



Town of Huntington Zoning Board of Appeals

APPLICATION INSTRUCTIONS

Commercial / Non-Residential

Instructions for ZBA Applications

ONLY ELECTRONIC SUBMISSIONS WILL BE ACCEPTED – ALL DOCUMENTS MUST BE SENT VIA PDF FORMAT VIA EMAIL– MAY SEND IN MULTIPLE EMAILS IF NEEDED

A complete application must be submitted to the ZBA via email ZBA@HuntingtonNY.gov before a hearing will be scheduled.

Note: Submitted documents become a permanent part of ZBA records and cannot be returned.

EACH APPLICATION MUST BE IN THE ORDER BELOW OR IT WILL NOT BE ACCEPTED.

- **LETTER OF DENIAL** (from the Planning Department pursuant to Site Plan Pre-Application or the Building Department)
- **LETTER OF INTENT** (stating your intent for the property and what relief is needed)
- **Original APPLICATION FORM** (in this packet, must be fully completed and signed)

*Applicant is person submitting application (may or may not be owner/s)

*ALL owner/s on Deed must sign application form

*IF OWNER/S IS A CORPORATION OR LLC, A CORPORATE RESOLUTION IS REQUIRED

- **LIST OF PROPERTY OWNERS & RESIDENTS** - THIS CAN BE ACQUIRED/PURCHASED FROM the Planning Dept. by submitting an email to Planning@HuntingtonNY.gov with the property address, the fee for the list is \$50.00

Please note that this list can also be provided through the Town's subscription-based mapping system. For more information on how to produce your own list and/or labels using this system, please visit: <https://geo.huntingtonny.gov/helix/professional/subscribe.html>

Zones R-5, R-7, R-10 & R-15 require a radius within 200 feet of the property. Zones R-20, R-40, & R-80 require a radius within 500 feet of the property. You may, if you wish, go to the Assessor's office and manually collect the addresses yourself at no charge. *Note: Many applicants find it easier to have the lists produced by the staff or through the paid subscription site.*

keep an extra copy of both lists, you will need this later in the process for the required mailing

- **SURVEY - TO SCALE - ENGINEERING SCALE ONLY** - dated no more than 1 year prior to submission of application; showing precise dimensions of **ALL STRUCTURES on the property, be sure to include accessory items** (ex. sheds, generators, storage containers, etc.) All structures on the lot must have a Certificate of Occupancy (CO) or must be legalized via the Zoning Board application process.
 - ****If variance is for RETAINING WALLS, you MUST include dimensions (width, height, length and facial area) of all retaining walls on the property.**
- **CONCEPTUALIZED SITE PLAN IN ENGINEERING SCALE ONLY** showing the property as it is **PROPOSED** is required for all non-residential applications



- Must be stamped by a licensed design professional such as: licensed land surveyor (LS), Professional Engineer (PE), Registered Architect (RA), or Registered Landscape Architect (PLA, RLA, LLA, LA).
- *See the attached CONCEPTUALIZED SITE PLAN REQUIREMENT attached.
- A CONCEPTUALIZED SITE PLAN is NOT required for confirmation of existing non-conforming uses where no additional relief is required. Current parking calculations and a breakdown of gross floor area are required to be submitted in order to determine the extent of non-conformity. Additional relief may be required based upon Town research of the site.
- **HEIGHT VARIANCES:** Please submit original building elevation drawing, to scale, of the proposal. **ENGINEERING SCALE ONLY.** Stamped by a professional.
- **IF AN ACCESSORY APARTMENT** is existing on the site or proposed to be constructed: submit original floor plans of entire structure containing the dwelling unit.
- **VIOLATIONS or NOTICES OF VIOLATION** - See Code Enforcement - Room 310 OR email MDavis@HuntingtonNY.gov
- **PRIOR ZBA DECISIONS** - Any and all prior ZBA decisions (will be noted on Letter of Denial) available from ZBA office – email: ZBA@HuntingtonNY.gov. A Freedom of Information (FOIL) form must be submitted to acquire these documents.
- **DEED** reflecting current ownership - (copies only - we do not want your original) **MUST include ALL pages** of Deed including recorded page (may have a bar code); be sure that Liber and Page Numbers are noted. (Note: on older deeds, the liber and page may be marked on the top of the page with the owners names.)
- **COVENANTS AND RESTRICTIONS** relative to the subject property, if applicable. (should be noted on your deed)
- **CERTIFICATES OF OCCUPANCY** and/or **LETTER IN LIEU OF CERTIFICATE OF OCCUPANCY** for ALL structures on the property. **MUST BE LEGIBLE.** Email the Building Department - SKiewra@HuntingtonNY.gov if you need copies. (There may be an additional fee). Site history may also be included but will NOT be accepted instead of COs or Letters in Lieu.
- **PHOTOGRAPHS** of the **ENTIRE PROPERTY** from all angles and of all structures on the property. Include all accessory items (ex. sheds, generators, storage containers, etc.) from various angles and interior photos of all accessory structures. We must see all sides of the building(s) and all **(full) yards. PHOTOS MUST BE IN COLOR** (you may put several photos on a page) *****If there is an existing or proposed accessory apartment, you MUST include interior photos of the apartment.*****
- **COMPLETE ASSESSOR'S CARD/PROPERTY INFORMATION CARD** Email Assessor's Office – AssessorInfo@HuntingtonNY.gov. (There may be an additional fee)
- **SHORT ENVIRONMENTAL ASSESSMENT FORM PART 1 (attached)** Must be **fully completed** and signed). **Please submit only Short EAF PART 1 with your initial application.** Depending on the type of action proposed, additional submission of a completed **FULL EAF PART I** may be required (and an additional fee of \$250). You will be notified by this office if this is applicable.



