



*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**

**Ten (10) complete sets of the following forms (included in items #1 & #2) are to be collated and submitted**

1. A. Variance Application (original and nine copies)
- 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 submitted Building/Sign/Awning/Fence/Concrete/HVAC Permit application.
- F. 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.
- G. Color photographs showing at least all four (4) elevations of the building and/or property/area of Variance.
- 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, signed and sealed by a NYS licensed design professional.**
- J. Disclosure Statement.
- K. **A PDF copy of the entire application package including survey from licensed land surveyor and drawings or sketches that the denial was based on emailed directly to**

**lsantora@malvernevillage.org  
and  
mkschnaars@malvernevillage.org “**

2. A Notice, provided by the Village of Malverne, shall be sent to all property owners affected by the application or appeal. The Notice shall identify the property affected, stating the relief requested and the date, time and place scheduled by the Board for a hearing. 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 may be mailed by ORDINARY MAIL FIRST CLASS POSTAGE 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 ORDINARY MAIL FIRST CLASS POSTAGE **(List #2)**.
3. All notices provided for in Item 2, shall be mailed, **NOT LESS** than Fifteen (15) Days nor **MORE** than twenty-five (25) days before the date of the scheduled Public Hearing.
4. Upon notification of a hearing date, an Affidavit of Mailing 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.
5. 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 Variance Application	\$500.00**
Commercial and Multi Family Variance Applications	\$750.00**

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

6. **Original** Affidavit of "Variance Expiration" (attached hereto)
7. **Original** Affidavit "Costs and Fees" (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) \_\_\_\_\_

**BOARD OF ZONING APPEALS VARIANCE**

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

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

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

BOARD OF ZONING APPEALS 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  
state terms of  
agreement.

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 of the Code of the Village of Malverne:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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  
of property. If a

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

\_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_

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

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:

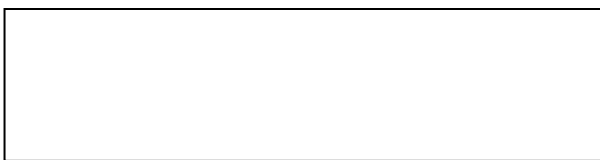
On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, I served a true copy of the notice required by the rules of the Incorporated Village of Malverne for a Variance from the Zoning Board of Appeals and/or a Special Use / Exception from the Board of Trustees, a copy of which is hereto annexed, as follows:

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 Zoning Board of Appeals / Planning Board 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(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 stamp / seal



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**AFFIDAVIT OF APPEARANCE**

STATE OF NEW YORK

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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



Notary Public stamp / seal





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**VARIANCE 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 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 stamp / seal

# *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? 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.			<b>NO</b>	<b>YES</b>
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:			<b>NO</b>	<b>YES</b>
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>_____</p>	<p><b>NO</b></p>	<p><b>YES</b></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>_____</p>	<p><b>NO</b></p>	<p><b>YES</b></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>_____</p>	<p><b>NO</b></p>	<p><b>YES</b></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>		

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?”

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

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)



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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: \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Applicant