



Incorporated Village of Malverne

Building Department

99 Church Street, Malverne New York 11565-1726

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

**INSTRUCTIONS FOR SPECIAL EXCEPTION / USE HEARING**

**Three (3) complete paper copy sets (one original and two copies) of the following forms (included in items #1 & #2) are to be collated and submitted along (Any reductions must be readable or they will be rejected) Along with PDF format electronic files of the package emailed to the building department. Please ensure each listed item is a separate PDF file. All must be submitted 30 days prior to the hearing date.**

1. A. Special Exception Application
- B. 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 is required.
- C. NYS Short Environmental Assessment Form
- D. Denial Notice from Building Department Superintendent
- E. Copy of Building / Sign /Awning permit application.
- F. Recent dated survey (showing current conditions) by a licensed engineer or surveyor showing current conditions of the property involved and including the Section, Block and Lot numbers on the Village Tax Map.
- G. At least four Color photographs showing the building and/or property / area.
- H. 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 by such petition or application, five hundred (500) feet from any Town, City, or Village boundary and one thousand (1,000) feet from any New York State Property.
- I. Radius map showing of 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 by NYS Licensed Design Professional or radius map company and signed and sealed by NYS Licensed Design Professional.**
- J. Applicant Disclosure Statement.
- K. Applications for CHANGES OF USE OR OCCUPANCY may require a traffic study prepared by a Traffic Engineer, including the fulfillment of the parking requirements set forth in Local Law No. 4 of 2003 and Article IV Off Street Parking and Unloading.

2. A notice, on the form provided by the village, shall be sent to all property owners affected by the application or appeal, shall be signed by the petitioner or applicant, his agent or attorney identifying the property affected, stating the relief requested and the date, time and place scheduled by the Board for a hearing.
3. Notice shall be served by the applicant upon every owner of the property within a radius of two (200) feet of the boundary lines of the property affected by said petition or application as follows:
  - a. In the case of such owners of such property within the radius of two hundred (200) feet, notice to be mailed by **CERTIFIED MAIL RETURN RECEIPT REQUESTED** directed to each of such owners at their residence address **(List #1)**
  - b. In the case of County, Town or Village boundaries within five hundred (500) feet and any New York State owned property within one thousand (1000) feet of the subject property, notice may be mailed by **CERTIFIED MAIL RETURN RECEIPT REQUESTED (List#2)**.
4. All notices provided for in Part 3 shall be mailed, **NOT LESS** than Fifteen (15) Days nor **MORE** than twenty-five (25) days before the date of the scheduled Public Hearing.
5. An Affidavit of mailing / serving notice shall be provided and shall be filed in the office of the Building Department at least FIVE (5) DAYS before the date of the scheduled Public Hearing.
6. When an application is filed, it shall be accompanied by a fee (check or money order) payable to the Inc. Village of Malverne in the following amount:

Single Family Residential and Second Kitchen Applications	\$500.00**
Multi Family and Commercial Applications	\$750.00**

**\*\* Plus cost of Permit(s) and Certificate(s) if approved.**

6. **Original** Affidavit "Costs and Fees" (attached hereto)
7. **Original** Affidavit "Special Exception Use Expiration" (attached hereto)
8. **Original** Affidavit of "Appearance", if applicable (attached hereto)
9. **Original** Affidavit of "Serving Notice" (attached hereto)

**You will be notified, by Email or USPS mail, of the Hearing Date.**



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SECTION \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT(S) \_\_\_\_\_

**SPECIAL EXCEPTION / USE**

MAYOR & BOARD OF TRUSTEES

In The Matter of the Application of \_\_\_\_\_

Variance # \_\_\_\_\_

Zone: \_\_\_\_\_

MAYOR & BOARD OF TRUSTEES OF THE INC. VILLAGE OF MALVERNE, N.Y.

Strike out  
Inapplicable  
phrase

The application of \_\_\_\_\_ respectfully states and alleges:

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  
Is owner, lessee, or  
has option or  
Contract. If  
other than owner

3. That (the applicant) (the applicant's duly authorized \_\_\_\_\_) on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ filed in the office of the Building Department of the Inc. Village of Malverne, N.Y. an application for a building permit.

4. That on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Dept. of Buildings denied said application for the following section(s) of the Code of the Village of Malverne:

state terms of  
agreement.

\_\_\_\_\_

Obtain reason  
For denial  
From Building Dept.

5.A. Nature of proposed improvements \_\_\_\_\_

Refer to para-  
graphs & sections  
by number.

