



Zoning Board of Appeals Application Checklist

Zoning Board of Appeals Chairman Gerard Piering

Village of Westhampton Beach, 165 Mill Road, Westhampton Beach, NY 11978

Phone: 631-288-2429 **Fax:** 631-288-6275 **Email:** secretary@westhamptonbeach.org



Name of Applicant: _____

Suffolk County Tax Map Number: _____

Address of the Property: _____

ZBA APPLICATIONS FOR VARIANCES WILL NOT BE ACCEPTED WITHOUT DENIAL LETTER ANNEXED

_____ 10 copies of Application submitted (**2 originals and 8 photocopies**)

_____ Items 1-11 on Page 5 of application **initialed**

Application submitted by:

_____ Property Owner

_____ Agent of Owner

_____ Owner's Authorization is attached (signed and notarized)

_____ Applicant's signature notarized

Application includes:

_____ 10 Environmental Assessment forms (completed and executed)

_____ 10 Copies of Survey of Property

(prepared within one(1) year of application date with lot coverage indicated thereon-both existing and proposed)

NOTE: Coastal Erosion variance applications - Survey must show lot coverage of dwelling, decks, swimming pools and accessory buildings SEPARATELY.

_____ 10 Copies of every Certificate of Occupancy issued for this property

_____ 10 Copies of current Deed

_____ 8 Sets of construction plans for proposed work

If Applicable:

_____ NY State Dept. of Environmental Conservation Determination / No jurisdiction letter if within 300 feet of tidal waters

_____ Certified Abstract of Single and Separate Ownership (for dimensional variances on undersized lots)

Application fee is attached:

(If relief is requested from more than one of the following, the filing fee for each appeal shall be paid at time of filing.)

_____ **\$350.00** - Area Variance or Zoning Interpretation

_____ **\$500.00** - Use Variance

_____ **\$1,000.00** - Coastal Erosion Variance

_____ **\$1,000.00** - FEMA Variance

_____ **\$350.00** - Appeal from determination of the Architectural Review Board

_____ Application date stamped

_____ Application is _____ complete, _____ not complete

**** Description / Summary of Use Variance and Area Variance attached ****

Checklist filled out by: _____ Date: _____

NOTE: When a hearing date has been scheduled, applicant or his designated agent will be responsible to notify the bounders of the date, time and place of the hearing, in accordance with Village Law. At that time, the secretary to the Zoning Board will mail a copy of the public notice to the applicant or his designated agent with detailed instructions for notifying the bounders. Failure to properly notify the bounders, as instructed, will result in the inability of the Board to hear the application.



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Date: _____

PART I: OWNER INFO - Please type or Print below

Property Location: _____

Owner(s) of Record: [Full Name] _____

Home Phone #: () - Work #: () - Cell #: () -

Email Address: _____

Mailing Address of Owner(s): _____

City, State, Zip Code: _____

PART II: AGENT INFO - if applicable

Agent Name: _____

Work #: () - Cell #: () - Email Address: _____

Mailing Address of Agent: _____

City, State, Zip Code: _____

PART III: ATTORNEY INFO

Attorney for Applicant: _____

Work #: () - Cell #: () - Email Address: _____

Mailing Address of Attorney: _____

City, State, Zip Code: _____

PART III: APPLICATION DETAILS

Note: If this application is being made by someone other than the owner, the owner must sign the owner's authorization attached to this document.

I (We) _____

Being the (circle one) Owner(s), agent or attorney for the Owner of premises located at:

PROPERTY LOCATION

Suffolk County Tax Map Number: District 0905, Section _____, Block _____, Lot _____

Apply for: (check one or more) Zoning District: _____

- Area variance
- Coastal Erosion Variance
- Variance of the Sign Ordinance
- Interpretation of the Zoning Ordinance
- Special Use Permit
- Appeal from a Determination of the Architectural Review Board
- Use variance
- FEMA variance
- Variance of the Group Rental Ordinance

The applicable provisions of the Zoning Ordinance from which relief is sought are:

Article: _____, Section: _____, Subsection: _____

Article: _____, Section: _____, Subsection: _____

Article: _____, Section: _____, Subsection: _____



Certification

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_____ states as follows:

(1) I am interested in an application for a variance or special use permit now pending before the Westhampton Beach Village Zoning Board of Appeals.

(2) I reside at: _____

(3) The nature of my interest in the aforesaid application is as follows: _____

(4) If applicant or owner is a corporation, list officers:

President: _____

Vice President: _____

Secretary: _____

Treasurer: _____

(5) Do any of the following individuals have an interest, as defined below, in the owner of applicant:

(A) Any New York State officer, or

(B) Any officer or employee of Westhampton Beach, Southampton Town or Suffolk County.

