

# TOWN OF EAST HAMPTON ZONING BOARD OF APPEALS

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## Natural Resources Special Permit and/or Variance Application Instructions

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This form is a combined application for a Natural Resources Special Permit and/or Variance. Please note that some of the information requested in this combined form is required by State regulation (9 NYCRR§617.20 Appendix A).

The attached application must be fully completed (by computer, typewriter, or in ink) and all of its requirements complied with. **Nine copies** (original plus 8 photocopies) and **one digital file** (PDF on a USB flash drive or via email) of the completed application along with the requirements listed below are to be submitted to the office of East Hampton Town Zoning Board of Appeals. Additional copies of the application and plans may be required once review is underway if the application is required to be routed to other agencies by this board.

NOTE: THE WORK COVERED BY THIS APPLICATION MAY NOT BE COMMENCED BEFORE APPROVAL IS GRANTED AND A BUILDING PERMIT IS OBTAINED.

This application must be accompanied by:

**A. Application Fee.** The application fee must be submitted in the form of a personal check, certified check, money order, or attorney's check (no cash will be accepted). The fees are located on the first page of the application.

**B. Surveys.** **Nine (9) original prints** (not photocopies) and **one digital file** (PDF on a USB flash drive or via email) of a survey prepared by a land surveyor licensed in New York State that provides a detailed layout of the lot or parcel at an engineer's scale that clearly shows the following. Additional copies of the survey may be required once review is underway if the application is required to be routed to other agencies by this board.

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1. Topography of the site at 2-foot contour intervals as referred to the 1929 NGVD datum and any proposed grades (if applicable), the boundary line of mean high water where the parcel bounds on tidal waters, and water depth contours for dredge or fill projects, docks, groins, or pond enlargements. (Requirement for NRSP applications)
2. Total Lot Area and Lot Area as defined in §255-1-20 of the Town Code, existing, proposed, and allowable Lot (building) Coverage and Total Lot Coverage as defined by §255-1-20. Also specify areas not included in lot area, if any, as defined in §255-1-20 of the Town Code.
3. The filed map number and date of filing, the zoning district or districts and any zoning overlay districts in which the property is located and the Suffolk County Tax Map Number. Flood zones as designated by FEMA and the Coastal Erosion Hazard Line designated by the New York State Department of Environmental Conservation (NYSDEC) should be depicted on the survey, where applicable.
4. The boundaries of any wetland, dune crest, bluff line, or toe of bluff as defined in §255-1-20 of the Town Code. The presence of any protected natural feature as defined §255-1-20 must be flagged by the Planning Department.
5. The location of all existing and proposed buildings, structures and improvements, including driveways and parking areas, with setback dimensions shown from property lines and natural features. The limits of existing and proposed land clearing with area calculations should also be included on the survey.
6. Existing and proposed clearing with calculations as required by the applicable Overlay District requirements or Vegetative Protection Ordinance.
7. The location of all known easements, roads, trails, rights-of-way, and utilities on, over or immediately adjacent to the site. Notations should specify whether roads are public, private, improved, unopened or open but unimproved.
8. Location of existing or proposed water supply wells, public water supply lines, sanitary systems, and the location of any existing or approved wells or sanitary systems within 150 feet of the subject property.
9. The date, location and results of any test hole or bore data (if available) that indicates the composition of the underlying sediments and depth the groundwater table. The individual or company that supplied the test hole/bore data should also be provided (see Note 2 below).

10. The surveys must include the surveyor's seal and signature and be certified or guaranteed to the property owner or applicant.
11. The profile of a proposed swimming pool that includes the elevation of the decking and the proposed separation of the bottom of the pool to the groundwater table.

**Note:** Proposed sanitary systems within Natural Resources Special Permit jurisdiction must include a profile of the proposed system that depicts finished grades, invert elevations and the proposed separation of the leaching pools to the groundwater table. This information must either be included on the survey or shown on (2) prints of a plan prepared by a licensed design professional.

