

**VILLAGE OF BAXTER ESTATES**  
**315 MAIN STREET**  
**PORT WASHINGTON, NY 11050**  
**Telephone (516) 767-0096**  
**Facsimile (516) 767-0058**  
**Email: building@baxterestates.org**

**PLANNING BOARD APPLICATION PACKET**

**PLEASE READ ALL APPLICATIONS INSTRUCTIONS (I1- to I6) before proceeding with the checklist below.**

Each complete Planning Board Application MUST include **two separate checks** made out to the "**Village of Baxter Estates**":

1. \$500.00 processing fee (non-refundable)
2. \$2,000.00 check for legal fees, legal notices & court reporter - *Any monies not expended will be refunded to the applicant. Additional money may be required if expenses exceed the deposit.*

**APPLICATION CHECKLIST: SUBMIT ONE (1) ORIGINAL AND SEVEN (7) COPIES OF A FULL APPLICATION, WHICH IS TO INCLUDE:**

- Application [A1-A2]
- Affidavit To Be Completed by Owner/ Agent/ Corporate Owner/ LLP Partner (one affidavits must be completed) [A3-A4]
- 200' Radius Affidavit, Map and Listing [A5]
- Affidavit of Disclosure in Compliance with Section 809 of the General Municipal Law [A6-A7]
- Inspection Authorization Forms [A8]
- Applicant Acknowledgment of Deposit Obligations [A9]
- Notice to Property Owners [A10]
- Short Environmental Assessment Form (SEQRA)
- Affidavit in Lieu of Current Survey/Or Current Survey [S1]
- Affidavit of Mailing [S2] – To be completed after the meeting is set and the legal notice is received

**Please note that ALL pages beginning with an “A” are REQUIRED with every submission. No copies will be made by the Clerk’s Office.**

Also, if applicable to your application:

- Floor plans- If the application involves a commercial property or the addition to an existing building (including a single-family home), floor plans of the entire building as it exists and as proposed.
- A copy of any previous determination, if applicable- If the subject premises are subject to the terms of a previous Board determination.
- A copy of any outstanding notices, if applicable- of violation, summonses, or appearance tickets with regard to the premises

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- In an appropriate proceeding involving new construction which may substantially impact upon adjacent properties, the Board may additionally request a radius map showing all of the structures on all of the properties within sixty (60) feet of the subject premises.
- In an appropriate proceeding involving issues of traffic and/or parking, the Board may additionally request a traffic and/or a parking study.
- If the application involves a commercial property and a change of use, floor area, building area, or site plan, a site plan showing the existing and proposed parking and landscaping.

**Definitions and Specifications:**

- **Survey** guaranteed to an owner, a title company or a bank showing all of the structures (including, but not limited to, decks, basketball courts, handball courts, fences, sheds, and retaining walls) on the premises, whether or not those structures relate to the specific application; and, if the request relates to setback requirements or distances between structures all of the distances which affect the Board's consideration. No changes or sketches or markings on a survey will be accepted. If a survey is not current, dated or recertified within the previous six months, an affidavit in lieu of current survey [S1] stating there have been no physical changes to the premises, including, but not limited to, the boundaries and contours of the land and the sizes and locations of all of the buildings, structures, and utility lines thereon or overhead, which are not shown on the survey, and that the survey properly shows the premises as they currently exist.
- **Site Plan** showing all of the proposed structures- Separate site plans shall be submitted showing existing improvements and any change being requested to change or add to the existing improvements. Setbacks shall always be measured from the closest point of a structure to the relevant property line.
- **Building Plans prepared by Licensed Design Professional, Engineer or Surveyor, as applicable.**
- **Denied Building Permit Application identifying variances required, or Determination of Superintendent of Buildings for which review is sought**
- **Denial letter** - issued from the Building Superintendent, this is received after the building permit is submitted.
- **Affidavit of Mailing** - An Affidavit of said mailing, setting forth the date of the mailing and the names, addresses, and tax lot designations of the addresses, together with a copy of the Legal Notice, shall be filed with the Village Clerk not less than 5 days before the public hearing. All of the return receipts and signed light green certified mailing cards received by the applicant prior to the public hearing shall be filed with the Village Clerk prior to or at the public hearing.