For the purpose of this disclosure, an officer or employee shall be deemed to have an interest in the owner or applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:

(A) Is the applicant or owner, or

(B) Is an officer, director, partner, or employee of the applicant or owner, or

(C) Legally or beneficially owns or controls stock of a corporate applicant or owner, or

(D) Is a party to an agreement with such an applicant or owner, 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.

A person who knowingly and intentionally fails to make such disclosure shall be Guilty of a misdemeanor as provided for in General Municipal Law, Section 809.

(Yes) (No)

If "yes" state the name, address, nature and extent of the interest of such individual.

(Name)

(Address)

(Extent of interest)



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This application is submitted as follows: (Initial each, as applicable):

- (1) After denial of a Building Permit application (copy of denial must be annexed): ()
- (2) In ten copies, inclusive of the two originals: ()
- (3) Notarized properly: ()
- (4) With ten(10) accurate original surveys prepared by a NY State Licensed Surveyor within the past twelve(12) months (surveys include lot coverage): ()
- (5) With one(1) original and nine(9) copies of a completed and executed Environmental Assessment form: ()
- (6) With ten(10) copies of every certificate of occupancy issued for this property: ()
- (7) With a certified abstract of single and separate ownership (for dimensional variances on undersized lots): ()
- (8) With NY State Dept. of Environmental Conservation determination or no jurisdiction letter (if within 300 feet of tidal waters): ()
- (9) With a written authorization signed by the owner if applicant is contract vendee: ()
- (10) Applicant affirms that he/she will notify all property owners within a two hundred(200) foot radius by Certified Mail, return-receipt-requested. Notice must be at least ten(10) days prior to the scheduled hearing date. Original receipts of the certified mailings must be submitted to the Zoning Board Secretary five(5) days prior to the hearing date and the signed return receipt cards must be submitted to the Zoning Board Secretary at or prior to the hearing date: ()
- (11) With the appropriate filing fee payable to the Village of Westhampton Beach: ()
- (12) Copy of recorded deed if new purchase: ()

Any application not filled in properly, or submitted without the necessary papers will not be processed until completed. The Zoning Board of Appeals reserves the right to request additional documentation and drawings, and to condition relief upon the filing of covenants and restrictions with the Suffolk County Clerk.

Signature of owner, agent or attorney

Sworn to before me this _____ Day of _____, 20_____.

Notary Public



Use Variance and Area Variance

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PART I: USE VARIANCE

An individual who wants to utilize property for a use that is not permitted by the zoning ordinance must apply for a use variance. An application for a use variance must demonstrate unnecessary hardship by satisfying each of the following four tests:

- (1) **Uniqueness** - The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. If the features or conditions are generally applicable throughout the district a variance should not be granted. In those situations where the difficulty is shared by others, the relief should be accomplished by an amendment to the zoning ordinance, not a variance.
- (2) **Reasonable Return** - The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by the zoning ordinance. There must be a dollar and cents proof of the applicant(s) inability to realize reasonable return; speculation of qualitative assessment is inadequate. Failure to realize the highest return is not considered a hardship.
- (3) **Character** - The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the spirit of the ordinance or local law should be preserved.
- (4) **Self-Created Hardship** - The applicant must prove that the alleged hardship is not self-created.

The applicant for a use variance must meet all four tests before the Appeals Board may grant relief. A use variance should not be granted if the "unnecessary hardship" was created by the applicant. If the Appeals Board grants a use variance to an applicant who has failed to meet each of the tests, it runs the risk of assuming the function of the legislative body and making a decision contrary to the legislative intent of the zoning ordinance.

PART II: AREA VARIANCE

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- (2) Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance.
- (3) Whether the requested area variance is substantial.
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not preclude the granting of the area variance.

The Appeals Board should grant the minimum relief necessary to allow reasonable use of the land in question. An applicant is not automatically entitled to receive relief.

SUMMARY

The major difference between a use variance and an area variance involves the use of the property. An area variance results in a modification of physical restrictions so that an allowable use may be established on the property. By contrast, a use variance permits the establishment of a use which is prohibited by the zoning ordinance and the zoning map. It is for this reason that the standards established for an area variance.

The Zoning Board of Appeals shall have the power, upon an appeal from a decision of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.



Owner Authorization

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STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

I, _____
OWNER

residing at _____
OWNER ADDRESS

being the owner of premises _____
PROPERTY LOCATION

also known as Suffolk County Tax Map #: _____
TAX MAP #

hereby authorize _____
AGENT

whose mailing address is _____
AGENT ADDRESS

to appear on my behalf before the _____

of the Village of Westhampton Beach, and to file any documents required with reference to my

application for _____.

