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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.**

**TEN (1) COLLATED SETS OF ALL DOCUMENTS LISTED BELOW MUST BE SUBMITTED, INCLUDING FEES:**

- \$550.00 – Application Fee (non-refundable)
- \$4,750.00 – Deposit for legal, advertising, stenographic fees, etc.
- Ten (10) copies of the application
- Ten (10) copies of the last Deed of Record showing the applicant's name
- 5) Ten (1) 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.
- Ten (1) copies of the Denial Letter from the Building Department
- Ten (1) copies of Appendix B – Short Environmental Assessment Form (NYS DEC Form)
- Ten (1) copies of the site plan, floor plan and elevation plan including zoning summary all to be signed and sealed
- Ten (1) copies of an Up-to-Date Survey signed and sealed (no more than two years old)
- Ten (1) copies of the Certification letter signed and sealed from the Village Engineer and architect with all calculations
- Ten (1) copies of an existing variance and/or any covenant and restrictions recorded on the property
- Ten (1) copies of the Completed Representation/Notification Affidavit
- Ten (1) copies of the Individual/Corporate (as applicable) Disclosure Affidavit signed by all owners
- Ten (1) copies of the Landscape Plans, Signed and Sealed.
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**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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Ten (10) 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 not 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 of 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, expresses 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



**NOTE:** Ownership of less than 5% of the stock of a corporation whose stock is listed on the New York or American Stock Exchange shall not constitute an interest for purposes of this disclosure affidavit.

**AFFIDAVIT OF OFFICER OR CORPORATE APPELLANT**

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

\_\_\_\_\_, being duly sworn, deposes and says that he/she resides at \_\_\_\_\_, and that he/she is \_\_\_\_\_ of \_\_\_\_\_, which is the owner of the property hereinbefore described and is the Appellant herein; that the statements contained in the foregoing notice of appeal and in any papers submitted herewith are in all respects true.

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

\_\_\_\_\_  
Signature of Officer or  
Corporate Appellant

\_\_\_\_\_  
Notary’s official signature

**AFFIDAVIT OF AGENT OF INDIVIDUAL APPELLANT**

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

\_\_\_\_\_, being duly sworn, deposes and says that he/she resides at \_\_\_\_\_, and that \_\_\_\_\_ is the owner of the property hereinbefore described and is the Appellant herein and that the statements contained in the foregoing notice of appeal and in any papers submitted herewith are in all respects true; that deponent has been duly authorized by said Appellant dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, a copy of which power of attorney is annexed hereto and which has not been revoked and is in full force and effect.

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

\_\_\_\_\_  
Agent’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

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### 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?		NO	YES
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.		<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input type="checkbox"/>	<input type="checkbox"/>
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, are adjoining or near the proposed action:			
5.     Urban           Rural (non-agriculture)           Industrial           Commercial           Residential (suburban)			
<input type="checkbox"/> Forest           Agriculture                           Aquatic           Other(Specify):			
<input type="checkbox"/> Parkland			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>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?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

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    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    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?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. 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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: _____ Date: _____  Signature: _____ Title: _____		