**C. Building Plans.** If the requested Natural Resources Special Permit or Area Variance(s) involves a building, **two (2) prints of full sized, scalable, floor and elevation plans, eight (8) additional copies of plans, no larger than 11" x 17", and one digital file** (PDF on a USB flash drive or via email) that include the following information is required. (If full size plans are no larger than 11" x 17", only 9 copies are required.)

1. Floor Plans that provide the proposed gross floor area as defined in §255-1-20 of the Town Code, the proposed room use and the square footage of decking, patio, and/or porches, if proposed. Floor plans for additions to an existing structure should also include existing and proposed walls and any non-conforming floor area calculations as specified by §255-8-60A of the Town Code when applicable.
2. Elevation plans should include roof pitch and the compliance, or the extent of non-compliance with the Town's height, pyramid, and number of stories regulations. When applicable, the type and depth of penetration of proposed foundation and a cross section of the residence that includes natural grade should be provided.

**NOTES:**

1. Please note that an incomplete application may be returned to you for completion and will delay the review of your application. The Zoning Board of Appeals reserves the right to request additional information not specifically required by this application form as may be necessary to make a fair, reasonable and informed decision on this application.
2. The Zoning Board of Appeals may require you to dig a test hole or boring on your property, depending on the project location and project type. However, do not dig a new test hole or boring without first having been requested to do so by the Zoning Board of Appeals.
3. If you require further guidance in the preparation and submittal of an application to the Zoning Board of Appeals, contact the Planning Department between the hours of 1:00 PM and 4:00 PM and ask to speak to the Planner of the Day at Suite 105, 300 Pantigo Place, East Hampton, New York, 11937 or (631) 324-2178.

**When a public hearing has been scheduled you are required to:**

1. Notify by **certified mail, returned receipt requested**, the owners of record of every property that abuts, and every property that is directly across any public or private street from, the property, which is the subject of this application **at least ten (10) days in advance of the public hearing** in accordance with the provisions of §255-9-23 of the Town Code. These notices must be sent to the property owners mentioned above at their **current mailing addresses** as of the time the notices are mailed, as listed in the records of the Town Assessor.
2. Post the property that is the subject of this application with the sign provided by the ZBA **at least ten (10) days in advance of the public hearing and maintain the posting through the date of the hearing** in accordance with the provisions of §255-9-23 of the Code.
3. Submit proof, prior to or at the hearing, **in the form of an affidavit with copies of the postal receipts attached**, that notification requirements 1 and 2 above have been complied with.



# TOWN OF EAST HAMPTON ZONING BOARD OF APPEALS

## NATURAL RESOURCES SPECIAL PERMIT and or Variance APPLICATION AND ENVIRONMENTAL ASSESSMENT FORM PART 1

**IMPORTANT: PLEASE READ THE ENTIRE APPLICATION FORM PRIOR TO SUBMITTING FOR REVIEW. IF THIS APPLICATION IS DETERMINED NOT TO BE A *TYPE II* ACTION AND IS DETERMINED TO BE A *TYPE I* OR *UNLISTED* ACTION PURSUANT TO *SEORA* ADDITIONAL APPLICATION INFORMATION MAY BE REQUESTED.**

DATE: \_\_\_\_\_

### I. The application is for which of the following.

• **Variance:** Please check all variances that apply and submit the proper fee.

- Area variance (proposed) \$500 for first request, \$200 for each additional request
- Area variance (existing) \$1,000 for first request, \$400 for each additional request
- Use Variance (proposed) \$500
- Use Variance (existing) \$1,000

• **Natural Resources Special Permit (NRSP):**

- NRSP (proposed) \$300
- NRSP (existing) \$600
- NRSP (New erosion control structures and docks) \$600

• **Other:**

- Appeal/Interpretation \$400

### II. CONTACT INFORMATION:

A. Name of Applicant (if different from owner): \_\_\_\_\_

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

Phone Number: (\_\_\_\_\_) \_\_\_\_\_

B. Name of Owner: \_\_\_\_\_

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

Phone Number: (\_\_\_\_\_) \_\_\_\_\_

C. Name of Agent (if applicable): \_\_\_\_\_

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

Phone Number: (\_\_\_\_\_) \_\_\_\_\_

**Please specify** who you wish correspondence to be sent to from those names listed above. (Specify A - C above \_\_\_\_\_).