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**VILLAGE OF BAXTER ESTATES**  
**INSTRUCTIONS FOR APPLICANTS TO THE PLANNING BOARD**

**NOTE:** If your application is for a site plan approval in connection with a project that also requires a zoning variance, conditional use permit, or similar use permit, or the approval of the Landmarks Preservation Commission, then you may need to make application to one or more of the Board of Trustees, Board of Zoning Appeals or the Landmarks Preservation Commission and receive a decision therefrom before a decision will be rendered with respect to your application for site plan approval.

**A. THE APPLICATION**

You must submit an original and seven (7) copies of a signed and completed Village of Baxter Estates Application to the Planning Board for Site Plan Approval, see II for details. In addition, the following must be understood;

- a. **NON-REFUNDABLE FEE.** Pay a non-refundable fee of five hundred dollars (\$500.00), by check made payable to the Village of Baxter Estates.
- b. **COSTS.** On all applications to the Planning Board for variances or to review a determination of the Village Building Superintendent, or for other relief, the applicant shall be liable for and shall pay the following costs which may be incurred by the Village in processing the application:
  - i. Publication of Legal Notice of Hearing;
  - ii. Stenographic minutes of meetings and hearings;
  - iii. Fees, costs, and expenses payable by the Village to the Village Attorney, which shall be charged at an hourly rate approved by the Board of Trustees, for time that the office of the Village Attorney spends on the application;
  - iv. Recording fees;
  - v. Engineering, planning, sound, traffic, environmental or other specialized study or consultant's fees, costs and expenses incurred by the Village in considering such application, consistent with the fees for services then prevailing in the community.
- c. **DEPOSITS.** In addition to the required non-refundable fee, the applicant shall deposit with the Village Clerk the sum of \$2,000.00, by check made payable to the Village of Baxter Estates, to be used by the Village against the expenses listed under "COSTS" above, which are actually and necessarily incurred by the Village in processing and reviewing the application.
  - i. If at any time the amount of the deposit is insufficient to cover the "COSTS" incurred in connection with the application, then the applicant shall, at such time as is fixed by the Village Clerk, deposit with the Village an additional amount to be applied to such COSTS. Further processing of your application by the Village, including by the Planning Board, will be suspended until any such required deposits are received by the Village. If

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the amount deposited with the Village exceeds the actual COSTS which are actually and necessarily incurred by the Village, then the unused portion of such deposit shall be returned to the applicant within sixty (60) days after the decision on the application is filed.

- d. The applicant or a representative must be present at the hearing on the application. The Planning Board will consider your application in accordance with the standards for review applicable thereto under the New York State Village Law and the Village Code.

\*For purposes of these Instructions, CURRENT SURVEY of the Subject Premises shall mean a survey by a duly licensed land surveyor – “current” means one that is not more than one (1) year old. In lieu of a current survey, an applicant may furnish an older survey, accompanied by an affidavit by the owner of the Subject Premises, or a licensed land surveyor, stating that the survey is an accurate representation of the existing conditions on the premises. This must be attached to each copy of the survey. Notwithstanding the foregoing, the Board may at any time during its consideration of your application require that a current survey be submitted.

**B. PLEASE NOTE:**

- a. The Applicant must notify the owners of all property within a 200-foot radius of the Subject Property of the public hearing for the application. Such notice must be mailed Certified Mail, Return Receipt Requested, to each record owner of each such parcel, not less than 10 days and not more than 25 days prior to the date set for the Public Hearing on the Application. An Affidavit of Mailing must be filed with the Village Clerk not later than five (5) days prior to the date of the Public Hearing, and all Certified Mail receipts and Return Receipts must be filed with the Village Clerk.
- b. In the event that revisions are made to plans that had been reviewed by the Board, all such re-submissions must be highlighted to reflect any and all changes requested by the Board from the most recently submitted version thereof.

