

VILLAGE OF MILL NECK  
INFORMATION SHEET FOR  
BOARD OF ZONING APPEALS

1. Application of: \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone No: \_\_\_\_\_ Cell No.: \_\_\_\_\_ Email: \_\_\_\_\_

STATUS:      Check One              ( ) Owner              ( ) Contract Vendee

If Contract Vendee, give owner's name and address and attach consent to make this application:

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

2. Attorney / Architect / Other Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No: \_\_\_\_\_ Cell No.: \_\_\_\_\_ Email: \_\_\_\_\_

3. Have the subject premises or any part thereof ever been the subject of a prior Appeal or application to this Board or the Board of Zoning Appeals?      ( ) YES      ( ) NO

If yes, state relief and date of hearing(s): \_\_\_\_\_

4. Is property affected by any other encumbrances such as utility easements, rights of way, covenants and restrictions, road agreements or other reservations?

( ) YES      ( ) NO

If yes, please explain on separate sheet and include a copy of the recorded document(s).

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

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

**Incorporated Village of Mill Neck  
BOARD OF ZONING APPEALS  
32 Frost Mill Rd – P.O. Box 351  
Mill Neck, NY 11765  
(516) 922-6722  
(516) 922-5190 – Fax**

ZBA checklist and filing instructions for application for variance:

**BZA package must include all that is listed. There must be one (1) original and seven (7) copies of the complete package. All documents must be returned to the Village Clerk at the address above.**

- (     )     **Filing fees and Deposits\* for all structures other than a fence or shed\*** are required to be paid with two checks. One (1) in the amount of **\$2,000 and one (1) for \$3,000** both payable to:  
**Incorporated Village of Mill Neck**
  
- (     )     **Filing fees and Deposits for a fence or shed\*** are required to be paid with two (2) checks. One (1) in the amount of **\$500 and one (1) for \$3,000** both payable to: **Incorporated Village of Mill Neck**
  
- (     )     Completed and signed **original** Appeal with all required supporting documents including the names and tax lot numbers for the adjoining land owners.
  
- (     )     A copy of the **Building Inspector's denial letter**.
  
- (     )     An **updated survey** showing **ALL** existing structures and proposed construction location with relief requesting.
  
- (     )     A radius map showing all adjoining properties.
  
- (     )     Copy of last Recorded Deed.
  
- (     )     Copy of Prior Variances.
  
- (     )     2 Copies of Building Permit Application and Plans.
  
- (     )     All submissions **MUST** include a digital copy (PDF format) of the Complete submission (e.g. appeal package, survey, site plan, construction plans, etc.) on either a flash drive or CD-Rom, clearly labeled with the Applicant's name, address, Section, Block and Lot.

**\*Please see Village Ordinance regarding fees.**

**Note:**

- [ ]     The Board reserves the right of inspection.
- [ ]     Photographs of the involved area should be obtained.
- [ ]     Consent of adjoining neighbors should be obtained.
- [ ]     The acceptance of the aforementioned documents by the Village Clerk does not constitute an acknowledgement that the documents are in proper form/complete. That determination is made by the Village Attorney's Office.

**THIS APPLICATION MUST BE SUBMITTED  
WITHIN 60 DAYS FROM YOUR DENIAL**

**Short Form Environmental Assessment Form not required -  
Do not include with application documents.**

**BOARD OF ZONING APPEALS FEES**

Make checks payable to the Incorporated Village of Mill Neck

**VARIANCES AND SPECIAL PERMITS**

Filing Fee	\$2,000*
Deposit (Legal / Advertising / Stenographic) (minimum deposit)	\$3,000*
Engineering Fees (as incurred no minimum deposit)	\$_____
Consultants Fees (as incurred no minimum deposit)	\$_____
Document Recording Fee (as incurred no minimum deposit)	\$_____
TOTAL	\$_____

\*Two (2) checks are required. One (1) check in the amount of \$2,000 and the other check in the amount of \$3,000.