Contact Email: \_\_\_\_\_

**III. PROPERTY IDENTIFICATION AND LOCATION (Required Information)**

All information in this section is required for the application and must be completed. If the applicant does not know a required answer, they should contact the Planning Department (631-324-2178) between 1 p.m. and 4 p.m. Monday through Friday and request the Planner of the Day to assist in answering the question.

(1) <i>Date Property Acquired:</i>
(2) <i>Tax Map Number: 300-</i>
(3) <i>Street, House number &amp; Hamlet:</i>
(4) <i>Size of Parcel:</i>
(5) <i>School District:</i>
(6) <i>Zoning District:</i>

(7) **Overlay District:**

- |  |  |
|--|--|
| <input type="checkbox"/> Water Recharge Overlay District     | <input type="checkbox"/> Harbor Protection Overlay         |
| <input type="checkbox"/> Affordable Housing Overlay District | <input type="checkbox"/> Agricultural Overlay District     |
| <input type="checkbox"/> Flood Hazard Overlay District       | <input type="checkbox"/> Limited Business Overlay District |

(8) Are there any right-of-ways, easements, or restrictive covenants, which encumber the property? If so, please indicate the nature of the restrictions:

(9) Have any previous variance applications, natural resources special permit applications or appeals been made with respect to this property? If so, give date and name of each such application. This information is available from the Building Department (631-324-4145).

(10) This application is made because of the presence of one or more of the following natural features on or adjacent to the site. (Please check all that apply.)

- |  |   |                                     |
|--|---|-------------------------------------|
| <input type="checkbox"/> Wetlands              | <input type="checkbox"/> Bluffs           | <input type="checkbox"/> Dune Crest |
| <input type="checkbox"/> Fresh or Tidal Waters | <input type="checkbox"/> Beach Vegetation | <input type="checkbox"/> Beaches    |

**IV. Project Description:**

A. List each structure or activity proposed including dimensions, number of stories and total square footage. **If the structure or activity is not listed it will not be part of the application.**

	Structure	Dimension	No. of Stories	Total Square Footage
<b>1</b>				
<b>2</b>				
<b>3</b>				
<b>4</b>				
<b>5</b>				
<b>6</b>				

**V. VARIANCE INFORMATION:**

A. **APPEAL:** This appeal is taken from the determination of the Building Inspector dated \_\_\_\_\_ concerning Section(s) \_\_\_\_\_ of the Town Code. **The contested determination is incorrect in that:**

B. **AREA VARIANCE:** This application is a request for an area variance from the provisions of Section(s) 255-\_\_\_\_\_ of the Town Code. This variance is for: (List each variance requested, amount of each variance in feet or square feet, and whether variance is for existing or proposed structures.)

**For each** variance required list the setback of structure from property lines and or natural features. For height variances list the height above the pyramid line or maximum height line from natural grade. (**Do not** merely refer to attached surveys or building plans.)

	Structure	Natural Feature	Front Yard	Side Yard	Rear Yard	Height	Pyramid	Other
<b>1</b>								
<b>2</b>								
<b>3</b>								
<b>4</b>								
<b>5</b>								
<b>6</b>								
<b>7</b>								
<b>8</b>								

1. Will the grant of the variance(s) cause an undesirable change in the character of the neighborhood or will it create detriment to nearby properties? If not, please explain.

2. Can the benefits sought be feasibility achieved by some method other than an area variance? Please explain.

3. Will the area variance(s) sought be substantial and, if not, why not?

4. Will the grant of the variance have an adverse impact on the physical or environmental conditions in the neighborhood or in the affected area of the Town? Please explain.

5. What reasons lead you to request this variance rather than to comply with the Town Code?

**C. USE VARIANCE:** This application is a request for a use variance from the provisions of Section 255-11-10 (Table III) of the Town Code. This variance is requested to: (Explain the activity or use requested and give the dimensions of the building, structure, or part thereof proposed, if any.)

