

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
- _____ PROFESSIONALLY 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 4th 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 Full New York State SEQR is required as part of the application to the Zoning Board of Appeals, the Board may refer any such application presented to it for review and consultation to an engineering, planning, legal, technical or environmental consultant(s) or professional(s) as such Board shall deem reasonably necessary to enable it to review such application as required by law. 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

SS:

STATE OF NEW YORK

_____ being duly sworn,
deposes and says that he/she (or) they is/are _____ the owner of the property
described below. Owner or Agent of Owner

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:	
.....	

FOR VILLAGE CLERK ONLY:			
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:

***** PLEASE NOTE *****

Variances 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.

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?		NO	YES
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.		<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<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, are adjoining or near the proposed action:			
5. <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>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/> <input type="checkbox"/>	<p>N/A</p> <input type="checkbox"/> <input type="checkbox"/>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/> <input type="checkbox"/>	
<p>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?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/>	<p>YES</p> <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 plan?	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,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	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"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: _____ Date: _____		
Signature: _____ Title: _____		