

# VILLAGE OF BABYLON

## FILING INSTRUCTIONS FOR THE ZONING BOARD OF APPEALS

### FILING REQUIREMENTS:

THE FOLLOWING DOCUMENTATION MUST TO BE SUBMITTED WITH THE APPLICATION OR IT CANNOT BE ACCEPTED:

\_\_\_\_\_ APPLICATION

\_\_\_\_\_ BUILDING DEPARTMENT DENIAL FORM OR PLANNING BOARD LETTER

\_\_\_\_\_ NYS SHORT ENVIRONMENTAL ASSESSMENT FORM OR NYS FULL ENVIRONMENTAL ASSESSMENT FORM, if directed by the Planning Board

\_\_\_\_\_ PROFESSIONAL DRAWN SITE PLAN for pre-existing structures and/or proposed structures (i.e. pool, accessory building, deck)

\_\_\_\_\_ PLANS - three (3) sets of professionally prepared plans for proposed construction of any kind prepared by a draftsman or architect. If they are prepared by an architect they do not need to be sealed plans.

*\*\*\* If a Full Environmental Assessment Form (SEQR) is required, a 4<sup>th</sup> set of plans must be submitted \*\*\**

\_\_\_\_\_ HEIGHT ELEVATION from top of the curb or the crown of the road must be noted on the plans. If the property is in a FEMA flood zone, the flood zone must be noted on the plans and the ridge height is to be noted from the FEMA base flood elevation + 2 ft. freeboard (New York State Building Code.)

If the height is not noted on the plans, the Board will accept the measurement on stamped letterhead from a licensed architect or surveyor.

\_\_\_\_\_ SURVEY - three (3) copies of a current survey, no older than two years.

\_\_\_\_\_ DEED for the property.

\_\_\_\_\_ FEE to be submitted with application based on property zoning:

|   |           |
|---|-----------|
| Residential and Residential O Zone              | \$ 100.00 |
| Marine Commercial Zone                          | 250.00    |
| Retail Commercial & Industrial Zone             | 250.00    |
| Multi-Family District Zone                      | 250.00    |
| SEQRA consultant services deposit (if required) | 5,000.00  |

A request for relief to develop a substandard parcel requires a "single and separate" title search, and depending upon the result, a request to the Planning Board for a recommendation may be necessary. (See Babylon Village Code, Chapter 365-47)

## VILLAGE OF BABYLON

### INSTRUCTIONS FOR FILING AN APPLICATION FOR ZONING BOARD OF APPEALS

#### ADDITIONAL INFORMATION AND FILING REQUIREMENTS:

1. Applications seeking to renew a previously granted variance or special permission shall be filed together with the information required under the General Filing Requirements and any other information that supports the continuance of the variance or special permission.
2. An application that is limited to a request for special permission under Village Code § 365-20 (3) (Special uses in a retail business district) in an existing building, may be eligible for summary determination under Rule 13.
3. If, in the sole judgment of the Board, the required drawings and/or any other required information filed is inadequate or incomplete, the application may be deferred to a later scheduled Board meeting.
4. The Applicant must notify property owners within 200 feet of the subject parcel and post a ZBA sign or signs on the Applicant's property at least 15 days prior to the meeting, unless waived under Rule 13. The Village Clerk's Office will supply the applicant with a list and labels of the surrounding property owners, the legal notice to be sent, and the ZBA sign(s). Approximately four weeks prior to the hearing, the the Village Clerk's Office will notify the Applicant when the mailing information and signs are ready to be picked up. You will then receive instructions on how to proceed. When you pick up your mailing packet, a \$100.00 deposit will be due for each sign that is to be posted on your property. The initial cost of each sign of each sign will be \$100.00, with a 50% refund\*. This refund will be mailed to the applicant within one month upon return of the sign and sign voucher.

*\*Signs must be returned within two weeks of hearing or sign deposit will be forfeited.*

5. Schedule of Board Hearings: The Board of Appeals meets on the third Wednesday of the month at 7:30 p.m. in Babylon Village Hall, 153 West Main Street, Babylon, New York. The Board does not meet during the month of August.
6. Maximum Number of Applications: To provide the Board sufficient time to fully explore each application, the number of applications to be heard at each monthly meeting shall be limited to the Board's discretion. The only exception to this limit is applications for renewals of previously granted use variances. The Board may decide, at its sole discretion, to hear such renewal applications in addition to new applications for variances.
7. New York State SEQR (State Environmental Quality Review) If a New York State SEQR is required as part of the application to the Zoning Board of Appeals, a deposit of \$5000.00 is required to be paid at the time of application for consultant services. If after all pertinent costs, fees and charges under this section have been paid, the Village shall refund to the applicant any funds remaining on deposit. An application shall be deemed incomplete if any amount shall be outstanding. A building permit or certificate of occupancy or use shall not be issued unless all consultant services fees charged in connection with the applicant's project have been reimbursed to the Village. (Local Law 3 adopted June 26, 2018 – 365.31.1 CHARGES FOR CONSULTANT SERVICES.)