**NOTE:** Wire transfers are not an acceptable form of payment.

**PLEASE NOTE:** THE APPLICANT SHALL BE LIABLE FOR AND SHALL PAY ALL CHARGES INCURRED BY THE VILLAGE IN CONNECTION WITH THE APPLICATION (§A132-3 B VILLAGE CODE)

\_\_\_\_\_  
Applicant(s)

BOARD OF ZONING APPEALS  
VILLAGE OF MILL NECK

-----X  
In the Matter of the Appeal of :  
 : APPEAL  
\_\_\_\_\_X

\_\_\_\_\_, APPELLANT(S) :  
from an order, requirement, decision or determination of  
the Building Inspector of the Village of Mill Neck  
-----X

PLEASE TAKE NOTICE THAT \_\_\_\_\_  
(Appellant's Name)

whose address is \_\_\_\_\_  
(Post Office Address)

the owner/contract vendee (*cross out one*) of the property herein described, hereinafter called  
Appellant(s), hereby appeal(s) from the order, requirement, decision or determination of the  
Building Inspector of the Village of Mill Neck affecting said property, to the Board of Zoning  
Appeals and state(s) and allege(s):

FIRST: The following is a description of said property: *STREET ADDRESS*  
\_\_\_\_\_, \_\_\_\_\_ Section: \_\_\_ Block: \_\_\_

Lot(s): \_\_\_\_\_ on the Land and Tax Map of Nassau County. Said property is in  
The Village's \_\_\_\_\_ Zoning District.

SECOND: Appellant(s) became the owner(s)/contract vendee(s) (*cross out one*) of  
said property on \_\_\_\_\_ and the structure(s) on the property was  
(were) built on the following date(s) \_\_\_\_\_

THIRD: The purpose of this Appeal is to obtain a reversal of said order,  
requirement, decision or determination of the Building Inspector; and obtain from said Board  
of Zoning Appeals a permit, variance or modification of or pursuant to, the regulations or

provisions of Section(s) \_\_\_\_\_ of the Village's Zoning Code, so as to permit the use, construction or alteration of the building(s) or structure(s), or the use of the land sought by Appellant(s).

FOURTH: State the zoning requirements, the proposed dimensions, and the differences for which the variance is requested.

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FIFTH: In making its determination, the Board of Zoning Appeals must take into consideration the benefit to the Appellant(s) if the variance is granted weighed against the detriment to the health safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider the following 5 items: (use additional page if necessary)

- a. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by the granting of the area variance?

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- b. Can the benefit sought in this appeal be achieved by some method feasible other than the requested area variance? Please explain.

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- c. Is the requested area variance substantial?

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WHEREFORE, in accordance with the foregoing alleged facts, Appellant(s) request(s) the Board of Zoning Appeals to vary the strict application of the aforesaid provision(s) of said Village's Zoning Code, to grant the relief requested and to grant such other and further or lesser relief as to the Board of Zoning Appeals seems just and proper.

**I (WE) HAVE READ THE FOREGOING APPLICATION AND UNDERSTAND THAT ANY FALSE STATEMENTS MADE THEREIN ARE PUNISHABLE AT A CLASS A MISDEAMEANOR PURSUANT TO SECTION §210.45 OF THE PENAL LAW.**

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Appellant(s) Signature(s)

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Date

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Appellant(s) Signature(s)

[NOTE: An accurate survey of the subject property showing all the structures erected or to be erected thereon and their distances from all property lines must be attached to the original and each copy of the Appeal.]

**AFFIDAVIT OF OWNERSHIP**

STATE OF NEW YORK)

) ss:

COUNTY OF NASSAU)

\_\_\_\_\_ being duly sworn, deposes and says that he/she resides at \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_; that he/she is/are (the owner in fee)\* (the \_\_\_\_\_ ) of \_\_\_\_\_ the corporation which is owner in fee\* of the property described in this application shown on the Nassau County Tax Map as Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ : that he/she authorized \_\_\_\_\_ to make this application\* and that the statements of fact contained in this application are true.

