



TOWN OF SMITHTOWN
BOARD OF ZONING APPEALS
APPLICATION CHECKLIST

BZA

Office Use Only:							
Case#:	_____	Planner:	_____	Date:	_____	YES	NO
SCTM #800-	- -	Clerk:	_____	Date:	_____	YES	NO
Applicant:	_____						

REQUIRED ITEMS – INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- Two (2) copies of the Application**
- Denial from Building Department of Building Permit** (for variances & Interpretation. N/A for Spec. Ex., Site Plans)
- Disclosure Affidavit** (owners, lessees, contract vendees, contract lessees (not including res. Area variances).
- Affidavit of Applicant** (Applies to temporary living quarters and the ownership of horses only).
- Eight (8) copies of survey or site plan**
- Three (3) copies of floor plans** (if applicable).
- Three (3) copies of elevation plans-** front, rear, side views (if applicable).
- Three (3) different photographs**
- Two (2) Environmental Assessment Forms** (EAF- Short Form), side one only.
- BZA Fee** (check payable to Town of Smithtown)

<u>Fees for single-family residential uses</u>	<u>Fees for non-single-family residential uses</u>
\$1,000.00 Use Variance (per request)	\$2,000.00 Use Variance (per request)
\$ 200.00 Area Variance (per request)	\$ 400.00 Area Variance (per request)
\$1,000.00 Special Exception (per request)	\$2,000.00 Special Except. (per request)
\$ 750.00 Interpretations (per request)	\$1,500.00 Interpretations (per request)
\$ 500.00 Certificate of Existing Use (per request)	\$1,000.00 Cert. Exist. Use (per request)
\$ 100.00 Requests for Rehearing	\$ 200.00 Requests for Rehearing
***** Rehearing- Same as original application fee	***** Rehearing- Same as original
\$ 100.00 Extensions of Approval (for 6 mos)	\$ 200.00 Extension of Approval (6 mos)
\$ 250.00 All Other Requests (per request)	\$ 500.00 All Other Requests (per req.)
+ 50% Applications to legalize	+ 50% Applications to legalize
- Environmental Assessment Fee** (Separate check payable to Town of Smithtown)

\$ 35.00	Residentially Zoned Land less than 2 acres
\$ 70.00	Residentially Zoned Land 2 or more acres
\$ 35.00	Non-Residentially Zoned Land less than 1 acre
\$ 70.00	Non-Residentially Zoned Land 1 to less than 2 acres
\$ 140.00	Non-Residentially Zoned Land 2 to less than 5 acres
\$ 350.00	Non-Residentially Zoned Land 5 or more acres

Survey/ Site Plan requirements:

- Legible (Clear and neat)**
- Drawn to Architectural or Engineering Scale**
- Metes and Bounds Description**
- Street Names and Tie Distances**
- All Existing and proposed structures on subject property labeled and dimensioned**
- Existing and proposed structures labeled**
- Dimensions of all setbacks**
- Distances of adjoining structures to common lot lines**

Related Planning Matters:

- Environmentally sensitive lands**
- Paper Street- Planning Board**
- Adjoining substandard lots**
- Coastal Assessment Form (LWRP)**

REMINDER TO ALL BOARD OF APPEALS APPLICANTS
IMPORTANT -- PLEASE READ

1. Please read all instructions carefully. If you have any questions, call the Planning Department at 360-7540 Monday- Friday, 9am to 5pm (July-August 9am to 4pm).
2. Please make sure that all forms are fully and accurately completed.
3. Please make sure that the plans are complete, accurate, and to scale.
4. Please remember to complete the appropriate Environmental Assessment Form.
5. Please remember to send notice via CERTIFIED MAIL RETURN RECEIPT REQUESTED to all owners within 200 feet of your land at least 14 days before your hearing and bring to the hearing the signed, notarized Affidavit of Compliance along with all receipts from the certified mailing.
6. Please remember to post your property for five (5) full days before the hearing and bring to the hearing the signed, notarized Affidavit of Posting.
7. For variance applicants, do not take it for granted that your application will be approved. You must prove to the board that adherence to the zoning ordinance would result in a practical difficulty. Even if you prove practical difficulty, the Board would deny the request if it determines that denial is necessary to protect the public health, safety, or welfare.



