



Incorporated Village of Malverne

Building Department

99 Church Street, Malverne New York 11565-1726

Phone: (516) 599-1200 • Fax: (516) 823-0767

INSTRUCTIONS FOR ZONING
VARIANCE APPLICATION

Submit the following:

- **Two (2) complete paper copy sets of the following forms and drawings collated.**
- **Electronic copy of entire application package including all forms and drawings in separately named PDF or JPG file format for each item. Email to “mkschnaars@malvernevillage.org” and “lsantora@malvernevillage.org”.**
- **When an application is filed, it shall be accompanied by a fee payable to the Inc. Village of Malverne by check, money order or credit card (service fee is applicable) in the following amount:**

| | |
|--|-----------------|
| Single Family Residential Variance Application due at Filing | \$500.00 |
| Commercial and Multi Family Variance Applications due at Filing | \$750.00 |
| Deposit for stenographer and legal notice reimbursement | \$400.00 |

***Shall the final fees for the stenographer and legal notice posting be less than the deposit, remaining funds shall be credited to other permit fees.**

1. Variance Application (original plus one copy)
2. Design professional plans or other documents/drawings as deemed necessary. Please include drawings / sketches that the permit denial was based upon. In the case where the application involves a dwelling structure (new, addition or conversion of non-habitable space to habitable space) drawings shall depict all floors, including the basement area and its existing and proposed use is required.
3. NYS Short Environmental Assessment Form. Long Form is required upon request of the Board.
4. Disclosure Statement.
5. Denial Notice from Building Department Superintendent.
6. Recent dated survey (should be no more than one year old) by a licensed engineer or surveyor showing ALL CURRENT conditions of the property involved and including the Section, Block and Lot numbers on the Village Tax Map. Older survey MAY be deemed acceptable if it show all structures on the property including sheds, decks, HVAC equipment, generators, swimming pools, etc.
7. Color photographs showing at least all four (4) elevations of the building or structure and the surrounding property areas.
8. Original Affidavit of Variance Expiration
9. Original Affidavit Costs and Fees

10. Original Affidavit of Appearance, if applicable. This would be required if the property owner will not be at the hearing.
11. Radius map showing all properties with two hundred (200) feet of the subject property boundary lines showing the size of the plots. **This radius map must also indicate if there are (or are not) any Town, City or Village boundary within five hundred (500) feet and any New York State property within one thousand (1,000) feet of subject property. Radius Map must be prepared, signed and sealed by a NYS licensed design professional if provided by a design professional. SEE NOTE BELOW.**
12. Complete and accurate lists of the names and addresses of the owners of all the lands within a radius of two hundred (200) feet of the boundary lines of property affected, five hundred (500) feet from any Town, City, or Village boundary, and one thousand (1,000) feet from any New York State Property, as indicated on the radius map provided per item #12. **SEE NOTE BELOW**

PLEASE NOTE THAT THE VILLAGE CAN PROVIDE THIS SERVICE FOR THE APPLICANT FOR ITEMS 11. AND 12. AT A COMPETITIVE FEE OF \$200.00. INCLUDING NECESSARY HARD COPIES AND PDF ELECTRONIC FILE FOR THE APPLICATION SUBMITTAL

- **Upon submission and acceptance of your application, you will be notified by email of your scheduled hearing date.**
 - **Approximately 4 weeks prior to your hearing date, the mailing instructions, legal notice, and affidavit of serving notice will be emailed to you.**
1. The legal notice, provided by the Village of Malverne, shall be sent to all property owners listed on the radius map / mailing list by ordinary USPS first class mail.
 2. All notices shall be mailed, NOT LESS than fifteen (15) days nor MORE than twenty-five (25) days before the date of the scheduled Public Hearing.
 3. Original Affidavit of Serving Notice must be submitted upon completion of the mailings prior to the hearing date.

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SECTION _____ BLOCK _____ LOT(S) _____

BOARD OF ZONING APPEALS VARIANCE APPLICATION

In The Matter of the Application of

Variance # _____

Zone: _____

BOARD OF ZONING APPEALS OF THE INC. VILLAGE OF MALVERNE, N.Y.

Strike out
inapplicable

The application of _____ respectfully states and alleges:

phrase

1. That the applicant (residing at) (doing business at) _____

2. That the premises affected by this application is located at:

_____ Malverne, N.Y.

State if applicant

3. That (the applicant) (the applicant's duly authorized _____) on or about the

Is owner, lessee, or

_____ day of _____, 20____ filed in the office of the Building Department

has option or

of the Inc. Village of Malverne, N.Y. an application for a building permit.

Contract. If

4. That on or about the _____ day of _____, 20____, the Dept.

other than owner

of Buildings denied said application for the following section of the Code of the Village of Malverne:

state terms of

agreement.

Obtain reason

5.A. Nature of proposed improvements / existing conditions:

For denial

From Building Dept.

State nature of use

of property. If a

business give a

brief description

6. That said premises is now being used as follows:

7. That the applicant seeks authority to make use of said premises as follows:

If more space is
needed, annex
statement on

8. That the following is a statement of other factual information deemed pertinent by the applicant:

separate sheet &

refer to it here
with the following:
"See annexed
statement which is
made a part hereof"

9. That the grounds for this application are as follows: _____

If non conforming
use is claimed set

10. That any deed covenants or restrictions running with the land prohibiting the desired
use is as follows:

forth uses made of

premises & dates

thereof in

chronological order.

WHEREFORE, the applicant prays that the authority sought herein, be granted.