I hereby agree to allow my agent, whose name appears above, to act on my behalf and I further agree to abide by any requirements imposed by this Board as a condition of their approval.

OWNER SIGNATURE

Sworn to before me this _____ day of _____, 200_____.

NOTARY PUBLIC



Environmental Assessment Form

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Part 1 (To be completed by the Applicant)

(NOTE: To be accompanied by a survey showing location of project or action, including elevations if necessary).

The purpose of this Environmental Assessment Form is to provide information, which will assist the Village in determining whether the action you propose, may have a significant impact or effect on the environment. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Please complete the entire form leaving no blanks. If a question does not apply, please indicate so.

This is a standardized form widely used by agencies of government in an effort to comply with the State Environmental Quality Review Act and to protect the environment by a close review of a proposed action. Different parts, accordingly, will be of lesser or greater significance depending on actual facts as presented by applicant.

NOTE: If sufficient space does not exist to give appropriate answers to any question(s) on this form, please attach sheet giving such answers properly referenced to question number and page number.

VILLAGE REVIEWING AGENCY

Project Name:	_____	Site Plan:	_____
Street:	_____	Subdivision Waiver:	_____
Zoning District:	_____	Subdivision:	_____
County Tax Map Parcel No.:	_____	Special Permit:	_____
Map, Block, Lot:	_____	Zoning Board:	_____

OWNER:

Name:	_____		
Full Address:	_____		
P.O. and Zip Code:	_____	Telephone No.:	_____

ATTORNEY OR AGENT:

Name:	_____		
Full Address:	_____		
P.O. and Zip Code:	_____	Telephone No.:	_____

SURVEYOR/ENGINEER:

Name:	_____		
Full Address:	_____		
P.O. and Zip Code:	_____	Telephone No.:	_____

DESCRIPTION OF PROJECT: *(Briefly describe type of project or action)*

A. SITE DESCRIPTION *(Physical setting of overall project, both developed and undeveloped areas)*

1. General character of the land: _____ Generally uniform slope, _____ Generally uneven and rolling or irregular
2. Present land use: _____ Urban, _____ Industrial, _____ Commercial, _____ Rural, _____ Forest, _____ Agriculture, _____ Suburban, Other (describe): _____



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3. Approximate percentage of project area:	<u>Presently</u>	<u>After completion</u>
Meadow or brushland	_____ %	_____ %
Forested	_____ %	_____ %
Agricultural	_____ %	_____ %
Water surface	_____ %	_____ %
Wetland	_____ %	_____ %
Unvegetated (rock, earth or fill)	_____ %	_____ %
Roads, buildings and other paved surfaces	_____ %	_____ %
Other (indicate type) _____	_____ %	_____ %

4. What is predominant soil type(s) on site? _____

5. Approximate percentage of presently undeveloped project area with slopes: _____ 15% or greater; _____ 10-15%; _____ 0-10%

6. Is project located within quarter mile of or contain:

a. A building or site listed on the National Register of Historic Places _____ Yes, _____ No

b. A building or site listed on the Statewide Inventory or Historic and Cultural Resources _____ Yes, _____ No

c. An archeological site or fossil bed _____ Yes, _____ No

7. What is the depth to the water table? _____ feet

8. Do hunting or fishing opportunities presently exist in the project area? _____ Yes, _____ No

9. Does project site contain any species of plant or animal life that is identified as Threatened or Endangered? _____ Yes, _____ No

If Yes, identify each species: _____

10. Are there any unique or unusual landforms on the project site? (i.e. cliffs, dunes, other geological formations) _____ Yes, _____ No

If Yes, describe: _____

11. Is the project site presently used by the community or neighborhood as an open space or recreation area? _____ Yes, _____ No

12. Does the present site offer or include Scenic views or Vistas known to the community? _____ Yes, _____ No

13. Are there any streams within or contiguous to project area? _____ Yes, _____ No

14. Are there lakes, ponds, or wetland areas within or contiguous to project area? _____ Yes, _____ No

If Yes, (a) Name: _____, (b) Size in acres: _____

15. What is the dominant Land Use and Zoning Classification within a 1/2 mile radius of the project (e.g. single family residential, R-2) and the scale of development (e.g. two story)



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B: PROJECT DESCRIPTION

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned by project sponsor _____ acres.

b. Project acreage developed: _____ acres initially; _____ acres ultimately.

c. Project acreage to remain undeveloped _____ acres.

d. Length in miles _____.

e. If project is an expansion of existing structure(s), indicate percent of expansion proposed:

Building square footage _____ developed acreage _____.

f. Number of off-street parking spaces existing _____ Proposed _____.

g. Maximum vehicular trips generated per hour _____ (Upon completion of project).

h. If residential, Number and type of housing units:

One Family

Two Family

Multiple Family

Condominium

Initial _____

Ultimate _____

i. If: Orientation

Neighborhood-Town-Regional

Estimated Employment

Commercial _____

Industrial _____

j. Total height of tallest proposed structure _____ feet.