TOWN OF SMITHTOWN
SUFFOLK COUNTY, NY
APPLICATION TO THE BOARD OF ZONING APPEALS

*Please see separate sheet for instructions. If you have questions, please call
Planning Dept. (360-7540). Original copies only. Faxed or photocopies are
not acceptable.*

Applicant: _____ BZA CASE # _____
P. O. Address: _____ Tax Map No. _____
Property Owner: _____ Contact Person: _____
P.O. Address: _____ P. O. Address: _____

Telephone No.: _____ Telephone No.: _____

Applicant's standing:

Owner Contract Vendee Lessee Contract Lessee of the subject parcel
 of an affected parcel
(for interpretations only)

1. Location of property (including distance to nearest intersection) _____

2. Zoning District(s) as shown on the Zoning Map _____

3. When was the subject structure constructed? _____

4. What are you proposing to build or maintain? _____

5. Is the property in separate ownership from all adjoining properties?

(a) If yes, since what date _____

(b) If no, what adjoining property is held by the same owner? _____

6. Type of Application (check all that apply):

<input type="checkbox"/> Area Variance (e.g., setback, height, frontage, etc.)	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Use Variance (e.g., retail in a residence district)	<input type="checkbox"/> Certificate of Existing Use
<input type="checkbox"/> Interpretation of Zoning Ordinance	<input type="checkbox"/> Variance of §280A requirements
<input type="checkbox"/> Interpretation of District Boundary	<input type="checkbox"/> Variance of §239K requirements

7. Reason for Application (complete relevant sections):

(a) A VARIANCE of Section _____ Subsection _____ of the Building Zone Ordinance is requested
to _____

(b) A SPECIAL EXCEPTION under the Zoning Ordinance is requested pursuant to §322-8B of the Zoning Ordinance to
(circle one) operate/expand/modify the following land use: _____

(OVER)

(c) INTERPRETATION: I believe that under the Zoning Ordinance, the Town was in error in (circle one) denying/issuing a permit because:

8. Area Variance Considerations. (All questions must be answered. Attach additional sheets if necessary).

1. The variance (circle one) would/would not produce an impact on adjacent properties or the neighborhood because:

2. The request (circle one) is/is not substantial because:

3. The benefit (circle one) can/cannot be achieved by an alternative because:

4. The variance (circle one) would/would not cause an adverse effect on the environment because:

5. The difficulty (circle one) was/was not created by the applicant or a former owner because:

9. Special exception standards: Attach on separate sheets of paper, explaining in detail how the special exception meets(or does not meet) each of the general standards required for all special exception uses pursuant to §322-94G of the Building Zoning Ordinance and how the special exception meets (or does not meet) each of the specific standards(if any) required for this special exception pursuant to §322-82 of the Building Zoning Ordinance.

OWNER'S ENDORSEMENT

COUNTY OF SUFFOLK
STATE OF NEW YORK

_____ being duly sworn, deposes and says that he/she resides at _____ and State of _____ and that he/she is (the owner in fee) (_____ of the _____ Corporation which is the owner in fee) of the premises described in the foregoing application and that he has authorized _____ to make the foregoing application approval as described herein.

Sworn to before me this _____ day of _____ 20____

Signature

Print or Type Name

Notary Public, Suffolk County

APPLICANT'S AFFIDAVIT

STATE OF NEW YORK
COUNTY OF SUFFOLK

_____ being duly sworn, deposed and says I am the owner, attorney for owner, contract vendee, lessee of the property above described. I understand that if this is a special exception application the acceptance of this application by the town does not imply that it meets the special exception standards, that also it is my responsibility to demonstrate to the Board of Appeals that the proposal meets the standards, and further if I need any variances of the standard in order for the special exception to be approved it is my responsibility to apply for those variances as part of this application. That all statements made in this application are true to the best of my knowledge and belief, except as to the matter therein stated to be alleged on information and belief and as to the matters I believe the same to be true. I hereby grant the Zoning Board members and municipal staff to enter onto my property for purposes of site inspection prior to public hearing.

