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# **BOARD OF ZONING APPEALS APPLICATION AND REQUIREMENTS FOR APPROVAL**

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**PLEASE BE ADVISED THAT APPLICATION SUBMISSION IS BY APPOINTMENT ONLY. PLANS ARE TO BE SUBMITTED FOUR (4) WEEKS IN ADVANCE, BASED ON THE SUBMISSION SCHEDULE. SUBMISSION IS INCOMPLETE WITHOUT AN APPOINTMENT.**

**THIRTEEN (13) COLLATED SETS OF ALL DOCUMENTS LISTED BELOW MUST BE SUBMITTED, INCLUDING FEES:**

- 1) \$550.00 – Application Fee (non-refundable)
- 2) \$4,750.00 – Deposit for legal, advertising, stenographic fees, etc.
- 3) Thirteen (13) copies of the application
- 4) Thirteen (13) copies of the last Deed of Record showing the applicant's name
- 5) Thirteen (13) copies of a letter to the Village Administrator, which includes a brief explanation of the proposed variance requested and a request to be placed on the agenda to present your application before the Board of Zoning Appeals.
- 6) Thirteen (13) copies of the Denial Letter from the Building Department
- 7) Thirteen (13) copies of Appendix B – Short Environmental Assessment Form (NYS DEC Form)
- 8) Thirteen (13) copies of the site plan, floor plan and elevation plan including zoning summary all to be signed and sealed
- 9) Thirteen (13) copies of an Up-to-Date Survey signed and sealed (no more than two years old)
- 10) Thirteen (13) copies of the Certification letter signed and sealed from the Village Engineer and architect with all calculations
- 11) Thirteen (13) copies of an existing variance and/or any covenant and restrictions recorded on the property
- 12) Thirteen (13) copies of the Completed Representation/Notification Affidavit
- 13) Thirteen (13) copies of the Individual/Corporate (as applicable) Disclosure Affidavit signed by all owners
- 14) Thirteen (13) copies of the Landscape Plans, Signed and Sealed.

**NOTE:** For required walk through visit, the site will need to be marked with various colored ribbons to distinguish house footprint, driveway and all other amenities and must include a height pole showing maximum height and first floor elevation.

Board of Appeals,  
Village of Old Westbury,  
New York

In the Matter of the Appeal of

\_\_\_\_\_  
from an order, requirement, decision or  
determination of the Village Clerk of the  
Village of Old Westbury, New York.

**NOTICE OF APPEAL**

PLEASE TAKE NOTICE, that \_\_\_\_\_, the owner of the property herein described, hereinafter called Appellant, asserting that the order, requirement, decision or determination of the Village Clerk of the Village of Old Westbury, New York, dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, affecting said property, is erroneous and is contrary to the provisions of the Building Zone Ordinance of said Village, hereby appeals therefrom to the Board of Appeals of said Village and hereby states and alleges:

1. The following is a description of said property:

No. \_\_\_\_\_, Old Westbury, New York; being designated as Section \_\_\_\_\_, Block \_\_\_\_\_, Lot \_\_\_\_\_, on the Lane and Tax Map of the County of Nassau and shown on the diagram annexed hereto and made part thereof, and which property is in a \_\_\_\_\_ District.

2. Appellant became the owner of said property on:

the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

3. The proposed structure and/or use is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The question involved relates to:

- |                                    |                                    |   |
|------------------------------------|------------------------------------|---|
| <input type="checkbox"/> Use       | <input type="checkbox"/> Area      | <input type="checkbox"/> Setback (front yard) |
| <input type="checkbox"/> Side Yard | <input type="checkbox"/> Rear Yard | <input type="checkbox"/> Height               |

5. The purpose of this appeal is to obtain a reversal of said order, requirement, decision or determination of the Village Clerk and to obtain from said Board of Appeals a variance or modification of the application of the applicable regulations or provisions of Subsection \_\_\_\_\_ of Section \_\_\_\_\_ of said Zoning Ordinance, so as to permit the use, construction or alteration of the building or structure, or the use of the land sought by Appellant.
6. (a) That here are the following unusual circumstances and conditions affecting said property, which are inherent in and peculiar to the said property and which do not apply generally to other property in the vicinity or neighborhood, namely:

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6. (b) That by reason of the aforesaid unusual and peculiar conditions, carrying out the strict letter of such provisions will result in practical difficulties or unnecessary hardships and the strict application of such provisions will deprive petitioner of the reasonable use of said property, which practical difficulties – unnecessary hardships\* are as follows:

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6. (c) That the granting of the variance sought will be in harmony with the intent and purpose of said Zoning Ordinance and will not be detrimental to properties in the Village and will not alter the essential character of the locality for the following reasons:

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\*Strike out words that are not applicable

7. The names and addresses of all property owners within 350 feet adjoining the property of Appellant as follows:

Name	Address

WHEREFORE, in accordance with the foregoing alleged facts Appellant petitions such Board of Appeals in acting on this appeal, to reverse the order, requirement, decision or determination of the Village Clerk; and to vary the strict application of the aforesaid provisions of the Zoning Ordinance to said property to the following extent:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Appellant's Signature

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## LANDSCAPE REQUIREMENTS

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Thirteen (13) color 1-inch = 20 feet scale computer generated Landscape Plans, signed, sealed and prepared by a NYS Licensed Landscape Architect and must include a chart and keys detailing the following:

- Tree # for proposed tree removal(s) showing quantities, location, size (caliper) botanical and common name
- Calculation for tree removal must show the total requested trees and caliper inch removal plus 10% for replacement in accordance with the *Village of Old Westbury Tree Removal Code*.
- Include on the Landscape plan: Existing and proposed site amenities, house, driveway, pool, tennis court, terraces, patios, decks and any other site structure(s).

