



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

RULES AND REGULATIONS FOR THE BOARD OF APPEALS

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 MEETING. APPLICANTS WILL BE NOTIFIED WHEN THEIR APPLICATION WILL BE HEARD.

PRE-SUBMISSION REQUIREMENTS:

1. Completed Building Permit Application Package (2 complete sets) must be submitted to the Assistant Building Inspector for review.
2. Letter of referral from the Building Department to the Board of Appeals must be received by the Applicant.
3. **Three (3)** completed Applications for a Variance (as set forth below) must be submitted by the applicant to the Building Department. The Assistant Building Inspector, Village Attorney and Village Engineer may require additional information or revisions. After all requested changes have been made and if the submission is acceptable, **ten (10)** additional application sets must be submitted.

APPLICATIONS SHALL INCLUDE:

IN TOTAL, THIRTEEN (13) COPIES OF EACH OF THE FOLLOWING (SUBMITTED IN THIRTEEN SEPARATE, COMPLETE AND COLLATED SETS):

APPLICANT PLEASE CHECK OFF WHAT ITEMS ARE INCLUDED WITH SUBMISSION ATTACH THIS LIST TO THE APPLICATION.

Paperwork

- Application for a Variance, fully completed.
- Original building permit application which was reviewed by the Building Department.
- Building Department's letter of referral (memorandum of review).
- Identification of all required permits or approvals from the Village or any other governmental body, and a record of application for and status of such permits or approvals.
- List of the names, addresses and section, block and lot of all owners of property contiguous directly and across the street to the subject premises. 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.

- Certificate of Title and deed(s) for the existing lot(s).
- All appropriate permit fees, charges and deposits required by the Village pursuant to Chapter 82 of the Village code.
- Disclosure Affidavit Pursuant to General Municipal Law Section 809 signed and notarized.
- Any other information found by the Board of Appeals or Building Department to be necessary to reasonably determine compliance of the site plan with applicable Village Law and Village Law, § 7-725-a.

Plans

- Site plan for the proposed land use, drawn at a scale of not less than one (1) inch equals twenty (20) feet, signed and sealed by a licensed architect or engineer.
- Plans for proposed activity for which applicant is making application. Signed and sealed by a licensed architect or engineer.
- Site Survey, showing all existing structures prepared, signed and sealed by a licensed land/surveyor.
- Photographs (2 sets only) of existing structures on the property and surrounding landscaping/screening.
- Landscape Plan prepared by a licensed professional.
- Color Rendering if requested (8 ½ x 11 or 8 ½ x 14)

The Building Department may waive any requirements it determines to be unnecessary for the appropriate review of a particular application but such waiver shall not be binding upon the Board of Appeals.

THE PLANS MUST INCLUDE:

- A title block located in the lower right-hand corner of the site plan which shall include the name and address of the applicant and record owner of the property, the property's designation on the Nassau County Land and Tax Map, and the title of the project. If the applicant or property owner is a corporation, the name and address of the president and secretary shall be submitted with the application.
- A date block of the site plan adjacent to the title block containing the date of preparation and dates of all revisions.
- A key map showing the location of the property with reference to surrounding areas and existing street intersections within one (1,000) feet of the boundaries of the subject premises.
- A written and graphic scale, as well as a North Arrow.
- Zoning District boundaries shall be shown on the site plan as they affect the parcel.
- Survey data showing boundaries of the property, required building and setback lines and lines of existing and proposed streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way.