Sworn to before me this _____ day of _____ 20____

Signature

Print or Type Name

Notary Public, Suffolk County



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SUFFOLK COUNTY, NY
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Property Owner: _____ Contact Person: _____
P.O. Address: _____ P. O. Address: _____

Telephone No.: _____ Telephone No.: _____

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STATE OF NEW YORK

_____ being duly sworn, deposes and says that he/she resides at _____
and State of _____ and that he/she is (the owner in fee) (_____ of the _____
Corporation which is the owner in fee) of the premises described in the
foregoing application and that he has authorized _____ to make the foregoing application
approval as described herein.

Sworn to before me this _____ day of _____ 20____

Signature

Print or Type Name

Notary Public, Suffolk County

APPLICANT'S AFFIDAVIT

STATE OF NEW YORK
COUNTY OF SUFFOLK

_____ being duly sworn, deposed and says I am the owner, attorney for owner, contract vendee, lessee of the property above described. I understand that if this is a special exception application the acceptance of this application by the town does not imply that it meets the special exception standards, that also it is my responsibility to demonstrate to the Board of Appeals that the proposal meets the standards, and further if I need any variances of the standard in order for the special exception to be approved it is my responsibility to apply for those variances as part of this application. That all statements made in this application are true to the best of my knowledge and belief, except as to the matter therein stated to be alleged on information and belief and as to the matters I believe the same to be true. I hereby grant the Zoning Board members and municipal staff to enter onto my property for purposes of site inspection prior to public hearing.

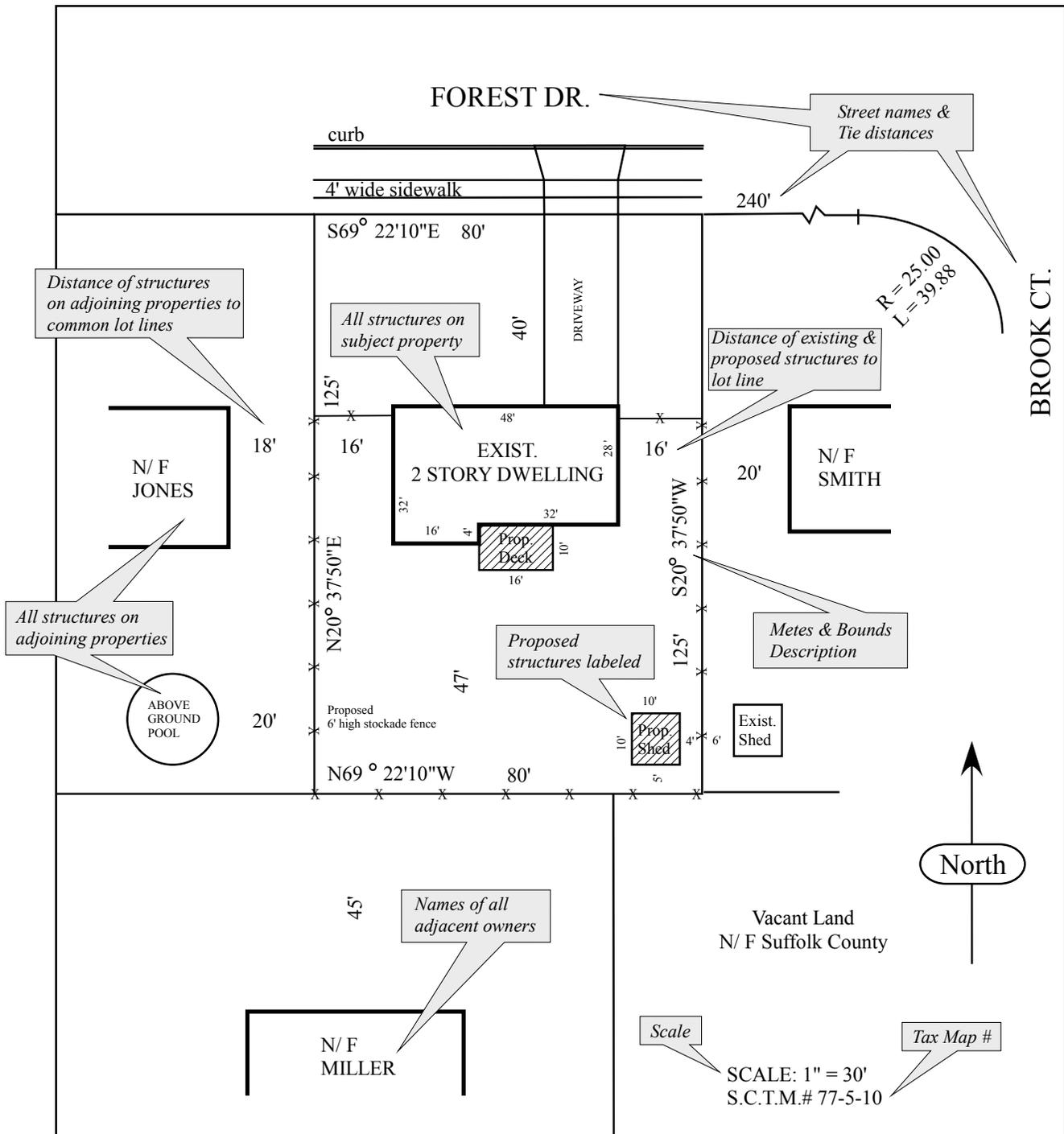
Sworn to before me this _____ day of _____ 20____

