

*INC VILLAGE OF LATTINGTOWN
BOARD OF ZONING APPEALS*

Documents that **MUST BE DELIVERED** to Humes & Wagner, LLP, (the Village Attorneys) at 147 Forest Avenue, Locust Valley, NY 11560. All submissions must be made in person.

- () Original plus 12 collated packages containing the following:
 - () Building Inspector's rejection letter
 - () Completed and signed original appeal with all required supporting documents
 - () Radius map or copy of Nassau County Land and Tax Map showing all properties within 100 feet of the subject property, along with the Section, Block, Lot, Name and mailing address of the owner of each property within 100 feet.
 - () Survey of the property dated within one year of the filing of the appeal.
 - () Site plan, floor plans and elevations for all proposed construction.
 - () **All submissions MUST include a digital copy (PDF format) of the COMPLETE submission (e.g. appeal package, radius map, survey, site plan, construction plans, etc) on either a flash drive or CD-ROM, clearly labeled with the Applicant's name, address and Section, Block and Lot.**
- () Filing fees and hearing deposits as follows:
 - () Filing Fee: \$1,000
 - () Hearing Deposit: \$1,500Please submit two checks made payable to: **The Inc. Village of Lattingtown.**

**Incorporated Village of Lattingtown
299 Lattingtown Road
P.O. Box 488
Locust Valley, New York 11560
516-676-6920**

RULES AND REGULATIONS FOR THE BOARD OF ZONING APPEALS

THE BOARD OF ZONING APPEALS CUSTOMARILY MEETS THE FIRST TUESDAY OF EACH MONTH AT 7:30 P.M. AT THE VILLAGE HALL

COMPLETED APPLICATIONS MUST BE FILED WITH THE OFFICE OF THE VILLAGE ATTORNEYS NOT LESS THAN 30 DAYS IN ADVANCE OF THE MEETING.

PRE SUBMISSION REQUIREMENTS:

1. Completed Building Permit application package (2 complete sets) must be submitted to the Building Inspector for review.
2. Letter of Denial from the Building Department must be received by the Applicant.

APPLICATIONS SHALL INCLUDE:

ORIGINAL PLUS, TWELVE (12) COPIES OF EACH OF THE FOLLOWING (SUBMITTED IN THIRTEEN SEPARATE, COMPLETE AND COLLATED SETS). APPELLANTS MAY WISH TO MEET WITH THE VILLAGE ATTORNEYS PRIOR TO PREPARING THE 13 COLLATED SETS TO INSURE ALL DOCUMENTS ARE IN ORDER.

All submissions MUST include a digital copy (PDF format) of the COMPLETE submission (e.g. appeal package, radius map, survey, site plan, construction plans, etc) on either a flash drive or CD-ROM, clearly labeled with the Applicant's name, address and Section, Block and Lot

PLEASE INDICATE IN THE BOX PROVIDED THAT EACH ITEM HAS BEEN SUBMITTED.

Paperwork

- Application for a Variance, fully completed and signed where required.
- Original building permit application which has been reviewed and denied by the Building Department.
- Building Department=s letter of denial.
- Identification of all required permits or approvals from the Village or any other governmental body, and a record of application for and status of such permits or approvals.

- Radius map showing all properties located within **200** feet of the subject premises and list of names, addresses and section, block and lot(s) of all owners of properties within **100** feet of the subject premises.
- Certificate of Title and deed(s) for the existing lot(s).
- All appropriate permit fees, charges and deposits required by the Village pursuant to the Village Fee & Deposit schedule.
- Disclosure Affidavit required pursuant to Section 809 of the General Municipal Law shall be fully executed and notarized.
- Any other information found by the Board of Zoning Appeals or Building Department to be necessary to reasonably determine compliance of the project with applicable Village Law and Village Law '7-712-a.

Plans

- Site plan for the proposed land use, drawn at a scale of not less than one (1) inch equals twenty (20) feet, signed and sealed by a licensed architect or engineer. Site plan should also show the location of structures on contiguous properties.
- Plans for proposed activity for which applicant is making application, signed and sealed by a licensed architect or engineer.
- Current survey showing all existing structures, prepared, signed and sealed by a licensed land surveyor. The survey must be prepared or updated within the past year.
- Photographs of existing structures on the property and surrounding landscaping/screening (One set of originals - copies with each collated packet).
- Landscape plan prepared by a licensed professional.

The Village Attorney may waive any requirements he/she determines to be unnecessary for the appropriate review of a particular application but such waiver shall not be binding upon the Board of Zoning Appeals.

THE PLANS MUST INCLUDE

- A title block located in the lower right-hand corner of the site plan which shall include the name and address of the applicant and record owner of the property, the property's designation on the Nassau County Land and Tax Map, and the title of the project. If the applicant or property owner is a corporation, the name and address of the president and secretary shall be submitted with the application.
- A date block of the site plan adjacent to the title block containing the date of preparation of the plan, the dates of all revisions and a description of what was revised on the plan.