- Reference to any existing covenants, restrictions, easements or exceptions that are in effect or are intended to cover all or any of the property. A copy of such covenant, restriction, easement or exceptions shall be submitted with the application. If there are no known covenants, deed restrictions, easements or exceptions affecting the site, a notation to the effect shall be indicated on the site plan map.
- Location of existing structures on the site. The plan shall contain a notation indicating any structures that are to be removed.
- All distances, as measured along the right-of-way lines of existing streets abutting the property, to the nearest intersection with any other street.
- Location plans and elevations of all proposed structures.
- Location of all existing and proposed driveways, walkways and impervious surfaces located on the property.
- Location of all existing storm drainage structures, soil erosion and sediment control devices and utility facilities, including electric water, telephone and cable television, which are located within the property lines.
- Existing and proposed contours according to U.S. Geodetic Survey Datum at intervals not to exceed two (2) feet. Existing contours are to be indicated by dotted lines; proposed contours are to be indicated by solid lines.
- Existing elevations of the road or right-of-way contiguous to the site.
- The location of all existing significant natural features such as boulders, rock outcrops, water courses, depressions, ponds, marshes, and other wetlands, whether or not officially mapped.
- All means of vehicular ingress and egress to and from the site onto public or private streets, showing the size and location of driveways and curb cuts and sidewalks, if any.
- All provisions for pedestrian access to the site and internal pedestrian circulation.
- The location and design of any off-street parking areas, loading or outdoor storage areas.
- The location of all proposed water lines, valves and hydrants and all sewer lines or alternative means of water supply or sewage disposal and treatment.
- The proposed location, direction of illumination, power and time of proposed outdoor lighting.
- The location, design and type of construction of all proposed signs.
- The proposed stormwater drainage system.
- Structural elevation calculations.
- Zoning calculations.
- Illustration of all proposed structures as they relate to sky exposure plane.
- Delineation of Flood Plain Zone as shown on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and adopted by the Village of Sands Point.
- Delineation of Coastal Erosion Hazard Area, if the property is located with the Village-designated Coastal Management Zone.

- Delineation of tidal and freshwater wetlands areas as designated by the New York State Department of Environmental Conservation.

LANDSCAPE PLAN SHOWING THE FOLLOWING:

Landscaping Plan, prepared by a licensed professional drawn at a scale of not less than one (1) inch equals twenty (20) feet and which contains the following information:

- Outlines of all existing and proposed structures, driveways, walkways and impervious surfaces to be located on the property.
 - The location of all existing significant natural features such as boulders, rock outcrops, water courses, depressions, ponds and marshes.
 - The location of all trees, identified by type or species and size, bearing a trunk circumference greater than twenty (20) inches measured at a point four (4) feet six (6) inches above ground level.
 - The location of all trees, shrubs and/or any vegetation, identified by type or species, which are to be removed.
 - The location of all trees, shrubs and/or any vegetation, identified by type or species, which are to be preserved.
 - Location of all trees, shrubs and/or other vegetation, identified by size, height and type or species, which are to be provided.
 - A separate list of all trees and shrubs identified by size, height and type or species that are to be removed and/or to be provided.
- 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. These expenses include but are not limited to:

1. Advertising
2. Stenographic minutes of meetings
3. Engineering costs of the Village Engineer
4. Inspection Costs
5. Legal fees for the Village Attorney
6. Recording Fees
7. Planning, sound, traffic, environmental or other specialized studies

All of the foregoing costs shall be consistent with the costs for the services then prevailing in the community.

- It is required that, at least two weeks prior to the scheduled hearing, the property be staked to show dimensions of proposed construction and to show property boundary lines. The applicant shall notify the Village Clerk when staking is completed.

□ **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.

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 of Appeals must be filed with the Clerk of the Board no later than 10 days prior to the scheduled hearing. If submitted later, the application maybe postponed until the next schedule hearing.
- Material samples of exterior of dwelling must be brought to the board meeting if requested.
- Decision of the Board of Zoning Appeals is made only after a public hearing which has been advertised by legal notice published in official newspaper of the Village at least ten (10) days prior to the hearing (inclusive of Saturdays and Sundays) and by notice to contiguous property owners properly completed.

IF APPLICATION IS CONTINUED OR ADJOURNED, CONTIGUIOUS NEIGHBORS MUST BE NOTICED OF NEXT SCHEDULED HEARING IN ACCORDANCE WITH TIME TABLE INDICATED IN BOA RULES AND REGULATIONS.

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.

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.

UPON APPROVAL OF THE BOARD OF APPEALS A COPY OF THE APPROVED PLANS ARE TO BE KEPT ON THE JOB SITE. ANY CHANGES TO THE APPROVED PLANS MAY REQUIRE THAT A MODIFIED APPLICATION BE COMPLETED AND SUBMITTED TO THE BOARD FOR THEIR REVIEW. PLEASE CHECK WITH OUR ASSISTANT BUILDING INSPECTOR PRIOR TO ANY CONSTRUCTION CHANGES FROM APPROVED BOA PLANS.

