

**RULES FOR FILING APPEALS OR
SPECIAL EXCEPTIONS
WITH
BOARD OF TRUSTEES
OR
BOARD OF ZONING APPEALS**

PLEASE BE ADVISED ALL PAPERWORK MUST BE SUBMITTED 35 DAYS PRIOR TO HEARING DATE. IF ALL FEES, PLANS, AND NECESSARY PAPERWORK ARE NOT SUBMITTED BY THAT DATE, THE HEARING WILL BE POSTPONED. NO EXCEPTIONS.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE OFFICE AT 516-295-5770.

1. **FORM, EXECUTION OF APPLICATION FOR APPEAL, SPECIAL EXCEPTION, ETC.**
All applications for appeals, change of zone, special exceptions or special use permit shall be made out on forms supplied by the Village of Cedarhurst and all copies shall be signed and sworn to by the applicant.
Ten copies of all forms and maps shall be submitted.
2. No application for appeal seeking a variance, change of zoning subdivision, merger, partitioning, site plan, or special exception will be considered until the applicant or person taking the appeal shall have first applied to the Superintendent of the Building Department for a building permit for the proposed building, alteration or use building permit for the proposed building alteration or use affected by such application.
3. **INFORMATION TO ACCOMPANY PETITION APPLICATION FOR SPECIAL EXCEPTION, VARIANCE, CHANGE OF ZONING OR SPECIAL USE PERMIT.**
Each of the ten petitions or applications shall be accompanied by:
 - a) Ten complete copies of list of the names and addresses of the owners of all of the lands within a radius of two hundred (200) feet of the boundary lines of property affected by such petition or application, and
 - b) Ten copies of a map of all properties within two hundred (200) feet of the subject property lines showing the size of the plots and whether the same are vacant or improved with residence or business structures and the zoning of all such lands shown on such map.
 - c) Ten copies of survey
Ten copies of Plans
Ten copies of Building Permit
Ten copies of Denial letter
4. **ALL APPLICATIONS OR APPEALS SHALL BE FILED WITH THE VILLAGE CLERK.**
5. **APPLICATION OR APPEAL PERSON OTHER THAN OWNER** – where applications or appeals are made by persons other than the owner of the property affected, such application or appeal must be consented to in writing and duly acknowledged by the owner.
6. **EXECUTION, CONTENTS OF NOTICE OF OWNERS:** Each notice to an owner of a petition or application shall be signed by the petitioner or applicant, his agent or attorney, identifying the property affected thereby, and setting forth the relief requested and the date, hour and place fixed by the Board for a hearing thereon.
7. **SERVICE OF NOTICE UPON SURROUNDING PROPERTY OWNERS:** for purposed set forth in three (3) herein. A notice on the form provided by the Village Clerk of Cedarhurst shall be served by the applicant upon every owner of property within a radius of two hundred (200) feet of the boundary lines of the property affected by said petition by certified mail, return receipt requested. (White and Green Mailers)
8. **TIME FOR MAILING NOTICES TO PROPERTY OWNERS:** All notices provided for in Rule 10, mailed by certified mail shall be mailed not less than ten days or more than twenty days prior to the date set for public hearing upon such petition or application.
9. **CONSENT IN LIEU OF NOTICE:** In lieu of the notice upon owners entitled thereto as aforesaid, an applicant may submit a consent duly executed by any such property owner entitled to notice.
10. **AFFIDAVIT OF PERSONAL SERVICE IN LIEU OF NOTICE:** In lieu of notice to owners entitled thereto aforesaid, an applicant may submit an affidavit of personal service upon any owner entitled to notice, not less than ten days nor more than twenty days prior to the date set for hearing.
11. **FILING PROOFS OF SERVICE:** Proofs of service shall be filed in the Village Office at least five days before the date of the public hearing as follows:
 - a) An affidavit of mailing in the form furnished by the Village Clerk.
 - b) The Post Office return receipts of the required certified mailings attached to affidavit form.

12. FEES AND DEPOSITS RECEIVED BY CLERK

When an application for appeal shall be filed with the Village Clerk, it shall be accompanied by a fee payable according to the following schedule:

- a. Zoning Change for one or two family dwelling: \$350
- b. Zoning Change for multiple dwelling, business or professional: \$450
- c. Special Exception for one or two family dwellings: \$350
- d. Special Exception for multiple dwelling, business or professional: \$450
- e. Variance Change for one or two family dwelling: \$350 (per section of code)
- f. Variance Change for multiple dwelling, business or profession: \$450 (per section of code)
- g. - Additional fees incurred by village, i.e. court reporter, advertising in local paper, expert opinions etc. will be billed to applicant.
- Cases other than residential one and two family will be required to submit \$1000.00 up front at time of submission. If additional fees are incurred, i.e. court reporter, advertising in local paper, expert opinions etc., they will be billed to applicant. The unused portion will be returned to applicant.

13. DURATION OF APPROVAL: A variance of special exception shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six (6) months after the date of its approval. In the event no plans are filed, and no permit issued, and no work started for a good cause, the building official may allow a maximum of two (2) extensions for a period not exceeding three (3) months each.

Deposit for actual costs incurred by the Village in processing the change of zone or appeal on an application for a variance or special exception as per local law Section 265-24A and Local Law Sec 265-30, copies of which are submitted herewith.

14. EFFECTIVE OCTOBER 2010 THESE INSTRUCTIONS SHALL SUPERCEDE ANY AND ALL PREVIOUS INSTRUCTIONS.