ZBA Rules of Procedure

- A key map showing the location of the property with reference to surrounding areas and existing street intersections within one-thousand (1,000) feet of the boundaries of the subject premises.
- A written and graphic scale, as well as a North Arrow.
- Zoning District boundaries shall be shown on the site plan as they affect the parcel
- The approximate location of structures on adjoining properties.
- Survey data showing boundaries of the property, required building and setback lines and lines of existing and proposed streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way, and site plans of contiguous properties with structures.
- Reference to any existing covenants, restrictions, easements or exceptions that are in effect or are intended to cover all or any of the property. A copy of such covenant, restriction, easement or exceptions shall be submitted with the application. If there are no known covenants, deed restrictions, easements or exceptions affecting the site, a notation to the effect shall be indicated on the site plan map.
- The plan shall contain a notation indicating any structures that are to be removed.
- All distances, as measured along the right-of-way lines of existing streets abutting the property to the nearest intersection with any other street.
- Elevations of all proposed structures.
- Location of all existing and proposed driveways, walkways and impervious surfaces located on the property.
- Location of all existing storm drainage structures, soil erosion and sediment control measures and utility facilities, including electric water, telephone and cable television, which are located within the property lines.
- Existing and proposed contours according to U.S. Geodetic Survey Datum at intervals not to exceed two (2) feet. Existing contours are to be indicated by dotted lines, proposed contours are to be indicated by solid lines.
- Existing elevations of the road or right-of-way contiguous to the site.
- The location of all existing significant natural features such as water courses, depressions, ponds, marshes, and other wetlands, whether or not officially mapped.
- The proposed location, direction of illumination, power and time of proposed

ZBA Rules of Procedure

outdoor lighting.

- Zoning Calculation chart comparing **ALL** required zoning regulations governing the property to the actual existing dimensions of the property and structures and the proposed changes.
- Illustration of all proposed structures as they relate to the sky-exposure plane.
- FEMA Certificate certifying base elevation - if applicable.
- Delineation of Flood Plain Zone as shown on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and adopted by the Village of Lattingtown, if applicable.
- Delineation of Coastal Erosion Hazard Area, if the property is located within the Village designated Coastal Management Zone, if applicable.
- Delineation of tidal and freshwater wetland areas as designated by the New York State Department of Environmental Conservation, if applicable.

LANDSCAPE PLAN SHOWING THE FOLLOWING:

Landscape plan, prepared by a licensed professional drawn at a scale of not less than one (1) inch equals twenty (20) feet and which contains the following information:

- Outlines of all existing and proposed structures, driveways, walkways and impervious surfaces to be located on the property.
 - The location of all existing significant natural features such as water courses, depressions, ponds and marshes.
 - The location of all trees, identified by type or species and size, bearing a trunk circumference greater than twenty-five (25) inches in circumference (for deciduous trees) and fifteen (15) inches in circumference (for evergreen trees) as measured at a point four (4) feet six (6) inches above the ground level.
 - The location of all trees, shrubs and /or vegetation, identified by type or species, which are to be removed..
 - The location of all trees, shrubs and/or vegetation, identified by type of species which are to be preserved.
 - Location and listing of all trees, shrubs and/or other vegetation, identified by size, height and type or species, which are to be planted.
- Application must be accompanied by a filing fee of \$1,000.00 payable to the Incorporated

ZBA Rules of Procedure

Village of Lattingtown and a \$1,500.00 deposit to defray the actual cost of expenses incurred by the Village (separate checks please) Should actual expenses exceed \$1,500.00, the applicant will be required to reimburse the Village for the total additional expenses pursuant to the Village Fee and Deposit Law. If expenses are less than \$1,000.00, the Village will refund the remainder to the applicant. These expenses include, but are not limited to:

1. Advertising
2. Stenographic Minutes
3. Engineering Costs
4. Inspection Costs
5. Legal Fees for Village Attorney
6. Recording Fees
7. Planning, sound, traffic, environmental or other specialized studies.

- It is required that, at least two weeks prior to the scheduled hearing the property be staked to show dimensions of proposed construction and show property boundary lines. The applicant shall notify the Village Attorney when staking is completed. The appellant shall complete and sign the attached consent to allow the Board of Zoning Appeals members to inspect the property during reasonable hours and with reasonable notice to the homeowner in advance of the hearing.
- NOTICE TO CONTIGUOUS OWNERS** - All property owners within **100 feet** shall receive a copy of the notice of hearing by Certified Mail - Return Receipt Requested which will be completed by the Village Attorney's office not less than ten (10) days prior to the hearing.
- Any additional papers, plans or revisions to plans which the applicant wishes to present to the Board of Zoning Appeals must be filed with the Clerk of the Board no later than 10 days prior to the scheduled hearing. If submitted later, the application may be postponed until the next scheduled hearing.
- Decision of the Board of Zoning Appeals is made only after a public hearing which has been advertised by legal notice published in the official newspaper of the Village at least ten (10) days prior to the hearing (inclusive of Saturdays and Sundays) and by notice to property owners properly completed.

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

- The applicant shall be required to acknowledge that he/she is proceeding at his/her own risk and will bear full responsibility for any revisions or alterations which may be occasioned by the written decision and order of the Board of Appeals.

ZBA Rules of Procedure

- Applicant shall be required to provide written assurance saving and holding the Village harmless from any and all liability arising out of the earlier issuance of the building or fill permit.

- Any building or fill permit which may be issued in the interim period shall note that it is subject to the formal written decision and order of the Board.

ANY APPLICATION SUBMITTED WHICH DOES NOT CONFORM TO THESE RULES WILL BE DEEMED INCOMPLETE AND WILL NOT BE ACCEPTED BY THE VILLAGE.

IF AN APPROVAL IS GRANTED BY THE BOARD OF APPEALS A COPY OF THE APPROVED PLANS MUST BE KEPT ON THE JOB SITE. ANY CHANGES TO THE APPROVED PLANS MAY REQUIRED THAT A MODIFIED APPLICATION BE COMPLETED AND SUBMITTED TO THE BOARD FOR THEIR REVIEW.