- **TRAFFIC STUDY / PARKING ANALYSIS.** A parking analysis is required for all applications requesting any form of parking relief.
 - Note: If the subject parcel is within 300’ of a municipal parking lot and the request is to utilize municipal parking, an in-depth ‘Paradigm’ parking study is required. If this applies to your application, please contact the staff for information about the format and content of this special type of traffic study.
 - A traffic study may be required for all applications requesting a Special Use Permit (to make the required proofs pursuant to Town Code §198-66).
- **CERTIFICATION FORMS (Applicant/Owner) and DISCLOSURE FORM** (Attached). Must be fully completed and signed). READ CAREFULLY - must be signed by all applicants and owners where applicable.
- **Once you have received confirmation that your application is complete, please send in a cover letter with your check for payment. You may include the application fee and sign fees in the same check.**

DO NOT SEND IN PAYMENT UNTIL YOU HAVE RECEIVED A HEARING DATE

ANY DOCUMENTS PERTAINING TO THIS APPLICATION MUST BE SUBMITTED IN PDF FROMAT TO THE EMAIL ABOVE NO LATER THAN 10 DAYS PRIOR TO HEARING DATE – NOTIFY ALL PARTIES INVOLVED – NO DOCUMENTS/HANDOUTS WILL BE ACCEPTED AT THE HEARING

FEES	
\$2,500.00	Non-Residential Application Fee
\$2,500.00	Validation of Non-conforming Use
\$3,000.00	Special Use Permit §198-27(C)(2) - Auto Sales
\$3,000.00	Special Use Permit §198-68(A)(6) - Distribution/Transit
\$3,000.00	Special Use Permit §198-68(A)(22) - Outdoor Seating
\$3,000.00	Special Use Permit §198-110(C)(1) – Depth Extension
\$3,000.00	Special Use Permit §198-110(C)(3) – Parking/Loading
\$3,000.00	Special Use Permit (except as otherwise noted)
\$500.00/lot	Subdivisions/substandard lot variances
\$1,500.00	Application for exemption (cellular)
\$ 250.00	SEQRA EAF short form review fee
\$ 500.00	SEQRA EAF long form review fee
\$ 50.00	Mailing List (Mailings are required as described below but purchase of list from Town is optional)
\$ 25.00	Notification Sign (1 per street frontage)
\$ 350.00	Extension of ZBA grant – 1 year

- **HEARING DATE AND LEGAL NOTICE OF HEARING**

When your application has been reviewed and is accepted as complete you will receive an email which will include your hearing date.

The ZBA staff will email your LEGAL NOTICE OF HEARING (this is the letter you will send out to the neighboring properties as per the owners and residents lists you previously purchased and included in your application)

Hearings are always held on Thursdays. If you, or any of your representatives or team of experts, are unavailable on any given Thursday, please notify this office at time of submittal.



APPLICATION FORM – SAMPLE Commercial

Use this form to assist you in filling out the Application Form below (on next page)

TAX MAP NUMBER: 0400-____ (Available from your Letter of Denial) ____

APPLICANT – Applicant must be a party in interest. This includes the property owner, or designated representative.

NAME: _____

COMPANY NAME: _____

ADDRESS _____

PHONE NUMBER (____) _____

OWNER (S) - All owners on the current deed.

