

RULES FOR FILING APPEALS OR
SPECIAL EXCEPTIONS
WITH
BOARD OF TRUSTEES
OR
BOARD OF ZONING APPEALS

PLEASE BE ADVISED ALL PAPERWORK MUST BE SUBMITTED 35 DAYS PRIOR TO HEARING DATE. IF ALL FEES, PLANS, AND NECESSARY PAPERWORK ARE NOT SUBMITTED BY THAT DATE, THE HEARING WILL BE POSTPONED. NO EXCEPTIONS.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE OFFICE AT 516-295-5770.

1. **FORM, EXECUTION OF APPLICATION FOR APPEAL, SPECIAL EXCEPTION, ETC.**
All applications for appeals, change of zone, special exceptions or special use permit shall be made out on forms supplied by the Village of Cedarhurst and all copies shall be signed and sworn to by the applicant.
Ten copies of all forms and maps shall be submitted.
2. No application for appeal seeking a variance, change of zoning subdivision, merger, partitioning, site plan, or special exception will be considered until the applicant or person taking the appeal shall have first applied to the Superintendent of the Building Department for a building permit for the proposed building, alteration or use building permit for the proposed building alteration or use affected by such application.
3. **INFORMATION TO ACCOMPANY PETITION APPLICATION FOR SPECIAL EXCEPTION, VARIANCE, CHANGE OF ZONING OR SPECIAL USE PERMIT.**
Each of the ten petitions or applications shall be accompanied by:
 - a) Ten complete copies of list of the names and addresses of the owners of all of the lands within a radius of two hundred (200) feet of the boundary lines of property affected by such petition or application, and
 - b) Ten copies of a map of all properties within two hundred (200) feet of the subject property lines showing the size of the plots and whether the same are vacant or improved with residence or business structures and the zoning of all such lands shown on such map.
 - c) Ten copies of survey
Ten copies of Plans
Ten copies of Building Permit
Ten copies of Denial letter
Ten copies of Photographs
4. **ALL APPLICATIONS OR APPEALS SHALL BE FILED WITH THE VILLAGE CLERK.**
5. **APPLICATION OR APPEAL PERSON OTHER THAN OWNER** – where applications or appeals are made by persons other than the owner of the property affected, such application or appeal must be consented to in writing and duly acknowledged by the owner.
6. **EXECUTION, CONTENTS OF NOTICE OF OWNERS:** Each notice to an owner of a petition or application shall be signed by the petitioner or applicant, his agent or attorney, identifying the property affected thereby, and setting forth the relief requested and the date, hour and place fixed by the Board for a hearing thereon.
7. **SERVICE OF NOTICE UPON SURROUNDING PROPERTY OWNERS:** for purposed set forth in three (3) herein. A notice on the form provided by the Village Clerk of Cedarhurst shall be served by the applicant upon every owner of property within a radius of two hundred (200) feet of the boundary lines of the property affected by said petition by certified mail, return receipt requested. (White and Green Mailers)
8. **TIME FOR MAILING NOTICES TO PROPERTY OWNERS:** All notices provided for in Rule 10, mailed by certified mail shall be mailed not less than ten days or more than twenty days prior to the date set for public hearing upon such petition or application.
9. **CONSENT IN LIEU OF NOTICE:** In lieu of the notice upon owners entitled thereto as aforesaid, an applicant may submit a consent duly executed by any such property owner entitled to notice.
10. **AFFIDAVIT OF PERSONAL SERVICE IN LIEU OF NOTICE:** In lieu of notice to owners entitled thereto aforesaid, an applicant may submit an affidavit of personal service upon any owner entitled to notice, not less than ten days nor more than twenty days prior to the date set for hearing.
11. **FILING PROOFS OF SERVICE:** Proofs of service shall be filed in the Village Office at least five days before the date of the public hearing as follows:
 - a) An affidavit of mailing in the form furnished by the Village Clerk.

b) The Post Office return receipts of the required certified mailings attached to affidavit form.

12. FEES AND DEPOSITS RECEIVED BY CLERK

When an application for appeal shall be filed with the Village Clerk, it shall be accompanied by a fee payable according to the following schedule:

- a. Zoning Change for one or two family dwelling: \$1,750 each additional section \$750
- b. Zoning Change for multiple dwelling, business or professional: \$2,250 each additional section \$1,000
- c. Special Exception for one or two family dwellings: \$1,750
- d. Special Exception for multiple dwelling, business or professional: \$2,250
- e. Variance Change for one or two family dwelling: \$1,750 each additional section \$750
- f. Variance Change for multiple dwelling, business or profession: \$2,250 each additional section \$1,000
- g. - Additional fees incurred by village, expert opinions etc. will be billed to applicant.