\_\_\_\_\_  
OWNER'S SIGNATURE

\_\_\_\_\_  
OWNER'S SIGNATURE

Sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_ 202\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

\*STRIKE OUT INAPPLICABLE WORDS

**CONSENT OF ADJOINING OWNERS**

(this page is not required and may be deleted)

We the undersigned, property owners in the Village of Mill Neck adjoining the property of Appellant(s) \_\_\_\_\_

herein described as Lot(s): \_\_\_\_\_

Block: \_\_\_\_\_ Section: \_\_\_\_\_, hereby approve(s) the granting of a variance by the Board of Zoning Appeals of said Village so as to permit the use, construction or alteration of the building or structure or the use of the land sought by Appellant(s):

NAME OF PERSON (Please Print)

SIGNATURE

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**DISCLOSURE AFFIDAVIT**

Pursuant to section 809  
Of General Municipal Law

**NOTE:** If applicant is a contract vendee, the Owner(s) of the subject property must also file a Disclosure Affidavit with the application.

STATE OF NEW YORK )

) SS:

COUNTY OF )

\_\_\_\_\_, being duly sworn, deposes  
and says:

1. **FOR INDIVIDUAL**

a.) That I am over age 18 and reside at \_\_\_\_\_  
\_\_\_\_\_

b.) That I am the ( ) owner ( ) contract vendee  
(Check one) of the property designated as:  
Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_  
Section: \_\_\_\_\_ on the Nassau County Land and Tax Map  
which forms the subject matter of this application and am fully familiar with all  
the facts and circumstances hereinafter set forth.

1. **FOR CORPORATION**

a.) That I am the \_\_\_\_\_ of the \_\_\_\_\_  
(office held) (Name of Corporation)

\_\_\_\_\_ and am fully familiar with the fact and circumstances hereinafter set forth.

b.) That the business address of \_\_\_\_\_  
(Name of Corporation)

is \_\_\_\_\_

c.) That said corporation was incorporated under and pursuant to the \_\_\_\_\_

\_\_\_\_\_ Law of  
The State of \_\_\_\_\_ and is the

owner/contract vendee of the property designated as

(cross out one)

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_

On the Nassau County Land and Tax Map which forms the subject matter of this  
application.

d.) That the following are names and residences of each officer, director and shareholder: (Set forth names, residences and relationship to Corp.)  
(Add additional sheet if necessary.)

e.) That the corporate stock of said corporation has not been pledged to any person nor has any agreement been made to pledge the said stock: (except: If any, set forth details.)

1. FOR PARTNERSHIP

a.) That I am a \_\_\_\_\_  
(partner, joint venture, etc.)

of the \_\_\_\_\_  
(name of partnership)

and am familiar with all the facts and circumstances hereinafter set forth.

b.) That the above partnership was established in \_\_\_\_\_  
(place)

on \_\_\_\_\_ and is the (owner/contract vendee)  
(cross out one)

Designated as Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_  
on the Nassau County Land and Tax and Tax Map which forms the subject matter of this application.

c.) That the following are the names, addresses and interests, respectively, of all partners (joint venturers, etc.):

2. That there are no encumbrances or holders of any instruments creating an encumbrance upon the subject property (except: If any set forth details.)

3. That neither deponent nor any other person mentioned in this affidavit is a Village officer or employee, or is related to a Village officer or employee. (except: If any set forth details.)
  
4. That no State officer or employee or local municipal officer or employee in Nassau County or his/her spouse or a person by consanguinity related to either of them within the third degree is (are) the Applicant(s) or an officer, director or employee of the Applicant(s), or legally or beneficially owns or controls the corporate stock of the Applicant(s) or is a partner of the Applicant(s) or associated with the Applicant(s) in a joint venture or has an agreement with the Applicant(s) , expressed or implied whereby his/her compensation for services is to be dependent or contingent upon the favorable exercise or discretion in the granting of the appeal herein. (except: If any set forth details.)
  
5. That in the event there is any change in the matters set forth herein prior to the public hearing relating to the property affected hereby, deponent(s) will file with the Village a supplemental affidavit indicating the details of such change within 48 hours of such change.

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(Signature)

Sworn to before me this  
Day of \_\_\_\_\_

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Notary Public