



INCORPORATED VILLAGE OF

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# Roslyn Harbor

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## ZONING BOARD OF APPEALS

### APPLICATION FILING REQUIREMENTS

The following items **must** be included with this application. Incomplete applications will not be accepted.

#### **SUBMISSION REQUIREMENTS:**

The Applicant shall submit one (1) completed Application (as set forth below), to the Building Department a minimum of six (6) weeks prior to the hearing date. After the submission and preliminary review is deemed complete, ten (10) complete formal application sets plus one (1) electronic copy of the completed Application must be submitted to the Building Department and Applicant will be scheduled for a hearing before the Zoning Board of Appeals.

All copies must be provided in a collated form with all surveys, maps, drawings, plans, etc. folded and made part of each set. Each set shall be enclosed in a separate envelope suitable for mailing. **Partial or incomplete submissions may result in the rejection of the application.**

#### **GENERAL INFORMATION AND APPLICATION REQUIREMENTS:**

Each packet should include:

- Completed Zoning Board of Appeals Application signed and notarized, including attorney, surveyor, engineer and architect, contact information. Include property address and owners mailing address if different.
- Denial Letter
- Architectural Plans
- Plot Plan – must show all existing and proposed structures, including calculations. Note any structures proposed to be removed.
- Survey (dated within 3 years). Accuracy of survey must be certified by a licensed Architect. Survey must show all existing structures, dimensions and setbacks.
- Affidavit of Ownership
- Disclosure Affidavit
- Radius Map – include a list of adjacent properties within 200' of the property lines
- Completed and signed Short Environmental Assessment Form.
- Prior Variances
- Any additional information, samples and photos you would like to submit prior to hearing.

All applications should include detailed scaled drawings, prepared by a licensed architect or engineer. All drawings should include pertinent dimensions of constructions, distances to property lines and property elevations for primary and accessory structures.

*Version 02/2022*

**FEES:**

\$1,500 Filing Fee (non-refundable)

\$3,000 Trust Deposit\*

Filing Fee and Deposit are to be separate checks payable to the Inc. Village of Roslyn Harbor. A minimum balance of \$2,000 per lot must be maintained after the initial deposit.

**PUBLIC NOTICE:**

The Applicant must send notice of the public hearing to all neighboring property owners located within two hundred (200) feet of the subject parcel, by certified mail, return receipt requested, at least ten (10) days, but not more than twenty (20) days prior to the hearing. **An affidavit of mailing shall be prepared, executed and delivered to the Clerk's office along with copies of the certified mail receipt cards no later than (3) days prior to the hearing.**

The Zoning Board may require that the applicant provide additional notice to the adjoining property owners as determined by the Planning Board on a case by case basis and within its sole discretion.



THE BUILDING DEPARTMENT MAY WAIVE ANY OF THE ABOVE REQUIREMENTS WHICH IT DETERMINES UNECESSARY FOR A PARTIUCLAR APPLICATION, BUT SUCH WAIVER SHALL NOT BE BINDING UPON THE PLANNING BOARD.

ADDITIONAL INFORMATION MAY BE REQUESTED BY THE ZONING BOARD OF APPEALS DURING THE COURSE OF THE HEARING PROCESS.

THE RULES AND REGULATIONS SET FORTH HEREIN MAY FROM TIME TO TIME BE AMENDED BY THE ZONING BOARD OF APPEALS BOARD.

ALL COMPLETE APPLICATIONS MUST BE SUBMITTED IN PERSON TO THE CLERK'S OFFICE DURING REGULAR BUSINESS HOURS. NO APPLICATIONS WILL BE ACCEPTEED BY MAIL.

\*Deposit is for costs and expenses on filing an application. The applicant is obligated to pay all costs and expenses incurred by the village in connection with their application. This includes, but is not limited to, publication of notices, attorney's fees, architectural consultant fees and court reporter.



INCORPORATED VILLAGE OF

# Roslyn Harbor

## BOARD OF ZONING APPEALS APPLICATION

Date: \_\_\_\_\_

**Project Location:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tax Section: \_\_\_\_ Block: \_\_\_\_ Lot(s): \_\_\_\_ Zoning District(s): \_\_\_\_ Size of Project Site: \_\_\_\_

**Applicant:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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

Owner of Record: \_\_\_\_\_

Application to vary the provision of Article \_\_\_\_\_, Section(s) \_\_\_\_\_

Subsection(s) \_\_\_\_\_

of the Building Zone Ordinance to construct or maintain (describe project).

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

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).

