT  
General Municipal Law §809

BOARD OF ZONING APPEALS  
VILLAGE OF HEWLETT NECK

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In the Matter of the application of

Owner: \_\_\_\_\_  
\_\_\_\_\_

STATE OF NEW YORK:  
SS:  
COUNTY OF NASSAU :

\_\_\_\_\_ being duly sworn, deposes  
and says:

I am the applicant with respect to / owner of the premises which is  
the subject of *(cross out whichever is not applicable)* the within  
application.

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

No officer of the State of New York, and no officer or employee of  
the County of Nassau, the Town of Hempstead or the Village of Hewlett  
Neck 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"):

<u>NAME</u>	<u>ADDRESS</u>	<u>POSITION</u>	<u>NATURE OF INTEREST</u>
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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 to provide that  
further information.

Sworn to before me on

\_\_\_\_\_  
(SIGNATURE)

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
(NOTARY PUBLIC)

STATE OF NEW YORK

SS .;

PETITIONER VERIFICATION

COUNTY OF NASSAU

I (WE), \_\_\_\_\_ (AND \_\_\_\_\_),  
BEING DULY SWORN, DEPOSE(S) AND SAY(S): I (WE) AM (ARE) THE  
PETITIONER(S) IN THE WITHIN ACTION; I (WE) HAVE READ THE FOREGOING  
PETITION AND KNOW THE CONTENTS THEREOF; THE SAME IS TRUE TO OUR OWN  
KNOWLEDGE, EXCEPT AS TO THE MATTERS THEREIN STATED TO BE ALLEGED UPON  
INFORMATION AND BELIEF AND AS TO THOSE MATTERS WE BELIEVE IT TO BE  
TRUE.

\_\_\_\_\_  
PETITIONER'S SIGNATURE

\_\_\_\_\_  
PETITIONER #2 SIGNATURE

SWORN TO BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC, NASSAU COUNTY

Notice of Appearance  
Board of Zoning Appeals

Village Hall  
30 Piermont Ave  
Hewlett N.Y. 11557

I, \_\_\_\_\_, appear on behalf of  
(Architect or Attorney -Print Name)

\_\_\_\_\_, owner(s) of  
(Owner(s) of Property)

\_\_\_\_\_, to seek  
(Address of Property)

a variance from the Board of Zoning Appeals.

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Dated:

\_\_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Signature of Architect/Attorney)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Tel # or Email)

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Signature of Owner(s): \_\_\_\_\_  
\_\_\_\_\_



**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.

<b>Part 1 - Project and Sponsor Information</b>				
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.			<b>NO</b>	<b>YES</b>
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:			<b>NO</b>	<b>YES</b>
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				



5. Is the proposed action, a. A permitted use under the zoning regulations?	<b>NO</b>	<b>YES</b>	<b>N/A</b>
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	<b>NO</b>	<b>YES</b>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<b>NO</b>	<b>YES</b>	
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?			
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: _____ _____	<b>NO</b>	<b>YES</b>	
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____ _____	<b>NO</b>	<b>YES</b>	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____ _____	<b>NO</b>	<b>YES</b>	
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?	<b>NO</b>	<b>YES</b>	
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: _____ _____ _____	<b>NO</b>	<b>YES</b>	
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			
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?	<b>NO</b>	<b>YES</b>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
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 _____ _____	<b>NO</b>	<b>YES</b>	

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: _____ _____ _____	<b>NO</b>	<b>YES</b>
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: _____ _____ _____	<b>NO</b>	<b>YES</b>
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: _____ _____ _____	<b>NO</b>	<b>YES</b>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> 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?”

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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)