**VILLAGE OF BABYLON**  
**APPLICATION TO THE ZONING BOARD OF APPEALS**

COUNTY OF SUFFOLK  
STATE OF NEW YORK

SS:

\_\_\_\_\_ being duly sworn,  
deposes and says that he/she (or) they is/are the owner of the property described below. That all statements made in this application are true to the best of his (or) her knowledge and belief, except as to the matters therein stated to be alleged on information and belief and as to the matters he (or) she believes the same to be true. He (or) she understands the requirements of this application with regards to the submittal of plot plans, other drawings and the posting of public notices.

.....  
.....

**(ALL OWNERS must sign)**

Sworn before me this

..... Day of ....., 20.....

.....  
Notary Public, Suffolk County

In the Matter of the Application of:

| <u>Applicant</u>                                   | <u>Owner if not Applicant</u> |
|--|-------------------------------|
| Name: .....  | Name: .....                   |
| Address: .....                                     | Address: .....                |
| .....  | .....                         |
| .....  | .....                         |
| Phone #: .....                                     | E-mail: .....                 |
| Property Address or Description of Location: ..... |                               |
| .....  |                               |

|                                |                            |                         |                         |
|--------------------------------|----------------------------|-------------------------|-------------------------|
| <b>FOR VILLAGE CLERK ONLY:</b> |                            |                         |                         |
| Zone _____                     | Section _____              | Block _____             | Lot _____               |
| For Plans Examiner Only:       |                            |                         |                         |
| Plans Reviewed _____           | No Variance Required _____ | Variance Required _____ | (see attached comments) |
| (date)                         |                            |                         |                         |

**VILLAGE OF BABYLON**  
**APPLICATION TO THE BOARD OF APPEALS**

Description of relief sought, attach separate sheet if necessary:

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\*\*\* PLEASE NOTE \*\*\*

Variations required will be included whether or not listed above, as deemed necessary, and as determined by the Site Plans Examiner and the Zoning Board of Appeals, after review of the plans submitted with this application. The legal notice for this application will be derived based on the plans submitted.

1. Has a building permit been refused by Building Inspector? . . . . .
2. Is there a school, house of worship, or hospital within 500 ft. of this premises? . . . . .
3. Approximate cost of work this application is made for? \$ . . . . .
4. Is this premises with 500 feet of (Answer Yes or No):
  - . . . . . Boundary of any Village or Town
  - . . . . . Boundary of any existing or proposed County, State, or Federal park.
  - . . . . . The right of way of any existing or proposed County or State parkway, thruway, expressway, road or highway.
  - . . . . . The existing or proposed right of way of any stream or drainage Channel owned by the County or for which the County has established Channel lines.
  - . . . . . The existing or proposed boundary of any other County, State or Federal owned land.
  - . . . . . The Atlantic Ocean, Long Island Sound, any bay in Suffolk County, Or estuary of any of the foregoing bodies of water.

## VILLAGE OF BABYLON

### APPLICATION TO THE BOARD OF APPEALS

5. Answer yes or no to determine whether the application qualified for summary determination pursuant to Rule 13.

**\*\*\*\*\* FOR PROPERTIES IN THE RETAIL BUSINESS DISTRICT ONLY \*\*\*\*\***

..... Is the property in a Retail Business District.

..... Is the relief requested limited to a request for special permission of a use.

..... Is the building an existing building with an existing certificate of occupancy.

If you answered YES to all the questions in item 5 you may qualify for summary determination and expedited processing of your application under Rule 13. To request a summary determination you must complete the "Building Department Referral Form for Determination of Eligibility for Summary Determination."

**VILLAGE OF BABYLON**  
**APPLICATION TO THE BOARD OF APPEALS**

PROPERTY OWNER'S ENDORSEMENT

(to be completed by ALL OWNERS if the applicant/business owner is not the property owner)

COUNTY OF SUFFOLK  
STATE OF NEW YORK

SS:

\_\_\_\_\_ being duly sworn,  
deposes and says that he/she/they reside(s) at \_\_\_\_\_  
in the County of \_\_\_\_\_, and State of \_\_\_\_\_, and that he/she/they  
is/are the owner in fee or \_\_\_\_\_ of the \_\_\_\_\_  
Corporation, which is the owner in fee of the premises described in the foregoing application to  
the Zoning Board of Appeals and that (s)he has authorized \_\_\_\_\_  
to make the foregoing application and/or represent the owner at the Zoning Board of Appeals  
hearing.

.....  
.....

Sworn before me this

..... Day of ....., 20.....

.....  
Notary Public, Suffolk County

## *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.

|  |  |             |                                 |
|--|--|-------------|---------------------------------|
| <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?<br>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<br><input type="checkbox"/>  |
|  |  |             | YES<br><input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:   |  |             | NO<br><input type="checkbox"/>  |
|  |  |             | YES<br><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  |  |             |                                 |





|   |  |   |
|---|--|---|
| <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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> | <p><b>NO</b></p> <p><input type="checkbox"/></p> | <p><b>YES</b></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?</p> <p>If Yes, describe: _____</p> <p>_____</p>   | <p><b>NO</b></p> <p><input type="checkbox"/></p> | <p><b>YES</b></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?</p> <p>If Yes, describe: _____</p> <p>_____</p>   | <p><b>NO</b></p> <p><input type="checkbox"/></p> | <p><b>YES</b></p> <p><input type="checkbox"/></p> |
| <p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>  |  |   |