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

In making its determination as to whether to grant an area variance, New York Village Law requires the Roslyn Harbor 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:

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

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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) \_\_\_\_\_

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

(Please explain) \_\_\_\_\_

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(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) \_\_\_\_\_  
\_\_\_\_\_

Have the premises at the subject address ever been the subject of a prior variance application?

\_\_\_\_\_ Please provide the date(s) of decision(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# Roslyn Harbor

500 MOTTS COVE ROAD SOUTH, ROSLYN HARBOR, NY 11576  
TEL # (516) 621-0368 FAX # (516) 621-1803  
WWW.ROSLYNHARBOR.ORG

## CONTACT INFORMATION

<b>LOCATION OF SITE:</b>		
<b>SECTION:</b>	<b>BLOCK:</b>	<b>LOT:</b>
<b>OWNER'S NAME:</b>		<b>EMAIL:</b>
<b>ADDRESS:</b>		
<b>TELEPHONE:</b>		<b>FAX/ADD'L PHONE:</b>
<b>ADD'L OWNER:</b>		<b>ADD'L OWNER:</b>
<b>ADDRESS:</b>		<b>ADDRESS:</b>
<b>TELEPHONE:</b>		<b>TELEPHONE:</b>
<b>FAX/ADD'L PHONE:</b>		<b>FAX/ADD'L PHONE:</b>
<b>ATTORNEY'S NAME:</b>		<b>EMAIL:</b>
<b>ADDRESS:</b>		
<b>TELEPHONE:</b>		<b>FAX/ADD'L PHONE:</b>
<b>SURVEYOR'S NAME:</b>		<b>EMAIL:</b>
<b>ADDRESS:</b>		
<b>TELEPHONE:</b>		<b>FAX/ADD'L PHONE:</b>
<b>ENGINEER'S NAME:</b>		<b>EMAIL:</b>
<b>ADDRESS:</b>		
<b>TELEPHONE:</b>		<b>FAX/ADD'L PHONE:</b>
<b>ARCHITECT'S NAME:</b>		<b>EMAIL:</b>
<b>ADDRESS:</b>		
<b>TELEPHONE:</b>		<b>FAX/ADD'L PHONE:</b>

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

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

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____	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 <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> 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 plain?	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? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. 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 AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**

**RESET**



INCORPORATED VILLAGE OF  
**Roslyn Harbor**

**AFFIDAVIT OF PROPERTY OWNER**

STATE OF NEW YORK) : SS  
COUNTY OF NASSAU )

\_\_\_\_\_, being duly sworn, deposes and says that Applicant resides at \_\_\_\_\_, and is the owner of the property hereinbefore described and is the Applicant herein; that the statements contained in the foregoing Application and in any papers submitted herewith are in all respects true and complete to Deponent's knowledge, and hereby authorizes \_\_\_\_\_ with address at \_\_\_\_\_ as his agent to make this application and to enter into agreements with respect to the subject property.

• ***If Corporate Applicant:***

\_\_\_\_\_  
*Full Name of Corporation                      Title                      Address of Corporation*

\_\_\_\_\_  
Owner's Signature

SUBSCRIBED AND SWORN TO BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

**AFFIDAVIT OF APPLICANT DESIGNEE**

STATE OF NEW YORK) : SS  
COUNTY OF NASSAU )

(Applicant) \_\_\_\_\_, being duly sworn, deposes and says that he resides at \_\_\_\_\_; and that he is the \_\_\_\_\_ of the property herein described and is authorized by

(Architect, Engineer, Builder, Contractor)

the Owner to make the foregoing application and that the statements contained herein and in any papers submitted herewith are in all respects true and complete.

\_\_\_\_\_  
Applicant's Signature

SUBSCRIBED AND SWORN TO BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public



INCORPORATED VILLAGE OF  
**Roslyn Harbor**

**DISCLOSURE AFFIDAVIT  
GENERAL MUNICIPAL LAW SECTION 809  
(Conflict of Interest Affidavit)**

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, his 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 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.
3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four of section two of the election law. 1
4. Ownership of less than five per cent 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 violates this section shall be guilty of a misdemeanor.

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

1. I am the \_\_\_\_\_ of the attached application.  
(Owner, Contractor Vendee)
2. I make this affidavit for the purposes of complying with the requirements for the General Law Municipal Law Section 809.
3. No state officer of the State of New York, and no officer or employee of the County of Nassau, Town of North Hempstead, Town of Oyster Bay, or the Village of Roslyn Harbor has any interest in the person, partnership or association making the application to which is attached.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date