

VILLAGE OF VALLEY STREAM
NASSAU COUNTY, NEW YORK

825-4200

SCHEDULE OF FEES/BOARD OF APPEALS

1. Variance to construct a one or two family dwelling as to lot size and area	\$400.00
2. Variance to construct or maintain a fence above legal height in a R or CX District.	\$ 75.00
3. Variance to construct or maintain a fence above legal height ALL OTHER DISTRICTS	\$100.00
4. Variance to construct or maintain a fence above legal height pursuant to Sec. 99-1803 A.1.	\$150.00
5. A special exception for any yard setback RESIDENTIAL	\$150.00
6. A special exception for any yard setback COMMERCIAL	\$250.00
7. COMMERCIAL VARIANCES RE: Parking, Height, Lot size lot coverage etc.	\$300.00
7. Expand a Non-Conforming Use (Residential)	\$300.00
8. Expand a Non-Conforming Use (Commercial)	\$500.00
9. Environmental Review is billed separately to applicant at the hourly rate of (Board of Trustees Res. No. 065/92)	\$100.00
10. Application for re-hearing of a case passed upon by the Board of Appeals. Same as original fee, where it may apply.	
11. Mother/Daughter Special Use Permit Application (Amended September 16, 2019 by Board of Trustees Resolution No. 159/19)	\$500.00
12. Mother/Daughter Special Use Permit Renewal Application (Amended September 16, 2019 by Board of Trustees Resolution No. 159/19)	\$300.00
13. Variance to construct or maintain signage	\$300.00
14. All other Variances/Special Permits	\$300.00

Amended May 27, 1993 by Board of Trustees Resolution No. 112/93
Amended May 20, 2013 by Board of Trustees Resolution No. 095/13
Amended September 16, 2019 by Board of Trustees Resolution No. 159/19

INCORPORATED VILLAGE OF VALLEY STREAM
RULES OF PROCEDURE

APPLICATION FOR A VARIANCE OR SPECIAL PERMIT

An application for a Variance or Special Permit shall be made by filing with the Secretary of the Board of Zoning and Appeals a typewritten or printed application upon the form supplied by the Building Department, having thereon, a complete statement of the relief or the variance sought by the applicant, and a detailed statement of the practical difficulties and/or unnecessary hardship allegedly created or existing because of existing zoning regulations relating to the particular premises.

THE FOLLOWING MUST BE SUBMITTED WITH THE APPLICATION

1. **DISAPPROVAL.** The permit application must be disapproved by the Building Department. This application shall contain all violations of the Village Code Ch. 99 contained within the meets and bounds as described with the submitted application. Also sufficient information to properly process said application as to the Zoning Code, plus all other pertinent data so as to provide the fullest, practical presentation of the facts before the Board.

2. **SURVEY.** Ten (10) copies, all legible of an up to date survey of the subject property prepared by a licensed surveyor with seal and original signature. Survey to be prepared as per instruction sheet provided by the Building Department.

3. **CONSTRUCTION PLANS.** Ten Sets of Construction Plans are required with each application. **THE BUILDING DEPARTMENT MUST REVIEW ALL SUBMITTED PLANS BEFORE A HEARING DATE IS SCHEDULED.**

3. **PLOT PLAN.** Ten (10) copies, all legible, of a plot plan drawn to scale showing all existing structures and proposed building or buildings together with front, side and rear yard, and encroachments into said yards. The plot plan shall show all existing conditions and proposed changes. These shall be properly located by dimensions from the nearest points off the property lines.

4. **RADIUS MAP.** One (1) copy of a Radius Map drawn to reasonable scale, showing the size and location of all parcels located within a radius 300' measured from all points of the subject property indicating thereon the Sec. Block Lot and owner of each parcel. The Radius Map must be drawn with a 100' radius and a 300' radius.

5. **NOTICE OF PUBLIC HEARING.** The applicant shall be required to notify (Notice Letter provided by the Board of Appeals) by first class mail to each owner of all parcels of property located within a radius of 300 feet measured from all points of the subject property.