5.B. Nature and date of improvements erected prior to obtaining a Special Exception: \_\_\_\_\_

State nature of use

6. That said premises are now being used as follows: \_\_\_\_\_

of property. If a  
business give a

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

brief description.

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

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

with the following:

“See annexed

statement which is

made a part hereof”

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}

If this verification

is made by an

\_\_\_\_\_ the applicant, named in the foregoing application

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

Sworn to before me this

of an estate, name

\_\_\_\_\_  
Signature

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.

Sworn to before me this \_\_\_\_\_

Signature

\_\_\_\_\_ 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.

Dated: \_\_\_\_\_

Signature \_\_\_\_\_



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**AFFIDAVIT OF SERVING NOTICE**

STATE OF NEW YORK

COUNTY OF NASSAU

Date: \_\_\_\_\_

Application #: \_\_\_\_\_

I, \_\_\_\_\_, residing at \_\_\_\_\_  
being duly sworn, deposes and says that I notified the surrounding property owners between  
\_\_\_\_\_ and \_\_\_\_\_, and that:

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, I served a true copy of the notice required by the rules of the Incorporated Village of Malverne for a Variance from the Zoning Board of Appeals and/or a Special Use / Exception from the Board of Trustees, a copy of which is hereto annexed, as follows:

The names appearing on the attached lists of names and addresses by  
USPS CERTIFIED MAIL, RETURN RECEIPT REQUESTED, and / or by ORDINARY MAIL FIRST CLASS POSTAGE  
as described in the applicable application instruction sheets.

Signature: \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_\_

Attached Return Receipts Here



notary public stamp / seal

THIS AFFIDAVIT MUST BE RETURNED TO THE VILLAGE BUILDING DEPARTMENT OFFICE NO LATER THAN 5  
DAYS BEFORE THE HEARING DATE. FAILURE TO COMPLY MAY RESULT IN YOUR APPLICATION BEING  
STRICKEN FROM CALENDAR AND NOT BE HEARD



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**A F F I D A V I T**

**For ARB and Site Plan Review / Special Exception / Use Application Costs and Fees**

STATE OF NEW YORK

COUNTY OF NASSAU

Date: \_\_\_\_\_

Application #: \_\_\_\_\_

\_\_\_\_\_, being duly sworn deposes and says, that, (I, we) are

the owner or applicant of work proposed at \_\_\_\_\_,  
Malverne, New York.

That, I/we acknowledge the applicant shall be required to pay the cost associated with engineering, environmental, architectural, legal and other consulting professionals retained by or on behalf of the Village. No architectural or site plan approval or building permit shall be issued until the applicant reimburses the Village for all such fees and expenses as per Article V 600-5.2 H, Article VII 600-7.9, 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 stamp / seal



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**SPECIAL EXCEPTION / USE EXPIRATION AFFIDAVIT**

STATE OF NEW YORK

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 V, Section 600-5.2 E Expiration, lapse, extension and reinstatement of special use permit. Any special use permit shall automatically terminate one year after issuance, *(unless within such one-year period, substantial construction shall have been commenced.)* Prior to the expiration of one-year period, upon application and the submission of an application fee, which shall be set from time to time by resolution of the Board of Trustees, to the Superintendent of Buildings, the special use permit may be extended for two additional six-month periods, upon good cause shown. The Board of Trustees may, upon written application, extend the special use permit for additional one-year terms upon good cause shown. No extension shall be granted by the Board of Trustees unless the applicant has paid an extension fee in an amount set by the Board of Trustees.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day

Of \_\_\_\_\_ 20



Notary Public stamp / seal





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**AFFIDAVIT OF APPEARANCE**

STATE OF NEW YORK

COUNTY OF NASSAU

Date: \_\_\_\_\_

Application #: \_\_\_\_\_

I (We), \_\_\_\_\_, owner(s) of  
print name

\_\_\_\_\_ Malverne, NY hereby authorize

\_\_\_\_\_, to represent me / us at the \_\_\_\_\_, 20\_\_\_\_

Special Exception / Use and/or Architectural Review Board hearing in connection with Application # \_\_\_\_\_

to: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

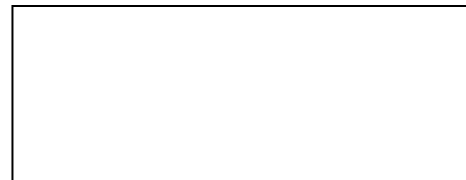
By: \_\_\_\_\_

Signature

Sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary Signature



Notary Public stamp / seal