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

Are there any Violations or Notices of Violation outstanding on this property? YES / NO (Circle)

If yes, what sections of Code are cited? (Attach copies) _____, _____, _____

Application is herein made for section(s) of the Code of the Town of Huntington. _____ (Obtain from Letter of Denial)

Property Location from the Letter of Denial (as description) from the Town of Huntington Building Department: _____

Is the property within 500 feet of: (a) the boundary of any existing or proposed county, state or federal park or other recreation area, (b) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, (c) existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, (d) the existing or proposed boundary of any other county, state or federally-owned land or (e) the boundary line of any village or town? Yes _____ No _____

Located in Zone District designated as: _____ (Obtain from Letter of Denial)

Previous Appeals. Please check one.

() A previous appeal has been made dated _____ ZBA#(s) _____ (Obtain from Letter of Denial and/or Property History)

() A previous appeal has not been made with respect to this property.

Reason for Appeal to change present status: _____ Explain why you are appearing before the Zoning Board

I hereby affirm that to the best of my knowledge the list of property owners presented with this application is accurate and that all statements herein are true.

Signature(s) of Applicant

Print Name of Applicant.

The undersigned certifies that the owner(s) listed in section 2 of this application is/are a complete representation of the current owner(s) of the real property referred to in this application.

Signature of Owner(s)

Print Name of Owner

Signature of Owner(s)

Print Name of Owner



APPLICATION FORM

Commercial

TAX MAP NUMBER _____

APPLICANT – Applicant must be a party in interest

NAME: _____

COMPANY NAME: _____

ADDRESS _____

PHONE _____

OWNER (S) - All owners on the current deed.

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

Are there any **Violations or Notices of Violation** outstanding on this property? YES / NO (Circle)

If yes, what sections of Code are cited? (Attach copies) _____

Application is herein made for section(s) of the Code of the Town of Huntington.

Property Description from the Letter of Denial from the Town of Huntington Building Department:

Is the property within one mile of an airport or 500 feet of: (a) the boundary of any existing or proposed county, state or federal park or other recreation area, (b) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, (c) existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, (d) the existing or proposed boundary of any other county, state or federally-owned land or (e) the boundary line of any village or town? Yes _____ No _____

Located in Zone District designated as: _____

Previous Appeals. Please check one.

() A previous appeal has been made dated _____ ZBA#(s) _____

() A previous appeal has not been made with respect to this denial of the Building Inspector or with respect to this property.

Reason for Appeal to change present status:

I hereby affirm that to the best of my knowledge the list of property owners presented with this application is accurate and that all statements herein are true.

Signature(s) of Applicant

Print Name of Applicant.

The undersigned certifies that the owner(s) listed in section 2 of this application is/are a complete representation of the current owner(s) of the real property referred to in this application.

Signature of Owner(s)

Print Name of Owner

Signature of Owner(s)

Print Name of Owner

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?			NO	YES
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.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
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 _____ acres or controlled by the applicant or project sponsor?				
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban) <input type="checkbox"/> Forest Agriculture Aquatic Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		



APPLICANT CERTIFICATION

Signed by ALL Applicants

STATE OF NEW YORK)

COUNTY OF SUFFOLK) SS.:

_____, being by me duly sworn, deposes and says:

1. I am interested in an application for a variance or special exception now pending before the Town of Huntington Zoning Board of Appeals, identified by tax map number:
_____.
2. I reside at _____.
3. The nature of my interest in the aforesaid application is as follows:
_____.
4. It is my understanding that the Huntington Town Board has determined that public policy requires a full, frank and complete disclosure of all persons having an interest, direct or indirect, in all applications to the Huntington Zoning Board of Appeals and other agencies of Town Government, to insure that no question of conflict of interest or favoritism may arise.
5. To the best of my knowledge, information and belief, there are no other persons, firms or corporations interested in this application, except as hereafter set forth (If either Corporation or Company, etc., list all officers):

If on the New York or American stock exchanges applicant must state: "No officer or employee of the Town of Huntington owns 5% or more of the listed stock."

Sworn to before me this

_____ day of _____, 20_____

Notary Public

Signature(s)

Please print name(s)

website: huntingtonny.gov

e-mail: ZBA@huntingtonny.gov

Town of Huntington Zoning Board of Appeals



OWNER CERTIFICATION

Signed by ALL Deeded Owners

STATE OF NEW YORK)

COUNTY OF SUFFOLK) SS.:

_____, being by me duly sworn, deposes and says:

1. I am interested in an application for a variance or special exception now pending before the Town of Huntington Zoning Board of Appeals, identified by tax map number:

_____.

2. I reside at _____.

3. The nature of my interest in the aforesaid application is as follows:

4. It is my understanding that the Huntington Town Board has determined that public policy requires a full, frank and complete disclosure of all persons having an interest, direct or indirect, in all applications to the Huntington Zoning Board of Appeals and other agencies of Town Government, to insure that no question of conflict of interest or favoritism may arise.