1. State why the use regulations contained in the Zoning Code deprive you of all economic use or benefit of the property in question. (Evidence that you have been deprived of all economic use or benefit of the property must be established by competent financial evidence.)

2. Explain how the hardship relating to the property is unique, and why it does not apply to a substantial portion of the use district or neighborhood in which the property lies.

3. Explain why the use variance to be granted will not alter the essential character of the neighborhood.

4. What reasons lead to your need for this use variance?

5. Is the use variance requested the minimum variance necessary and adequate to alleviate your claimed hardship? Please explain.

**VI. Neighboring Properties**

Please list below the names, addresses and tax map numbers of owners of the adjacent properties, including those directly across any public or private streets on which your property fronts. This information may be obtained in person at the Town Assessor's Office.

**IMPORTANT:** You will have to notify the owners of these properties by certified mail, at least ten (10) days before the scheduled Public Hearing. *The names and addresses below must be updated at the time you give this notice.*

1. NAME: \_\_\_\_\_ 4. NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

TAX MAP NO. \_\_\_\_\_ TAX MAP NO. \_\_\_\_\_

2. NAME: \_\_\_\_\_ 5. NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

TAX MAP NO. \_\_\_\_\_ TAX MAP NO. \_\_\_\_\_

3. NAME: \_\_\_\_\_ 6. NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

TAX MAP NO. \_\_\_\_\_ TAX MAP NO. \_\_\_\_\_

**VII. STATEMENT OF DISCLOSURE OF INTEREST**

**Officers or Employees of State, County, or Town Government**

**Required by § 809 of the New York General Municipal Law**

The following Statement must be signed by the following:

- (1) Every individual owner of any real property which is a subject of this application (hereafter, the "subject property");
- (2) An authorized representative of every corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in the subject property;
- (3) Every individual who has a contract to purchase an interest in the subject property; and
- (4) An authorized representative of every corporation, partnership, company, trust, association, or other legal entity which has a contract to purchase an interest in the subject property.

**NOTICE: A KNOWINGLY FALSE STATEMENT UNDER § 809 OF THE GENERAL MUNICIPAL LAW IS PUNISHABLE AS A MISDEMEANOR.**

I make the following statements about interests in the real property which is the subject of this application (the "subject property"):

**PART I:** Except as otherwise set forth in Part II below –

**A. Individuals with an ownership interest in the property.**

1. No person having an ownership interest in the subject property is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.
2. No person having an ownership interest in the subject property is a spouse, a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.
3. No person having an ownership interest in the subject property is the spouse of a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.

**B. Individuals with an interest in a contract to purchase the property.**

1. No person having an interest in a contract to purchase the subject property is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.
2. No person having an interest in a contract to purchase the subject property is a spouse, a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.
3. No person having an interest in a contract to purchase the subject property is the spouse of a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.

**C. Corporations or other entities with an ownership interest in the property.**

1. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in the subject property is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.
2. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in the subject property is a spouse, a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.
3. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in the subject property is the spouse of a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.

**D. Corporations or other entities with an interest in a contract to purchase the**



**property.**

1. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity having an interest in a contract to purchase the subject property is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.
  
2. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity having an interest in a contract to purchase the subject property is a spouse, a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.
  
3. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity having an interest in a contract to purchase the subject property is the spouse of a brother, a sister, a parent, a child, or a grandchild of any individual who is an officer or employee of New York State, Suffolk County, or the Town of East Hampton.

**PART II:** If any of the statements under A through D above is **not** true, please explain and set forth the name and the relationship to the subject property of any individual or person involved.

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**AUTHORIZATION**

I, the owner, hereby authorize the Planning Department and the Zoning Board to enter the subject parcel to review the pending application for a Natural Resources Special Permit and/or Variance. Town employees are also authorized to enter the premises to ascertain compliance with zoning and other building laws, regulations and ordinances.

Signed: \_\_\_\_\_  
\_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
ss:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before  
me personally appeared \_\_\_\_\_,  
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to this instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.