Signature

Print or Type Name

Notary Public, Suffolk County

EXAMPLE OF PLAN FOR BOARD OF ZONING APPEALS APPLICATIONS



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

OVER

1

Reset

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

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>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. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>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:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>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:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>	
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:</p>	
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:</p>	

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.

<p><input type="checkbox"/> 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.</p>	
<p><input type="checkbox"/> 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.</p>	
<p>_____ Name of Lead Agency</p>	<p>_____ Date</p>
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (If different from responsible officer)</p>

Reset

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I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

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OVER

1

Reset

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<p><input type="checkbox"/> 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.</p>	<p><input type="checkbox"/> 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.</p>
<p>_____</p> <p style="text-align: center;">Name of Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Date</p>
<p>_____</p> <p style="text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Title of Responsible Officer</p>
<p>_____</p> <p style="text-align: center;">Signature of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Signature of Preparer (If different from responsible officer)</p>

Reset

TOWN OF SMITHTOWN
SUFFOLK COUNTY, N.Y.



DISCLOSURE AFFIDAVIT
(See Instructions Below)

In the Matter of the Application

Case # _____

Of

FULL DISCLOSURE
AFFIDAVIT

P. O. Address _____

STATE OF NEW YORK

SS.:

COUNTY OF SUFFOLK

(name), being duly sworn, deposes and says:

1. This affidavit is made by your deponent and intent to be filed with The Town Board - Board of Zoning Appeals of the Town of Smithtown (cross out one) to fulfill requirements of the Building Zone Ordinance with respect to the above entitled Application made or intended to be made affecting property located and described as follows:

(Continue on the back of this page.)

Instructions:

This affidavit must be signed by all owners of record, contract vendees, lessors, lessees, sub-lessees, contract lessors, contract lessees, contract sub-lessors, contract sub-lessees, holders of beneficial interest, contract holders of beneficial interest, holders of encumbrances and contract holders of encumbrances. The purpose of this affidavit is to insure disclosure of any interest of any nature or form whether oral or written held by any individual, partnership, firm, or corporation. (Exception: Lending institutions licensed or franchised by the Sate of New York, public corporations and lessees, contract lessees, sub-lessees and contract sub-lessees of less than a whole interest in land are not required to execute this affidavit. Individual applicant or applicants who are husband and wife need not file this affidavit in connection with applications for an area variance or an interpretation of any provision of this ordinance with respect to residential property, unless directed to do so by the Board of Zoning Appeals.)

