

INCORPORATED VILLAGE OF UPPER BROOKVILLE
APPLICATION TO BOARD OF APPEALS FOR VARIANCE

1. Applicant(s) Name _____
Address _____
Phone# _____ Fax # _____ E-Mail _____

2. If Applicant is Contract Vendee, list name and current address of property owner(s) and attach owner's consent to the application.

3. Attorney, Engineer, or other Representative _____
Firm/Company Name _____
Address _____
Phone# _____ Fax # _____ E-Mail _____

4. Description of Subject Property:

Address: _____ Sec. _____ Block _____ Lot(s) _____
Zoning District: _____ Lot area: _____

5. Application to vary the provision of Article _____, Section(s) _____
Subsection(s) _____
of the Building Zone Ordinance to construct or maintain (describe project).

Attach the Building Inspector's written denial of building permit/certificate of occupancy.
(IF MORE THAN ONE VARIANCE IS REQUESTED, PLEASE CHECK HERE [] AND LIST THE INFORMATION REQUIRED UNDER #6 ON AN ADDITIONAL PAGE.)

6. State the zoning requirements, the proposed dimensions, and the differences for which the variance is requested. (Example: The proposed building/addition will be only 35 feet rather than the required 50 feet from the side line).

7. In making its determination as to whether to grant an area variance, New York Village Law requires the Upper Brookville Zoning Board of Appeals (the “ZBA”) to “take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.” Thus, the ZBA requires that the applicant answer the following questions, in writing, on the application and be prepared to explain and support those answers, if required, at the hearing:

(a) The granting of the requested variance will not be a detriment to the health, safety and welfare of the neighborhood or community for the following reasons:

(b) State how the granting of this variance will benefit the owner and why it is necessary.

8. The ZBA will also consider the following five factors when making its determination. Applicant must answer the questions, in writing, on the application and be prepared to explain and support those answers at the hearing:

(a) If the area variance is granted, will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created? (Please explain)

(b) Could the implementation of a feasible alternative provide similar benefit to the applicant (in place of granting the area variance)? (Please explain)

(c) Is the requested area variance substantial?

(Please explain)

(d) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

(Please explain)

(e) Is the alleged difficulty self-created?

(Please explain)

9. Have the premises at the subject address ever been the subject of a prior variance application? _____ Please provide the date(s) of decision(s) _____

10. The section, block, lot, name(s), and mailing address of all property owners within 100 feet of property of Appellant(s) are as follows:

Sec., Blk., Lot	Name	Mailing Address (Street Number, Street, P.O. Box, Zip)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

AFFIRMATION ON SEARCH OF NEIGHBORING PROPERTY OWNERS

deposes and says:

That he/she is over the age of eighteen and resides at

That on the _____ day of _____, 20____, deponent searched the current Village or Town tax roll records and hereby certifies that such records show the above listed current title owners of the above listed properties within 100 feet of the subject premises.

I HAVE READ THE FOREGOING AND UNDERSTAND THAT ANY FALSE STATEMENT MADE THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Date: _____

Record Search Deponent's Signature

WHEREFORE, in accordance with the foregoing alleged facts Applicant(s) request said Board of Appeals to vary the strict application of the aforesaid provision(s) of said Village's Building Zone Ordinance, to grant the relief requested and grant such other and further or lesser relief as to this Board seems just and proper.

I HAVE READ THE FOREGOING APPEAL /APPLICATION AND UNDERSTAND THAT ANY FALSE STATEMENT MADE THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Date

Applicant(s)/Appellant(s) Signature(s)

(Note: General Municipal Law of the State of New York, Section 809 enacted in 1969 **requires** the filing of the following completed Disclosure Statement)

DISCLOSURE STATEMENT

_____ deposits and says:

1. FOR INDIVIDUAL

a. I am over the age of 21 and reside at _____

b. I am _____ of the property designated as
(owner/contract vendee - cross out one)
Section _____ Block _____ Lot(s) _____ on the Nassau County Land and Tax Map which forms the subject matter of this application and am fully familiar with all the facts and circumstances hereinafter set forth.

1. FOR CORPORATION

a. I am the _____ of _____
(Office Held) (Name of Corp.)
and am fully familiar with all the facts and circumstances hereinafter set forth.

b. The business address of _____ is
(Name of Corp.)

c. Said corporation was incorporated under and pursuant to the _____
_____ Law of the State of _____ and is the
_____ of the property designated as Section _____ Block _____
Lot(s) _____ on the Nassau County Land and Tax Map which forms the subject matter of this application.

d. The following are the names and residences of each officer, director and shareholder: (Set forth names, residences and relationship to corp.) (Add additional sheet if necessary.)

e. The corporate stock of said corporation has not been pledged to any person nor has any agreement been made to pledge the said stock: (except: If any, set forth details.)

(Delete this page from application if not necessary.)

1. **FOR PARTNERSHIP**

a. I am a _____ of _____
(Partner, Joint Venturer, etc.) (Name of Partnership)
and am fully familiar with all the facts and circumstances hereinafter set forth.

b. The above partnership was established in

(Place)
on _____ and is the _____ of the property
(Date) (Owner or Contract Vendee)
designated as Section _____ Block _____ Lot(s) _____ on the Nassau
County Land and Tax Map which forms the subject matter of this application.

c. The following are the names, addresses and interests, respectively, of all
partners (joint venturers, etc.):

2. There are no encumbrances or holders of any instruments creating an encumbrance upon the subject property (except: if any set forth details.)

3. Neither deponent nor any other person mentioned in this statement is a Village officer or employee, or is related to a Village officer or employee. (except: if any set forth details.)

4. No State Officer or employee or local municipal officer or employee in the Nassau County or his spouse or a person by consanguinity related to either of them within the third degree is (are) the Applicant(s) or an officer, director or employee of the Applicant(s), or legally or beneficially owns or controls the corporate stock of the Applicant(s) or is a partner of the Applicant(s) or associated with the Applicant(s) in a joint venture or has an agreement with the Applicant(s), expressed or implied whereby his compensation for services is to be dependent or contingent upon the favorable exercise of discretion in the granting of the application herein. (except: if any set forth details.)

5. In the event there is any change in the matters set forth herein prior to the public hearing relating to the property affected hereby, deponent(s) will file with the Village a supplemental statement indicating the details of such change within 48 hours of such change.

I HAVE READ THE FOREGOING AND UNDERSTAND THAT ANY FALSE STATEMENT MADE THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Date

Applicant(s) Signature(s)

CONSENT OF ADJOINING OWNERS
 (This page is not required and may be deleted)

We, the undersigned, property owners in the Village of _____ adjoining the property of Appellant(s) _____ herein described as Section _____ Block _____ Lot(s) _____, hereby approve(s) the granting of a variance by the Board of Zoning Appeals of said Village so as to permit the use, construction, or alteration of the building or structure or the use of the land sought by Appellant(s):

Name of Person
 (Please Print)

Signature

_____	_____
_____	_____
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