



Incorporated Village of Sands Point  
26 Tibbits Lane  
Sands Point, N Y 11050-1135

## **RULES AND REGULATIONS FOR THE BOARD OF APPEALS**

### **MODIFICATION**

# **APPLICATION FOR A VARIANCE**

**(PURSUANT TO THE CODE OF THE VILLAGE OF SANDS POINT)**

**THE BOARD OF APPEALS CUSTOMARILY MEETS THE SECOND MONDAY OF EACH MONTH.**

**COMPLETED APPLICATIONS MUST BE FILED WITH THE VILLAGE CLERK AT LEAST 45 DAYS PRIOR TO THE HEARING. APPLICANT WILL BE NOTIFIED WHEN THEIR APPLICATION WILL BE HEARD.**

#### **PRE-SUBMISSION REQUIREMENTS:**

**Three complete sets** of the following must be submitted, by the Applicant to the Village for review. The Assistant Building Inspector, Village Attorney and Village Engineer will review the submission.

1. Application for a Variance which was originally approved by the Board of Appeals, including architectural drawings.
2. Copies of all minutes from the Board meetings where the original application was heard.
3. Copies of original Decision & Order.
4. Mylars (overlays) indicating all proposed modifications to the originally approved application.
5. Letter describing proposed modifications.
6. Modification application must be accompanied by a fee of \$300.00 payable to the Incorporated Village of Sands Point, and a \$2500.00 deposit to defray the actual cost of expenses incurred by the Village (separate check please). Should actual expenses exceed \$2500.00 the applicant will be required to reimburse the Village for the total additional expenses pursuant to Chapter 82 of the Village Code. If expenses are less than \$2500.00 the Village will refund the remainder to the applicant.

The Village consultants may require additional information or modification revisions. After all requested modifications have been made and when the submission is accepted, ten (10) additional sets must be submitted.

**Notice To Contiguous Neighbors** - List of the name of all owners of contiguous properties and properties located across the street from the proposed site and if the subject premises is adjacent to a private road, the owners of all other properties adjacent to the private road, together with section, block and lot numbers of said property, as shown on the current tax roll of the Village or Nassau County Roll.

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1. At least ten (10) days prior to the scheduled, re-scheduled, or adjourned hearing, the Contiguous Neighbor Notice Form CPOF-01 (along with a copy of the legal) is to be sent by the applicant to owners of all contiguous property and properties located across the street of the proposed site; (if an applicant resides on a private road, all homeowners on the road are to be notified) by depositing a true copy of said Notice form enclosed in a postpaid properly addressed wrapper, Certified Mail – “Return Receipt Requested”.
2. Affidavit of Service Form with U.S. Post Office Stamped Receipts attached must be filed with the Clerk of the Board 48 hours prior to the Hearing.
3. Green Cards or those Notices which may have been returned as refused or unclaimed must be filed with the Clerk of the Board at least two days prior to the Hearing.
4. It is the Applicant’s responsibility to produce evidence to the Clerk of the Board that notice requirements have been satisfied.

Any additional papers, plans or revisions to plans which the applicant wishes to present to the Board **must be filed with the Village Clerk no later than 10 days prior to the scheduled hearing a cover letter detailing all changes must accompany revisions. If submitted later, the application maybe postponed until the next schedule hearing.**

**IF APPLICATION IS CONTINUED OR ADJOURNED CONTIGUIOUS NEIGHBORS MUST BE NOTICED OF NEXT SCHEDULE MEETING.**

**ADDITIONAL INFORMATION MAY BE REQUESTED BY THE BOARD OF APPEALS DURING THE COURSE OF THE HEARING PROCESS.**

**On any application for site plan, variance and/or fill permit approval requiring the prior approval of the Board of Appeals, upon the taking of the minutes of the vote by its secretary approving an application, the Board may, in its sole discretion and upon unanimous vote, authorize the issuance of a building/fill permit prior to the filing of the written decision and order of the Board upon the following terms and conditions:**

- a. A request for such relief must be filed with the Village at least three (3) days prior to the hearing of the application.
- b. The Building Department must provide written advice that it has no objection to the request.
- c. The issuance of any building or fill permit shall be subject to compliance with all statutes, local laws, rules and regulations otherwise applicable to the issuance of such permits.
- d. Applicant shall be required to acknowledge that the authorization is discretionary within the Village.
- e. Any building or fill permit which may be issued pursuant to this permission shall be subject to the formal ratification in the decision and order of the Board of Appeals.
- f. Any building or fill permit issued shall be subject to change as may be contained within the actual written decision and order of the Board of Appeals.
- g. The applicant shall be required to acknowledge that he/she is proceeding at his/her own risk and will bear full responsibility for any revisions or alterations which may be occasioned by the written decision and order of the Board of Appeals.

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h. Applicant shall be required to provide written assurance saving and holding the Village harmless from any and all liability arising out of the earlier issuance of the building or fill permit.

i. Any building or fill permit which may be issued in the interim period shall note that it is subject to the formal written decision and order of the Board

**THE RULES AND REGULATIONS AS HEREIN SET FORTH MAY FROM TIME TO TIME BE AMENDED BY THE BOARD OF APPEALS.**

**APPLICANT SHALL BE REQUIRED TO PAY ALL EXISTING CHARGES ARISING FROM HIS/HER APPLICATION AND SIGN AN AFFIDAVIT ACKNOWLEDGING PROBABLE ADDITIONAL INCURRED CHARGES.**

**ANY APPLICATION SUBMITTED WHICH DOES NOT CONFORM TO THE RULES CONTAINED HEREIN WILL NOT BE ACCEPTED BY THE VILLAGE AND THE BOARD WILL NOT HEAR THE MATTER**

**ALL APPLICATIONS MUST BE SUBMITTED IN PERSON TO THIS OFFICE. NO APPLICATIONS WILL BE ACCEPTED BY MAIL. SUBMISSIONS MUST BE MADE BY PRIOR APPOINTMENT WITH THE BUILDING DEPARTMENT. CALL JOANNE PETERSON, OR DENNIS DAVISON AT (516) 883-3044. NO APPLICATION WILL BE ACCEPTED WITHOUT AN APPOINTMENT.**

I, \_\_\_\_\_ (*as applicant*) do hereby certify that I have submitted all of the required information and documentation requested on pages 1 & 2 of this application. I also certify that I am knowledgeable of The Code of The Village of Sands Point and of all rules and regulations and will build in accordance with the approved Board plans.

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 20 .

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Applicant's Signature

Date \_\_\_\_\_

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I, \_\_\_\_\_ (*as architect of record*) do hereby certify that I am knowledgeable of The Code of The Village of Sands Point and of all rules & regulations pertaining to this construction.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

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I, \_\_\_\_\_ (*as a licensed contractor*) do hereby certify that I am knowledgeable of The Code of The Village of Sands Point and of all rules and regulations pertaining to this construction. I further certify that I will build in accordance with the approved Board drawings. Any changes to the approved construction will be brought to the attention of the Building Inspector prior to construction.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