2. Signatures of this Affidavit as specified above under Instructions shall fill out the following applicable items:
(If necessary, attach additional information on separate sheet.)

a. If signator is an individual, state full name and street address;

b. If signator is a partnership, state the name, street address and the nature of interest of each partner;

c. If signator is a corporation, state name and street address of each officer, director and stockholder;

d. If signator is a corporation and stock has been pledged or agreement made to pledge stock, state name and street address of all persons to whom stock has been pledged or with whom any agreement has been made to pledge the stock. If none, so state;

e. State name and address of all persons, individuals, partnerships and/or corporations who are holders of any instrument creating an encumbrance upon the property; state the nature of such encumbrance; and if the holder of such encumbrance is a corporation (See Exception) state the names of all officers, directors and stockholders of such corporation;

f. State whether any person whose name is contained herein either as a signator or as a party having any interest in the property as defined herein is an officer or employee of the Town of Smithtown or is related thereto either by blood or by marriage and if so, state name and relationship;

g. If the signator is the owner of the property, contract vendee, or other, so state;

h. State whether any person, partnership, firm or corporation has any interest, as defined in the Instructions in respect to the subject property. If none, so state; if otherwise, set forth names, addresses, and nature of interest;

i. All signators hereby agree that in the event there is any change in any matter set forth herein after the execution hereof and prior to the issuance of a Certificate of Occupancy for the property affected hereby, they shall file with the Planning Department a Supplemental Affidavit containing the details of such change within forty-eight hours of such change.

APPLICANT'S AFFIDAVIT

Deponent makes this Affidavit to induce the Town Board - Board of Zoning Appeals (cross out one) to act favorably upon deponent's concomitant Application, with full knowledge that the Town Board - Board of Zoning Appeals will rely upon the statements made herein.

_____ being duly sworn deposes and says that deponent is the signator of the above Affidavit; that deponent has read the foregoing Affidavit and knows the content thereof; that the same is true to deponent's own knowledge.

Signed _____

(Individual)

Signed _____

(Partner or Corporate Officer)

(Title)

Sworn to before me this _____ Day of _____, 20__

(Notary Public)

NOTICE PURSUANT TO SECTION 322 - 81B(3)
OF THE BUILDING ZONE ORDINANCE OF THE TOWN OF SMITHTOWN

TO ALL OWNERS OF PROPERTY WITHIN 200 FT. OF THE EXTERIOR LIMITS OF SUBJECT PROPERTY
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

CASE NO. _____

DATE _____

APPLICANT: _____

ZONING DISTRICT _____

TO: _____

Dear Property Owner:

Pursuant to the provisions of Section 322 - 81B(3) of the Building Zone Ordinance of the Town of Smithtown, notice is hereby given that the Board of Zoning Appeals will hold a Public Hearing at Senior Citizen Center, 420 Middle Country Road, Smithtown, New York on _____ at _____ to consider, among other matters, the following application of the above-named applicant concerning the provisions of the Building Zone Ordinance of the Town of Smithtown:

Type(s) of Application:

Variance

Interpretation

Special Exception

Affecting property located at: _____

Description of Request(s): _____

Cases will be heard in the order in which they are advertised after the completion of other business. Matters undisposed of at the close of the hearing will be held over until the next regular hearing of the Board.

Very truly yours

Applicant

TOWN OF SMITHTOWN
SUFFOLK COUNTY, N.Y.



AFFIDAVIT OF MAILING

Case No. _____

Hearing Date: _____

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

_____, residing at
(Applicant)
_____, New York,

being duly sworn, deposes and says:

That he/she is the named applicant for a _____

(Copy from application)

affecting property located at _____

Town of Smithtown, County of Suffolk;

That he/she has read and is fully familiar with the requirements of §322-81B(3) of the Code of the Town of Smithtown;

That on the _____ Day of _____, 20____, which is not less than fourteen (14) days prior to the public hearing of this application, the undersigned applicant mailed a notice, pursuant to §322-80B(3) of the Building Zone Ordinance, Town of Smithtown, using the form designated by the Town of Smithtown, by Certified Mail, Return Receipt Requested, upon the following owners of all property WITHIN TWO HUNDRED (200) feet of the exterior limits of the property which is the subject matter of this application as shown on the latest assessment roll, effective on the date the application with the Board of Zoning Appeals and maintained by the Town of Smithtown,

(Please enter names and addresses of property owners on reverse side; also indicate names and addresses of property owners of mail deemed undeliverable by the United States Post Office Department within the State of New York.)