**PLEASE NOTE:**

- 1) The Licensed Landscape Architect must be present at the Board meeting.
- 2) Trees to be removed will require a tree removal permit issued by Michael Malatino, Superintendent of Buildings.

I understand any changes to the resolution will result in a fine Under Section 216-166, Penalties for Offenses. Each violation of this article shall be punishable by a fine of not more than \$25,000.00. In addition to such fine, the violator shall pay all costs and expenses incurred by the Village in proving such violation.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Architect

\_\_\_\_\_  
Dated

**VARIANCE SUMMARY**

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 Section, Block, Lot: \_\_\_\_\_  
 Zoning District: \_\_\_\_\_ Lot Area Gross: \_\_\_\_\_  
 Lot Area Net: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_ Certification Date: \_\_\_\_\_

	Code Section	Allowed/ Requirement	Current	Net Improved	Variance Requested	Percentage Increased
Volume						
Side Yard N S E W						
Side Yard N S E W						
Rear Yard						
Front Yard						
Street Frontage						
Height						
Lot Coverage						

**NOTE:** Only information certified by the Village allowed in these fields

Additional comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**BOARD OF ZONING APPEALS**  
**REPRESENTATION/NOTIFICATION AFFIDAVIT**

Owner of Property:

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Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Contract Vendee (if applicable):

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Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Name and Address of Representative:

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Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Name and Address of Notification:

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Phone: \_\_\_\_\_ Email: \_\_\_\_\_

STATE OF NEW YORK )

: SS .

COUNTY OF NASSAU )

\_\_\_\_\_, being duly sworn, deposes and says: that he/she is the person who signed the foregoing application for a permit; that he/she is authorized by the principal to make said application; that the statements set forth therein are true; that the proposed work stated in said application is authorized by the owner in fee; that if any changes are made during construction, he/she will file amended plans before making such changes.

Subscribed to and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Notary's official signature

**INDIVIDUAL DISCLOSURE AFFIDAVIT**

\_\_\_\_\_  
In the Matter of the Application of

**DISCLOSURE AFFIDAVIT PURSUANT TO  
GENERAL MUNICIPAL LAW SECTION 809**

\_\_\_\_\_  
STATE OF NEW YORK )  
                                  : SS.  
COUNTY OF NASSAU )

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

- 1. That I am over eighteen years of age and reside at:

\_\_\_\_\_  
\_\_\_\_\_

- 2. That I am the (owner, lessee, etc.) of the property, which forms the subject matter of this application, and am fully familiar with all of the facts and circumstances hereinafter set forth.

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

\_\_\_\_\_  
Signature

- 3. That there are no encumbrances or holders of any instruments creating an encumbrances upon the subject property – except: (if any, set forth details)
- 4. That neither deponent nor any other person mentioned in this affidavit is an officer or employee of the Village of Old Westbury, or is related to a Village officer or employee – except: (if any, set forth details)
- 5. That no officer or the State of New York or any officer or employee of the Village of Old Westbury, Town of North Hempstead, Town of Oyster Bay or Nassau County, or any person holding any position or office, whether by election, appointment or otherwise in any party as defined by Subdivision 4, Section 2 of the Election Law, or his/her spouse, their brothers, sisters, parents, children, grandchildren, or the spouse of any of them is the applicant, or an officer, director, partner, member or employee of the applicant, or, legally or beneficially owns or controls stock of the applicant or is associated with the applicant in a joint venture, or is a party to an agreement with the 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 – except:

\_\_\_\_\_  
\_\_\_\_\_

- 6. That in the event there is any change in the matters set forth herein prior to the issuance of, as applicable, a certificate of occupancy or other final Village approval associated with the application for the property affected hereby, deponent(s) will file with the Village of Old Westbury a supplemental affidavit indicating the details of such change within 48 hours of such change.

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

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Notary's official signature





**DISCLOSURE AFFIDAVIT REQUIRED ON ALL ZONING AND SUBDIVISION APPLICATIONS AND ALL APPLICATIONS FOR LICENSES OR PERMITS VILLAGE OF OLD WESTBURY, TOWNS OF OYSTER BAY AND NORTH HEMPSTEAD**

STATE OF NEW YORK )  
COUNTY OF NASSAU ): SS .

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

1. This affidavit is submitted in connection with the application of:

\_\_\_\_\_  
\_\_\_\_\_

2. I am president of, secretary of, a partner of, attorney for (strikeout unnecessary words) the applicant.

3. I have read Section 809 of the General Municipal Law, which states:

*Section 809. Disclosure in certain applications*

1. *Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.*
2. *For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he/she, his/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/she may receive ant payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.*
3. *In the County of Nassau, the provisions one and two of this section shall also apply to a party officer. "Party Officer" shall mean any person holding and position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four of section two of the election law.*
4. *Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.*
5. *A person who knowingly and intentionally violated this section shall be guilty of a misdemeanor.*

4. I am familiar with all persons having an interest in the person, partnership or association making this application as defined in Subdivision 2 of Section 809 and hereby state that no officer or employees of the State of New York, the County of Nassau, the Towns of Oyster Bay and North Hempstead, or the Village of Old Westbury has such an interest in the applicant, except those whose name, residence and extent of interest are stated on Schedule A which is annexed to his affidavit and signed by me.

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

\_\_\_\_\_  
Agent's signature

\_\_\_\_\_  
Notary's official signature