13. DURATION OF APPROVAL: A variance of special exception shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six (6) months after the date of its approval. In the event no plans are filed, and no permit issued, and no work started for a good cause, the building official may allow a maximum of two (2) extensions for a period not exceeding three (3) months each.

Deposit for actual costs incurred by the Village in processing the change of zone or appeal on an application for a variance or special exception as per local law Section 265-24A and Local Law Sec 265-30, copies of which are submitted herewith.

- 14. PHOTOGRAPHS –**
- 1. FRONT VIEW SHOWING ENTIRE STRUCTURE.
(IF CORNER PROPERTY BOTH STREET FRONT VIEWS.
 - 2. FRONT VIEW PHOTO OF EACH PROPERTY ABUTTING SUBJECT.
 - 3. SIDE/ REAR VIEW SHOWING AREAS REQUESTING VARIANCE.

15. EFFECTIVE MARCH 2017 THESE INSTRUCTIONS SHALL SUPERCEDE ANY AND ALL PREVIOUS INSTRUCTIONS.

FOR YOUR INFORMATION

AREA VARIANCES

If you are requesting one or more area variances, the Board must weigh the benefit to you if the variance is granted, as against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

In making such determination the Board shall by the evidence presented consider:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

(3) whether the requested area variance is substantial;

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

(5) whether the alleged difficulty was self-created.

USE VARIANCES

If you are requesting a use variance, you must demonstrate competent evidence to the Board by qualified proof that:

(1) you cannot realize a reasonable return, and that lack of return is substantial as demonstrated by competent financial evidence;

(2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the zone or neighborhood;

(3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(4) that the alleged hardship has not been self-created

INFORMATION REQUESTED

ALL QUESTIONS MUST BE ANSWERED

Applicant(s) : _____
(name[s])

Indicate
Owner(s) [] Tenant(s) Contract Vendee(s) []

If not owner, provide name and address of owner and written, notarized authorization from owner _____

Subject premises: _____
(address[es])

Cedarhurst, New York 11516

Section _____ Block(s) _____ Lot(s) _____

Zone in which property is located _____

Describe structures on property _____

Property dimension _____

If irregular, footage of property lines

North _____
South _____
East _____
West _____

Indicate type of variance sought

1. Area Variance [] Use variance [] Both []
Special Exception [] Subdivision [] Merger []

2. If area variance, [expansion, alteration, change in size of structure(s)]
Code section(s) _____

indicate dimensions:

| | <u>Pre-existing</u> | <u>Existing</u> | <u>Required</u> | <u>Proposed</u> | <u>Not Applicable</u> |
|---------------------------------|---------------------|-----------------|-----------------|-----------------|-----------------------|
| <u>Height</u> | _____ | _____ | _____ | _____ | [] |
| <u>Frontage</u> | _____ | _____ | _____ | _____ | [] |
| <u>Plot Area</u> | _____ | _____ | _____ | _____ | [] |
| <u>Front Yard</u> | | | | | [] |
| If corner property indicate [] | | | | | |
| North [] | _____ | _____ | _____ | _____ | [] |
| South [] | _____ | _____ | _____ | _____ | [] |
| East [] | _____ | _____ | _____ | _____ | [] |
| West [] | _____ | _____ | _____ | _____ | [] |
| <u>Side Yard</u> | | | | | [] |
| North [] | _____ | _____ | _____ | _____ | [] |
| South [] | _____ | _____ | _____ | _____ | [] |
| East [] | _____ | _____ | _____ | _____ | [] |

West [] _____ []

Rear Yard _____ []

Building Area _____ []
(%age) of Lot coverage)

Other Code section(s) _____

3. If use variance, [change of use than that permitted in zone]
Code section(s) _____

Pre-existing Permitted Existing Proposed

Indicate use _____

4. If special exception Code section(s) _____

Indicate exception to restrictions sought _____

5. If subdivision, indicate parcel dimensions

| <u>Existing</u> | | <u>Proposed</u> |
|-----------------|----------|-----------------|
| _____ | Parcel 1 | _____ |
| | Parcel 2 | _____ |
| | Parcel 3 | _____ |
| | Parcel 4 | _____ |