Deposit said notice enclosed in a post-paid, properly addressed wrapper marked **CERTIFIED MAIL - RETURN RECEIPT REQUESTED** in a Post Office official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Applicant

Sworn to before me this
_____ day of _____, 20____

Notary Public

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

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Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

Undelivered Mail:

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

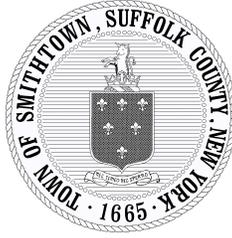
Name: _____

Address: _____

Address: _____

(If necessary, attach additional names and addresses of property owners on separate sheet)

TOWN OF SMITHTOWN
SUFFOLK COUNTY, N.Y.



AFFIDAVIT OF POSTING

In the Matter of the Application
Of

Case No. _____

P.O. Address _____

STATE OF NEW YORK)
COUNTY OF SUFFOLK)

_____, residing at _____

_____, New York, being duly sworn, deposes and says:

That he is the named applicant for a _____ affecting property located at _____

_____ Town of Smithtown, County of Suffolk.

That he has read and is fully familiar with the requirements of Section 322-81B (2), 322-94A(1) b, 248-2A (1) of the Code of the Town of Smithtown (whichever section is applicable).

That in accordance therewith he has caused a sign which complies with requirements of the applicable sections of the aforesaid Code of the Town of Smithtown to be prominently displayed on the subject property in the required manner, giving notice to the public of the pending application, the date, time and place of the public hearing.

That the said sign has been continuously displayed on the property for a period of five (5) days immediately preceding the public hearing date.

That he make this affidavit knowing that it shall be relied upon by the appropriate officials as proof of compliance with the requirements of the Code of the Town of Smithtown.

Sworn to before me this

_____ Day of _____, 20____

(Notary Public)

Signature

**NOTE: THIS AFFIDAVIT MUST BE SWORN
TO AND SIGNED ON THE DAY OF THE MEETING.
(NOT AT THE MEETING)**

INSTRUCTIONS:

Any person making application is required to erect a sign facing each public street on which the property abuts, giving notice that such application has been made and that a public hearing will be held.

Such signs may be obtained from the Town Clerk's office for an application for a change of zoning or the Planning Department for a subdivision or related matter before the Planning Board or a variance or special exception before the Board of Zoning Appeals. Signs are to be displayed for a period of not less than five (5) days immediately preceding the hearing date or any adjourned hearing date (except adjourned Planning Board hearings). The sign shall not be set back more than ten (10) feet from any front property line and shall not be less than two (2) feet or more than six (6) feet above the ground level. Said sign shall be affixed to a suitable from which will assure visibility from the street at all times.

You are required to file this affidavit that this requirement has been complied with. The Board will not proceed with the public hearing on your application unless you submit the affidavit at the scheduled meeting.

The precise legal wording of this requirement is contained in Section 322-81B (2), 322-94A (1), 248-2A (1) of the Code of the Town of Smithtown (whichever section is applicable).
June 2015

The Problem with Stormwater

Stormwater is water from rain or melting snow that doesn't soak into the ground but runs off into waterways. As stormwater flows from rooftops, over paved areas and lawns it picks up debris, chemicals, motor oil, animal waste and other pollutants. Stormwater can flow into a storm sewer system or directly into a lake, stream, river or wetland, potentially contaminating the water we use for drinking, swimming and fishing. Polluted runoff is the nation's greatest threat to clean water.

Stormwater carries the residue of urban living. Toxic chemicals from automobiles, sediment from construction activities, bacteria from animal wastes and careless application of pesticides and fertilizers threaten the health of the waterway and can kill fish and other aquatic life.