5. To the best of my knowledge, information and belief, there are no other persons, firms or corporations interested in this application, except as hereafter set forth (If either Corporation or Company, etc., list all officers):

If on the New York or American stock exchanges applicant must state: "No officer or employee of the Town of Huntington owns 5% or more of the listed stock."

Sworn to before me this

_____ day of _____, 20____

Signature(s)

Notary Public

Please print name(s)

website: huntingtonny.gov

e-mail: ZBA@huntingtonny.gov

Town of Huntington Zoning Board of Appeals



DISCLOSURE STATEMENT

Signed by ALL Applicants and Deeded Owners

In accordance with the requirements of §809 of the General Municipal Law of the State of New York, directing that all applications requesting relief from the Zoning Board of Appeals of the town of Huntington must include a statement by the applicant disclosing, to the extent known to said applicant, the name and residence of any officer or employee of the Town of Huntington or County of Suffolk, or any state officer, having an interest in the applicant and the nature and extent of that interest, the applicant provides as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>NATURE AND EXTENT OF INTEREST</u>
<hr/>		
<hr/>		

(if the space allocated above is insufficient to list all persons interested in the applicant, please provide the required information on additional interested persons on a separate sheet(s) of paper and attach hereto)

For the purposes of completing this statement, the word “applicant” shall mean the person, corporation, partnership or association making such application.

Furthermore, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

- (a) is the applicant, or
- (b) is an officer, director, partner or employee of the applicant, or
- (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
- (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

A PERSON WHO KNOWINGLY AND INTENTIONALLY WITHHOLDS THE NAMES AND ADDRESSES OF ANY PERSONS INTERESTED IN THE APPLICANT AS DESCRIBED IN THIS STATEMENT VIOLATES §809 OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK AND SHALL BE GUILTY OF A MISDEMEANOR.

The undersigned affirms, to the best of his or her knowledge, that the person(s) disclosed in this statement is/are the only person(s) having an interest in the applicant.

Date:

<hr/>	<hr/>
Signature of Owner	Signature of Applicant
<hr/>	<hr/>
Signature of Owner	Signature of Applicant
<hr/>	<hr/>
Signature of Owner	Signature of Applicant

If the Applicant is a Corporation, Partnership or Association, state the relationship of the signer to the Applicant.



CONCEPTUALIZED SITE PLAN REQUIREMENT

A CONCEPTUALIZED SITE PLAN IS REQUIRED:

- Non-residential applications.
- Residential applications with the intent of applying to the Planning Board for subdivision approval. Large maps must be individually folded with the information box in the lower right-hand corner.

CONCEPTUALIZED SITE PLAN IS NOT REQUIRED:

For area variances to dwellings in zones legally permitting dwellings or legal non-conforming dwellings. The below list is only the bare necessities for a technical review on behalf of the Zoning Board of Appeals and by no means constitutes a full site plan review. Please note that when an application is submitted to the Planning Board for full site plan review, additional items will be required at that time.

A CONCEPTUALIZED SITE PLAN contains the following features:

- Lot area, building lot coverage, Names of abutting streets, general boundary lines, bearings, distances, area of parcel, a tie distance to an established street intersection, a north point and notation as to a standard scale (1"=10', 1"=20', 1"=30', 1"=40' or 1"=50').
- Zoning of the subject and abutting properties must be accurately depicted. All zone district boundary lines, must be shown.
- Key map at a scale of no less than 1"=1000', may be included to indicate approximate location of property that is subject of the application.
- Existing and proposed curbs, sidewalks, buildings, areas to be landscaped, utilities, fencing, free-standing signs, dumpsters, proposed parking areas, aisles and driveways, buffers and their **exact dimensions must be shown**.
- Parking calculations based on uses (§198-47). Parking spaces to be standard 9 x 20. Handicapped spaces to be 8' x 20' with an 8' x 20' transfer area.
- Existing and proposed building Gross Floor Area to include an area breakdown of the building's existing and proposed uses on all building levels to coincide with #5 above.
- Loading zones, where applicable, as required pursuant to §198-54.
- Special use permits, pursuant to §198-110(C)(3), will also require submission of a yield map.