Additionally, all properties (i) within a radius of 100 feet of the subject property, and (ii) any state park or parkway or any other such municipality, city, village town, or county located within 500 feet of the subject property must be sent the Notice Letter via REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

All notices whether mailed by ordinary mail or registered mail, shall be mailed not less than ten days (10) days, nor more than twenty (20) days before the Public Hearing Date.

6. **AFFIDAVIT OF MAILING.** Proofs of service shall be filed with the Clerk of the Board of Appeals as follows:

- (a) An Affidavit of Mailing form furnished by the Board of Appeals.
- (b) U.S. Postal receipts or "Certificate of Mailing" attached to affidavit form, where required.

7. **LETTER OF AUTHORIZATION.** A letter authorizing the appearance of an individual other than the attorney for the applicant, the engineer or the architect of record. An owner may always represent himself or herself.

8. **FEES.** In the case of a Variance or Special Permit, fee required to be tendered with each application shall be set by the Village Board of Trustees. A schedule of the current fees is available in the Building Department.

9. **AMENDED APPLICATIONS.** Calendared applications may not be amended after the Public Notice has been published and/or Notice Letters have been mailed unless such amendment is approved by the Board prior to the scheduled Public Hearing. Applicant is responsible for any fees associated with (i) adjourning the Public Hearing and (ii) amending the application.

(Bd. of Appeals # 1 – Aug. 2019)

OFFICE OF
VILLAGE OF VALLEY STREAM
NASSAU COUNTY, NEW YORK
(516) 825-4200

BOARD OF APPEALS
APPLICATION FOR A VARIATION OF THE REQUIREMENTS OF THE
BUILDING ZONE ORDINANCE

Names and Addresses

Applicant _____ Address _____

Owner _____ Address _____

Lessee _____ Address _____

To the Board of Appeals of the Village of Valley Stream, New York:

Application is hereby made for a variation from the requirements of Section _____

Of Article _____, of the Building Zone Ordinance heretofore adopted by the Board of Trustees of the Village of Valley Stream, Nassau County, New York, under the power vested in your Board by the Village Law of the State of New York.

The basis and grounds of the appeal are as follows:

The premises affected by this appeal are situated on the _____ side of _____

Distant _____ feet _____ of the corner formed by the intersection of _____

And _____ known as No. _____ Street, in the Village of Valley Stream, Nassau County, New York.

Proposed

Description of Existing Building

(1) Size of building:

At street level: _____ feet front _____ feet deep.

Height _____ Stories _____ feet

(2) Occupancy: (of each floor) _____

(3) Building Zone District: _____

(4) Date of erection _____

(5) Character of construction: Frame _____ Ordinary Brick _____ Fireproof _____

(6) Has there been any previous application or appeal on these premises? _____

(7) Is there a school or hospital within 200 feet or in the same block on either side of the street?

(over)

Attached hereto and made a part of this application I submit the following:

(Note: all these pages must be submitted with the application)

- a) Copy of the section of the ordinance on which application is based.
- b) A typewritten statement of the principal points on which I base my application, with Description of proposed work, if any.
- c) A full list of names and addresses of owners of all property adjoining property affected.

I hereby depose and say that all the above statements and the statements contained in the paper submitted herewith are true.

Applicant's signature

Sworn to before me this _____

Day of _____ 20 _____

AFFIDAVIT OF OWNERSHIP

State of New York

County of Nassau ss:

_____ Being duly sworn, deposes and says, that he resides at

_____ in the Village of Valley Stream, County of Nassau and Sate of New York; that he is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Village of Valley Stream aforesaid and known and designated as

No. _____ and that he hereby authorized _____ To make the annexed application in his behalf and that the statements of fact contained in said application are true.

Sworn to before me this _____

Day of _____ 20 _____

Note: After the filing of this application with the accompanying papers you will be advised of the date of the hearing and will be furnished a form of notice, copies of which you must send by registered mail to all property owners affected within 100' and to property owners affected within 300' by regular mail. At least five days before hearing date, you must file affidavit of service prior to hearing.

Form of notice supplied _____ 20 _____

IN THE MATTER OF THE APPLICATION OF

For a change of zone, variance, modification,
Revocation of declaration of restrictions,
Approval of exemption from a Plat or
Official map, or (state other relief requested
Which requires the favorable exercise of
Discretion by the Boards mentioned below) before
The Board of Zoning Appeals of the Village of
Valley Stream.