Stormwater Management

Stormwater management, especially in urban areas, is becoming a necessary step in seeking reductions in pollutants in our waterways and presents new challenges. More often than not, end-of-pipe controls are not the best answer for removing pollutants from stormwater runoff. Pollutants in runoff enter our waterways in numerous ways and the best method of control is usually at the pollutant's source.

The US Environmental Protection Agency and the New York State Department of Environmental Conservation are addressing stormwater management in several ways. A federal regulation, commonly known as Stormwater Phase II, requires permits for stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s) in urbanized areas and from construction activities disturbing one or more acres. To implement the law, the NYSDEC has issued two general permits, one for MS4s in urbanized areas and one for construction activities. The permits are part of the State Pollutant Discharge Elimination System (SPDES).

Construction Permit Notice of Intent

Section 402 of the Federal Clean Water Act requires permits for stormwater discharges from construction activities that disturb one or more acres of land. To obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity, you must prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit a Notice of Intent (NOI) before beginning construction.

Mail your Notice of Intent to:

**NYS DEC "Notice of Intent"
Bureau of Water Permits
625 Broadway, 4th Floor
Albany NY 12233-3505**

Note: A Stormwater Pollution Prevention Plan must be prepared before submitting the NOI.

If your project is in a regulated MS4, you must submit your NOI and SWPPP to the municipality.

For More Information:

Visit the DEC website at:

<http://www.dec.ny.gov/chemical/8468.html>

If you don't have web access, you can obtain written material by calling your Regional DEC office below or your County Soil & Water Conservation District office.

Region 1: (631) 444-0409	Region 6: (315) 785-2524
Region 2: (718) 482-4933	Region 7: (315) 426-7500
Region 3: (914) 332-1835	Region 8: (585) 226-5452
Region 4: (518) 357-2045	Region 9: (716) 851-7070
Region 5: (518) 623-1200	

For a listing of Soil and Water Conservation Districts in New York State visit:

www.nyacd.org/districts.html

Tools available from the DEC website:

SPDES General Permit for Stormwater Discharges from Construction Activity

Permit Forms for download —

- ◆ Notice of Intent (application for permit coverage)
- ◆ Notice of Termination
- ◆ MS4 SWPPP Acceptance Form

Instruction Manual for Stormwater Construction Permit (for preparing SWPPP and NOI)

[New York State Standards and Specifications for Erosion and Sediment Control \(2005\)](#)

[New York State Stormwater Management Design Manual \(2003\)](#)

NEW — Chapter 9: Redevelopment Projects

NEW — Chapter 10: Enhanced Phosphorus Removal

Stormwater Interactive Mapping Tool

Technical guidance documents

Moving Dirt? Building Something?

If your project will impact, disturb or expose **one or more acres of soil**, including:

- ◆ Clearing and Grubbing
- ◆ Filling or Stockpiling
- ◆ Building Construction
- ◆ Grading
- ◆ Excavating
- ◆ Demolition

... you are required to have a permit for stormwater discharges from the site.



Stormwater Construction Permit Regulations

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

SPDES General Permit for Stormwater Discharges
from Construction Activity

Stormwater Impacts from the Construction Industry

The construction industry is a critical participant in the nation's efforts to protect streams, rivers, lakes, wetlands and oceans. Through the use of proper erosion and sediment control and stormwater management practices, construction site operators are the key defenders against stormwater impacts.

Construction and development increase the amount of impervious surfaces in our watersheds, thus increasing runoff to waterways. The additional runoff results in increased erosion and sedimentation, and destroys aquatic habitat. Preventing soil erosion and sedimentation is an important responsibility at all construction sites.

In addition to the environmental impacts, uncontrolled erosion can have a significant financial impact on a construction project. It costs money and time to repair gullies, replace vegetation, clean sediment-clogged storm drains, replace poorly installed practices and mitigate damage to other people's property or to natural resources.



Rain could easily wash this loose soil into the storm sewer and into a nearby stream, causing a water quality standards violation that could cost the site operator up to \$37,500 each day it occurs.