6. Purpose of subdivision _____

7. If merger, indicate parcel dimensions

| <u>Existing</u> | <u>Proposed</u> |
|-----------------|-----------------|
| Parcel 1 _____ | _____ |
| Parcel 2 _____ | |
| Parcel 3 _____ | |
| Parcel 4 _____ | |

If a building permit has been requested, provide date of application

8. Purpose of merger _____

If a building permit has been denied, provide date of denial _____

9. Describe the work to be done _____

10. State the approximate cost of the work to be done \$ _____

11. Has work been commenced, completed or is it in the stage of completion?
If so, give details, describing what has been done the current percentage of
work completed _____

NON COLLUSION STATEMENT

In the Matter of the () Application
 () Petition
 () Request

of

for a () variance
 () zoning change
 () special exception
 () subdivision
 () merger

pursuant to the Code of Local Laws of the Incorporated Village of Cedarhurst

To the: () Board of Trustees
 () Board of Zoning Appeals
 () Planning Board

State of New York)
) ss.:
County of Nassau)

_____, being duly sworn, deposed and says:

The following are the names, residence addresses and nature and extent of interest in this Application, Petition or Request of any officer of the State of New York or any officer or employee of the Incorporated Village of Cedarhurst or of any municipality of which said Incorporated Village of Cedarhurst is a part, in the person, partnership, corporation, limited liability company or profession, association or any business entity making this Application, Petition or Request (hereinafter referred to as "applicant"):

() None

| () <u>Name</u> | <u>Residence Address</u> | <u>Interest herein</u> |
|-----------------|--------------------------|------------------------|
|-----------------|--------------------------|------------------------|

For the purpose hereof, deponent acknowledges that (s)he is aware that an officer or employee shall be deemed to have an interest in the applicant or Application , Petition or Request when (s)he, his or her spouse, their siblings, parents, children, grandchildren, or the spouse of any of them is the applicant, an officer, director, partner, principal or employee of the applicant, or legally or beneficially owns or controls stock of the corporate applicant or is a member of a partnership, association or other business entity of the applicant, or is a party to an agreement with such applicant, express or implied, whereby (s)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 that the ownership of less than 5% of the stock of a corporation whose stock is listed on the New York Stock, American Stock Exchanges of NASDAQ shall not constitute an interest for the purposes of this Application, Petition or Request.

Deponent is aware that a person who knowingly and intentionally violates the provisions of section 809 of the New York State General Municipal Law, requiring disclosures set forth hereinabove, shall be guilty of a misdemeanor.

Deponent is the owner or one of the owners of the property referred to in this Application, Petition or Request.

Sworn to before me this _____

____ day of _____, 20____

Notary Public

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

_____, being duly sworn, deposes and says:

I am _____ of the property described below.
(Owner, Owner's Agent or Attorney)

That all of the statements made in this application are true to the best of my knowledge and belief, except as to the matters herein stated to be alleged upon information and belief, and as to those matters I believe them to be true. That this application is made with the knowledge, consent and authorization of the owner of the subject property.

Sworn to before me this
day of _____, 20

Notary Public

NOTE:
If this application is not made by the owner, the owner must execute and sign the following affidavit:

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

_____ affirms or being duly sworn, deposes and says the (s)he is the (an) owner of the premises herein by a certain deed dated the _____ day of _____, made by _____, and recorded in the Nassau County Clerk's Office on the _____ day of _____, . That (s)he has read the application herein and is familiar with the contents thereof and gives consent thereto.

Sworn to before me this
day of _____, 20

Applicant _____ Address _____

Owner _____ Address _____

Premises No. _____ Sec. _____ Block _____ Lots _____

AFFIDAVIT OF SERVING NOTICE

This affidavit, properly executed, must be filed with the Board of Trustees or the Board of Zoning Appeals of the Village of Cedarhurst, not later than five days prior to date of hearing. Failure to comply may result in your application being stricken from the calendar.

STATE OF NEW YORK)

) ss:

COUNTY OF NASSAU)

_____ residing at _____

_____ being duly sworn, deposes and says:

On the _____ day of _____, I served a true copy of the notice required by the Rules of the () Board of Zoning Appeals () Board of Trustees of the Village of Cedarhurst, a copy of which notice is hereto annexed as follows:

List of names and addresses to whom notices were sent by Registered Mail, Certified Mail, Return Receipt Requested or by Personal Service.

Sworn to before me this

_____ day of _____, 20 _____

Notary Public

ATTACH RETURN RECEIPTS