Affidavit of certification by applicant
pursuant to the provisions of Sec. 809
of the General Municipal Law.

(Strike out inapplicable phrases or words or fill
in where necessary)

STATE OF NEW YORK
COUNTY OF NASSAU SS:

_____ being duly sworn, deposes and say (s):

Your deponent (s) is (are) 21 years of age or over.

Your deponent (s) is (are) (an officer of) the applicant (s) in the above entitled proceeding

And (who) is (are) the owner (s) in the above entitled proceeding (and) (who) is (are) the owner (s)

In fee (contract vendee) (lessee) (or describe other category) of the premises referred to in the

Application and is (are) interested in the outcome thereof (except otherwise stated) and there are no other

Persons interested either in the fee ownership or as holder of an encumbrance on the property.

Your deponent's home address is as follows:

Your deponent is an officer _____
(office)

of the corporation duly organized and existing under and by virtue of the Laws of the State of New York, with
its principal place of business.

Your deponent is a (General) (Partner) of _____

Co Partnership (Limited Partnership) having its principal place of business at _____

Comprising the following names (General) partners, whose addresses are set opposite each

Partner's name:

NAME HOME ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____

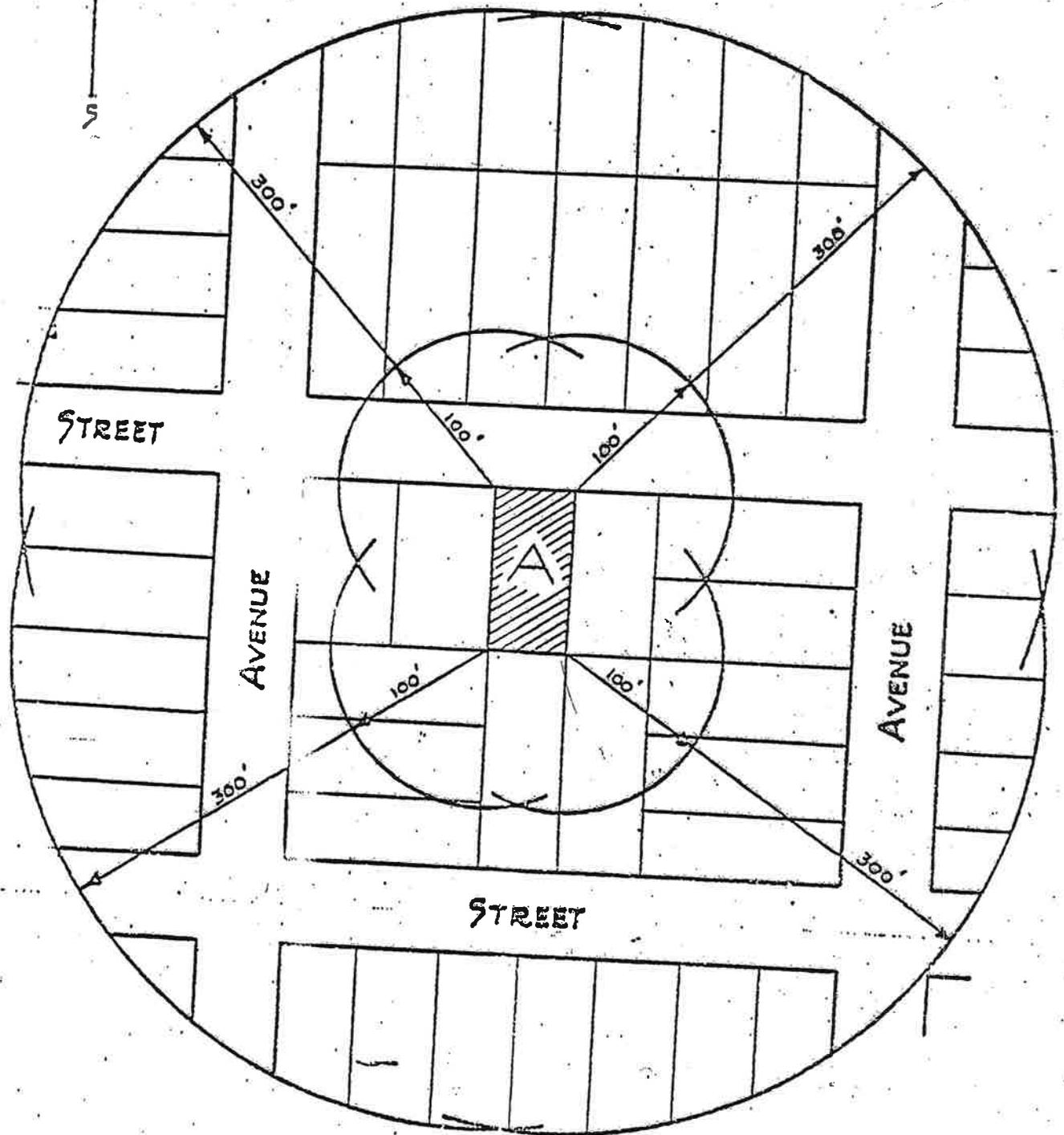
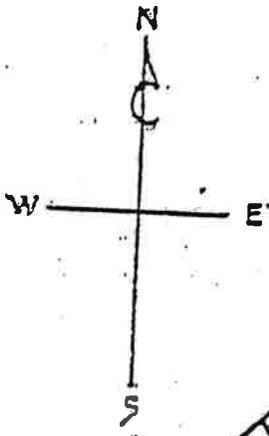
No State Officer or any officer or employee of the Village of Valley Stream or a Municipality of which such municipality is a part, or any local officer or employee of Nassau County or Municipality herein is interested in the favorable exercise of discretion of the Board in the Above entitled proceeding except as follows:

Name	Position	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Sworn to before me this _____

day of _____ 20 _____

SAMPLE MAP
PURSUANT TO INSTRUCTIONS - SUB. 4



Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- 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 AND provide, on attachments as necessary, the reasons supporting this determination.

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)



Site Development Plan
Review & Approval
Report
for
Commercial Development

The applicant shall prepare and submit a report that will address all Site Plan Review considerations in accordance with Chapter 99, Section 99-2704 A thru H to before applying to the Board of Appeals.

Failure to submit and address all review considerations will cause a delay with your project.

§ 99-2704. Review considerations.

In considering the acting upon site development plans, the Board of Appeals shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the prospective occupants of the proposed development and the immediate neighborhood in particular and may prescribe such appropriate conditions and safeguards as may be required in order to further the expressed intent of this chapter and accomplish the following objectives in particular:

- A.** Traffic access. All proposed traffic access will be adequate but not excessive in number, adequate in width, grade, alignment, visibility and separation from street corners or other major access points and other similar safety considerations.
- B.** Circulation and parking. Adequate off-street parking and loading spaces will be provided to prevent parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.
- C.** Landscape and screening. All recreation areas, parking and service areas, open and unused areas shall be reasonably screened from view of adjacent residential uses and streets at all seasons of the year. All landscaping shall be maintained.
- D.** Compatibility. Architectural design shall be in harmony with the character of the surrounding area. Signs and lights will be compatible and in scale with building elements and will not dominate the overall visual impact of the project. Textures of buildings and paved areas will be sufficiently varied to prevent monolithic appearance particularly areas of paved parking.
- E.** Environment. The design, layout and operational characteristics of the proposed use will not represent significant impact on the environment or result in a waste of the land and other natural resources of the village. To the greatest possible extent, development will be in harmony with the natural environment and adequate compensatory devices will be prescribed to offset potential significant deterioration resulting from the project.
- F.** Development. The site plan elements, including buildings, parking, drainage, circulation, utilities, provision for emergency services, signs and lighting will not adversely effect the potential of adjacent properties or the property under review from its highest and best use.
- G.** Land use. The site plan shall indicate the proposed land use (i.e., retail, residential, industrial, etc.) in order to demonstrate that the provisions of this article shall be met and the use shall be conducted with reasonable efficiency.
- H.** Refuse collection. There shall be provisions for adequate facilities for refuse and garbage storage and collection.