Dated: _____

State of New York }

SS:

County of Nassau }

_____ the applicant, named in the foregoing application

If this verification
is made by an

subscribed by _____ and knows the contents thereof,

and that the same is true to his/her own knowledge except as to the matters therein stated officer of a

to be alleged on information and belief, and that as to those matters believe it to be true.

Corporation or an
Association or by
legal representative

Signature

of an estate, name

Sworn to before me this _____

and office should

day of _____ 20 _____

be designated on

the first line.

Notary Public



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AFFIDAVIT OF OWNER

(To be completed only if the owner is not the applicant)

State of New York}

SS:

County of Nassau}

_____ being duly sworn deposes and says:

That he/she _____

is/are the owner(s) of _____ Malverne, N.Y.

and that the application subscribed herein is correct to the best of the knowledge of the deponent.

Print Name: _____

Signature: _____

Sworn to before me this _____

day of _____ 20____

Notary Public

NOTICE: CONFLICT OF INTEREST

I have read Section 809 of the General Municipal Law concerning disclosure of any conflict of interest and hereby certify that there are no conflicts in respect to this application.

Date: _____

Signature: _____

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AFFIDAVIT

For Zoning Board of Appeals / Planning Board Application Costs and Fees

State of New York}

SS:

County of Nassau}

Date: _____

Application # _____

_____, being duly sworn deposes and says, that, (I, we) are the owner(s) of _____, Malverne, New York.

That, I/we acknowledge the owner is liable to the Village for costs and fees incurred for advertising, stenographic minutes of meetings, engineering costs, inspection costs, legal fees and planning, traffic, environmental or other specialized studies as per Article VI 600-6.4, Article VIII 600-8.10, Article XIII 600-13.4 and Local Law #2/2007.

That, we hereby understand we are responsible for the above-referenced costs and fees and agree to pay the same upon receiving written notice of all fees due and owing.

Print Name: _____

Signature: _____

Sworn to before me this _____

day of _____ 20____

Notary Public



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AFFIDAVIT OF APPEARANCE

State of New York}

SS:

County of Nassau}

Date: _____

Application # _____

I, (print name) _____, owner of

(address) _____ Malverne, NY hereby authorize

_____, to represent me / us

at the _____, 20__ Zoning Board of Appeals hearing in connection with

Application # _____ to:

Print Name: _____

Signature: _____

Sworn to before me this _____

day of _____ 20__

Notary Public

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VARIANCE EXPIRATION AFFIDAVIT

State of New York}

SS:

County of Nassau}

Date: _____

Application # _____

(I, we) _____, being duly sworn deposes and says, that (I, we) are the

owner(s) of _____, Malverne, New York.

That I / we understand pursuant to Article VI, Section 600-6.1 D (2) Expiration, lapse, extension and reinstatement of variance. Any variance granted pursuant to this chapter shall automatically expire and be of no further force and effect one year after the granting thereof unless, within such one-year period, substantial construction shall have been commenced. All construction must be completed within one year of the date of commencement of substantial construction. If construction is not completed within the one-year period, the variance shall automatically expire and be of no further force and effect. The Zoning Board of Appeals shall be authorized, upon application and submission of an extension fee, and without hearing, to grant extensions of the variance for additional periods, each not to exceed six months, or to reinstate a lapsed variance for good cause shown. No extension or restatement shall be granted unless the applicant has paid the extension fee.

Print Name: _____

Signature: _____

Sworn to before me this _____

day of _____ 20_____

Notary Public



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APPLICANT DISCLOSURE STATEMENT

Applicant's Name:

Applicant's

Address:

Nature of the Application:

Please check whichever of the following applies to you:

- Please check this box if you have a financial relationship with any Officer or Employee of the Village of Malverne.
- A Village Officer or Employee is a family member of the Applicant.
- The Applicant is a corporation, and a Village Officer or Employee is an Officer or director of the corporation or owns more than 5% of the outstanding stock of the corporation.
- A Village Officer or Employee either has or intends to enter into an employment, professional, business or financial relationship with the Applicant or with any principal of the Applicant.
- A Village Officer or Employee has received a financial or other benefit having a total value of more than Two Thousand (\$2,000.00) Dollars from the Applicant within the past 24 months.
- A Village Officer or Employee will receive, pursuant to an agreement with the Applicant or any person, a financial or other benefit if the Village's disposition of the Application is favorable to the Applicant.
- The Applicant has made one or more campaign contributions totaling \$250.00 dollars or more within the past 24 months to an Officer or Employee of the Village of Malverne.
- Other – Please explain (attach additional sheets if necessary)

If any boxes are checked above, please write the name of the Village Officer or Employee with whom the Applicant has a financial relationship:

Print Name:

Signature:

Sworn to before me this _____

day of _____ 20 _____

Notary Public

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.

| Part 1 - Project and Sponsor Information | | | | |
|---|--|------------|--------------------------|--------------------------|
| 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 | YES |
| | | | <input type="checkbox"/> | <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 | YES |
| | | | <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, 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? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? | NO | YES | |
| | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <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"/> | |

| | | |
|--|--|---|
| <p>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: _____ _____ _____</p> | <p>NO</p> <p><input type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>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: _____ _____ _____</p> | <p>NO</p> <p><input type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>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: _____ _____ _____</p> | <p>NO</p> <p><input type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p> | | |

Project:

Date:

| |
|--|
| |
| |

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

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: | <input type="checkbox"/> | <input type="checkbox"/> |
| 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"/> |
| 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"/> |

Project:

Date:

| |
|--|
| |
| |

Short Environmental Assessment Form Part 3 Determination of Significance

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.

- 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.
- 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)