Stormwater Pollution Prevention Plan

The owner/operator must prepare a SWPPP - a plan for controlling runoff and pollutants from a site during and after construction activities. The principal objective of a SWPPP is to comply with the NY SPDES Stormwater Permit for construction activities by planning and implementing the following practices:

- ◆ Reduction or elimination of erosion and sediment loading to waterways during construction
- ◆ Control of the impacts of stormwater runoff on the water quality of the receiving waters
- ◆ Control of the increased volume and peak rate of runoff during and after construction
- ◆ Maintenance of stormwater controls during and after completion of construction

SWPPP and General Permit Sequence

If your project will disturb or impact 1 or more acres of land and you are constructing a commercial, industrial or institutional building, apartments, duplexes, a roadway, a single-family residential development with more than 25% impervious surfaces, a single-family development impacting 5 or more acres of land (including home construction); creating recreation areas, fill areas or linear utilities disturbing 5 acres or more*:

Develop a Stormwater Pollution Prevention Plan (SWPPP) with stormwater management practices in conformance with the New York State Stormwater Management Design Manual and erosion and sediment controls in accordance with the New York State Standards and Specifications for Erosion and Sediment Control

If your construction project is single-family residential with 25% or less impervious cover, a linear utility, recreation fields or fill area, and will impact between 1 and 5 acres of land (and the site is not located in a TMDL Watershed, or directly discharging to an impaired 303(d) waterbody**):

Develop a SWPPP with erosion and sediment controls in accordance with the New York State Standards and Specifications for Erosion and Sediment Control

- ▶ If your project *is* located within a regulated MS4**
 1. Submit the SWPPP and Notice of Intent (NOI) to the municipality for review and acceptance
 2. Submit the NOI and signed MS4 SWPPP Acceptance form to DEC in Albany
 3. Begin construction 5 business days after notification from DEC of acceptance of NOI
- ▶ If your project *is not* located within a regulated MS4**
 1. Submit a Notice of Intent (NOI) to the DEC in Albany
 2. Begin construction 5 business days after notification from DEC of acceptance of NOI

However... If the SWPPP deviates from the DEC technical design standards:

1. Submit a NOI to the DEC in Albany
2. Submit SWPPP to DEC Regional Office for review and acceptance prior to beginning construction

When all construction has been completed and the site has been stabilized and fully vegetated:

- ▶ File a Notice of Termination (NOT) with the DEC

* Consult Appendix B of the General Permit for a complete listing of SWPPP requirements by project type
** Check the MS4 Stormwater General Permit for maps of regulated MS4 boundaries, TMDL watersheds and impaired waterbody listings

Basic Components of a Stormwater Pollution Prevention Plan*

- ◆ **Narrative Report** describing pre-development conditions and details of the planned project
- ◆ **Maps** illustrating site location, topography, drainage area, existing and proposed structures, erosion and sediment control and stormwater control measures
- ◆ **Erosion and Sediment Control Plans**
- ◆ **Water Quality and Water Quantity Control Plans**
- ◆ **Construction Sequence Schedule**
- ◆ **Contractor Certification Statements**
- ◆ **Operations and Maintenance Schedule**
- ◆ **Weekly Inspection Reports**

* For a complete description of required SWPPP components please refer to the SPDES General Permit for Stormwater Discharges from Construction Activity.



Stormwater retention ponds provide effective water quality control by using forebays for sediment settling, and have controlled-discharge outlets for flood control.

Important Terms

Owner/Operator: The person or legal entity which owns or leases the property where construction will occur.

Qualified Professionals: Professional Engineers, Landscape Architects and Certified Professionals in Erosion and Sediment Control are qualified to develop and certify SWPPPs and inspect construction sites.

TMDL and 303(d) Waterbodies: Section 303(d) of the Clean Water Act requires states to identify Impaired Waters where specific designated uses are not fully supported. In order to restore and protect these Impaired Waters, Total Maximum Daily Loads (TMDLs) or other strategies have been developed to reduce the input of pollutants that restrict waterbody uses.