I, _____ (*as applicant*) do hereby certify that I have submitted all of the required information and documentation requested. On pages 1 – 5 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 _____

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 and regulations pertaining to this construction.

Signature _____

Print Name _____

Date _____

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 Assistant Building Inspector prior to construction.

Signature _____

Print Name _____

Date _____

**NOTICE OF APPEAL
BOARD OF ZONING APPEALS
Village of Sands Point, New York**

If fill is required to be removed from the site, anticipated amount in cubic yards:
If more than 50 cubic yards are moved or removed, a fill application must be filed.
If the property is located in the Flood Plain Management Zone , List Zone:
Is property located in Coastal Erosion Protection Zone : List Zone:
Is property located within 300 Feet of a Nassau County Road or Nassau County owned property:

State and Federal Permits Needed:		
List Type:	Appropriate Agency:	Department:

Proposed provisions for collecting and disposing of storm water within the subject plot:

Are any easements necessary outside of proposed site:

**NOTICE OF APPEAL
BOARD OF ZONING APPEALS
Village of Sands Point, New York**

OWNER'S AUTHORIZATION

I/we _____ do hereby certify that I/we, owner(s) of premises located
_____ and known in the Nassau County Land and Tax Map as
Section _____, Block _____, Lot(s) _____ do hereby
authorize _____
having a place of business at _____
to file an application for a variance of the subject premises of Sands Point for the Board of Zoning Appeals.

Sworn to before me this: _____ day of _____, 20 ____ . _____ Notary Public	Name of Property Owner(s) If a corporation, name and addresses of officers and owner's agent. _____
	Signature(s) of Property Owner(s) _____
	Address _____
	Home Phone: _____
	Business Phone: _____
	Fax: _____

SHORT ENVIRONMENTAL ASSESSMENT FORM

Application # _____

Applicant Name _____

1. In order to answer the questions in short EAF, it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.
2. If any questions have been answered yes, the project may be significant and a completed environmental assessment form is necessary.
3. If all questions have been answered no, it is likely that this project is not significant.
4. Environmental assessment:
 - a) Will project result in a large change to the project site or physically alter more than 10 acres of land? Yes No
 - b) Will there be a major change to any unique or unusual land from found on the site? Yes No
 - c) Will project alter or have a large effect on an existing body of water? Yes No
 - d) Will project have a potentially large impact on groundwater quality? Yes No
 - e) Will project significantly affect drainage flow on adjacent sites? Yes No
 - f) Will project affect any threatened or endangered plant or animal species? Yes No
 - g) Will project result in a major adverse effect on air quality? Yes No
 - h) Will project have a major effect on visual character of the community or scenic views or vistas known to be important to the community? Yes No
 - i) Will project adversely impact any site or structure of historic, prehistoric or paleontological important or any site designated as a critical environmental area by a local agency? Yes No
 - j) Will project have a major effect on existing or future recreational opportunities? Yes No
 - k) Will project result in major traffic problems or cause a major effect to existing transportation system? Yes No
 - l) Will project regularly cause objectionable odors, noise, glare, vibration or electrical disturbance as a result of the project's operation? Yes No
 - m) Will project have any impact on public health or safety? Yes No
 - n) Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period, or have a major negative effect on the character of the community or neighborhood? Yes No

Preparer's Signature _____ Title _____

Representing _____ Date _____

STANDARD OF REVIEW

In considering and reviewing requests for area variances, the Board of Appeals must statutorily weigh the benefits to the Applicants, if the variance is granted, against the “detriment to the health, safety and welfare of the neighborhood or community by such grant.” The following questions should be addressed by the Applicant in support of the application:

1. If a variance is granted for this application, will any undesirable change be produced in the character of the neighborhood or any detriment to nearby properties?
2. Can the applicant achieve the same benefit being sought by this application by any other means?
3. Is the requested area variance substantial?
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
5. Is the relief being sought by this application self-created?