2. How many acres of land will be graded? _____ acres.

3. How much natural material (i.e. rock, earth, etc.) will be removed from the site? _____ tons; _____ cubic yards.

4. Approximate percentage of developed project area with slopes: _____ 15% or greater, _____ 10-15%, _____ 0-10 %

5. How many acres of vegetation (trees, shrubs, ground covers) will be removed from the site? _____ acres.

6. Will any mature forest (over 100 years old) or other locally important vegetation be removed by this project? _____ Yes, _____ No

7. Are there any plans for revegation to replace that removed during construction? _____ Yes, _____ No

8. If single phase project: (a) Anticipated date of commencement: Month _____, Year _____

(b) Approximate completion date: Month _____, Year _____

9. If multi-phased project: (a) Total # of phases anticipated? _____

(b) Anticipated date of commencement Phase 1 (including demolition): Month _____, Year _____

(c) Approximate completion date final phase: Month _____, Year _____

(d) Is Phase 1 financially dependent on subsequent phases? _____ Yes, _____ No

10. Number of jobs generated: During construction _____ after project completed _____.

11. Number of jobs eliminated by this project: _____.

12. Will project require relocation of any projects or facilities? _____ Yes, _____ No

If yes, explain: _____



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- 13. Acreage of freshwater or tidal wetlands affected by project: _____ acres.
- 14. (a) Is surface or subsurface liquid waste disposal involved? _____ Yes, _____ No
 (b) If Yes, indicate type of waste (sewage, industrial, etc.) _____
 (c) If surface disposal, name of stream into which effluent will be discharged. _____
- 15. Will surface area of existing lakes, ponds, streams, bays or other surface waterways be increased or decreased by proposal? _____ Yes, _____ No
- 16. Is project or any portion of project located in the 100 year flood plain? _____ Yes, _____ No
- 17. (a) Does project involve disposal of solid waste? _____ Yes, _____ No
 (b) If Yes, will an existing solid waste disposal facility be used? _____ Yes, _____ No
 (c) If Yes, give name: _____ location _____
 (d) Will any wastes not go into a sewage disposal system or into a sanitary landfill? _____ Yes, _____ No
- 18. Will project use herbicides or pesticides? _____ Yes, _____ No
- 19. Will project routinely produce odors (more than one hour per day)? _____ Yes, _____ No
- 20. Will project cause a continuing increase in noise levels on completion? _____ Yes, _____ No
- 21. Will project cause an increase in energy use? _____ Yes, _____ No
- 22. If water supply is from wells, indicate pumping capacity: _____ gallons per minute.
- 23. Total anticipated water usage per day: _____ gallons per day.
- 24. Zoning: (a) Current specific zoning classification of site: _____
 (b) Is proposed use consistent with present zoning? _____ Yes, _____ No
 (c) If No, indicate desired zoning: _____
- 25. Approvals: (a) Is any Federal permit required? _____ Yes, _____ No
 (b) Does project involve State or Federal funding or financing? _____ Yes, _____ No
 (c) Local and Regional approvals:

	<u>Approval</u>	<u>Type Approval</u> <u>Required</u>	<u>Submittal</u> <u>(date)</u>	<u>Approval</u> <u>(date)</u>
Village Board if Trustees:	_____ Yes, _____ No	_____	_____	_____
Village Planning Board:	_____ Yes, _____ No	_____	_____	_____
Village Zoning Board:	_____ Yes, _____ No	_____	_____	_____
County Health Department:	_____ Yes, _____ No	_____	_____	_____
Other Suffolk County Agencies:	_____ Yes, _____ No	_____	_____	_____
State DEC:	_____ Yes, _____ No	_____	_____	_____
Federal Agencies:	_____ Yes, _____ No	_____	_____	_____

C: INFORMATION DETAILS Attach any additional information as may be needed to clarify your project.

If there are or may be any adverse impacts associated with the proposal, please discuss such impacts and the measures, which can be taken to mitigate or avoid them.

PREPARERS SIGNATURE: _____ TITLE: _____

REPRESENTING: _____ DATE: _____