

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 HEARING

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

1. A. Special Exception Application (original and nine copies)
 - B. Design Professional plans and/or other documents and drawings as deemed necessary.
 - 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. Color photographs showing the four (4) elevations of 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 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 restaurants or establishments serving food or beverage with seating will 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, 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 relied request 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 if such owners whose properties abut the subject plot, notice must be mailed **CERTIFIED MAIL, RETURN RECEIPT REQUESTED**, directed to each of such owners (**List #1**)
 - b. In the case of such owners of such property within the radius of two hundred (200) feet, notice may be mailed by ordinary mail directed to each of such owners at their residence address (**List #2**)
 - c. 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 (**List#3**).
4. All notices provided for in Part 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.
5. 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.
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:

Special Exception Hearing Application	\$500.00**
Special Exception Hearing Application- Second Kitchen	\$500.00**
Commercial Special Exception Hearing Applications	\$750.00**

**** Plus cost of Permit and Certificate if approved.**

6. **Original** Affidavit "Costs and Fees" in connection with Article V Section 600-5.2 H, Article VIII 600-13.4 and Local Law #2/2007. (attached hereto)
7. **Original** Affidavit "Special Exception Expiration" in connection with Article V, Section 600-5.2 E (attached hereto)
8. **Original** Affidavit of Appearance, if applicable (attached hereto)
9. **You will be notified, by mail, of the Hearing Date.**

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SECTION _____ BLOCK _____ LOT(S) _____

MAYOR & BOARD OF TRUSTEES

SPECIAL EXCEPTION – VILLAGE OF MALVERNE

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
of property. If a
business give a

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

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

brief description.

If more space is needed, annex

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

statement on separate sheet &

refer to it here with the following:

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

“See annexed statement which is made a part hereof”

If non conforming use is claimed set forth uses made of premises & dates thereof in chronological order.

10. That any deed covenants or restrictions running with the land prohibiting the desired use is as follows: _____

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

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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Malverne, New York 11565
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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

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? 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	YES
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:			NO	YES
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>NO</p>	<p>YES</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>NO</p>	<p>YES</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>NO</p>	<p>YES</p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</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?”

	No, or small impact may occur	Moderate to large impact may occur
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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A F F I D A V I T

For ARB and Site Plan Review / Special 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(s) of _____, 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 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 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