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**APPLICATION TO PLANNING BOARD FOR SITE PLAN REVIEW**

**Basic Property Information:**

Location of property: \_\_\_\_\_

Named of Proposed Development: \_\_\_\_\_

Nassau County Tax Map – Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Current Zoning Classification: \_\_\_\_\_

Bounded by or abutting what street(s)? \_\_\_\_\_

**Owner: If more than one owner, provide information for each**

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

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

City State Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

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

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

City State Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Plans Prepared By:**

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

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

City State Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant:**

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

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

City State Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

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**Proposed Project Information:**

Ownership Intentions: \_\_\_\_\_

\_\_\_\_\_

Proposed Uses: \_\_\_\_\_

\_\_\_\_\_

Describe proposed use including primary and secondary uses, ground floor area, height, and number of stories for each building:

\_\_\_\_\_ for non-residential building, include total floor area and total sales area, number of truck and automobile parking spaces.

\_\_\_\_\_ other proposed structures (use separate sheet, if needed)

\_\_\_\_\_

State, County, or Federal Permits Needed, if any (list type and appropriate description): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Anticipated Construction Time: \_\_\_\_\_

Will development be staged? \_\_\_\_\_

Estimated Cost of Proposed Improvement: \_\_\_\_\_

\_\_\_\_\_

Anticipated Increase in Number of Residents, Shoppers, Employees, etc. (as applicable): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Has this application been before this or any other Board previously? \_\_\_\_\_ YES \_\_\_\_\_ NO

If YES, please attach a copy of the decision

Name of Board \_\_\_\_\_ Date \_\_\_\_\_

**Detailed Property Information:**

Total area in square feet of the property: \_\_\_\_\_

Is property within 500' of a Village boundary? \_\_\_\_\_

If so, give details: \_\_\_\_\_

\_\_\_\_\_  
Date of Deed or Deeds recorded in the Nassau County Clerk's Office establishing Owner's  
record title of Subject Premises: \_\_\_\_\_

\_\_\_\_\_  
How is the property presently used? \_\_\_\_\_

Current Land Use of Site (commercial, undeveloped, residential etc.): \_\_\_\_\_

\_\_\_\_\_  
Current Condition of Site (building, brush, etc.): \_\_\_\_\_

\_\_\_\_\_  
Character of Surrounding Lands: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name, Title

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ONE OF THE FOLLOWING AFFIDAVITS MUST BE COMPLETED

**AFFIDAVIT OF OWNERSHIP (NOT A CORPORATION)**

STATE OF NEW YORK )

) ss:

COUNTY OF NASSAU )

I, \_\_\_\_\_, being duly sworn, deposes and says that they reside at \_\_\_\_\_, in the County of \_\_\_\_\_, State of \_\_\_\_\_; that they are the owner of \_\_\_\_\_, which is the subject premises described in the foregoing application, shown on the Nassau County Tax Map as Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_; that they have authorized \_\_\_\_\_ to make the foregoing application and that the statements of fact contained in the foregoing application are true.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Notary Public

**AFFIDAVIT TO BE COMPLETED BY AGENT**

STATE OF NEW YORK )

) ss:

COUNTY OF NASSAU )

I, \_\_\_\_\_, being duly sworn, deposes and says that they are the agent named in the foregoing application to the Planning Board of the Village of Baxter Estates that they has been duly authorized by the owner in fee to make such application and that the foregoing statements are true to the best of their knowledge and belief.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

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**AFFIDAVIT OF OWNERSHIP (CORPORATION)**

STATE OF NEW YORK )

) ss:

COUNTY OF NASSAU )

I, \_\_\_\_\_, being duly sworn, deposes and says that they reside at \_\_\_\_\_, in the County of \_\_\_\_\_, State of \_\_\_\_\_; that they are the \_\_\_\_\_ Officer of \_\_\_\_\_, the Corporation which is the Corporate Owner of the premises known as \_\_\_\_\_, also described as Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_ on the Nassau County Tax Map; that they have been authorized by the Board of Directors of the said corporation to make the foregoing application and that the statements of fact contained in the foregoing application are true.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Officer's Signature

\_\_\_\_\_  
Notary Public

**AFFIDAVIT OF OWNERSHIP (LIMITED LIABILITY PARTNERSHIP)**

STATE OF NEW YORK )

) ss:

COUNTY OF NASSAU )

I, \_\_\_\_\_, being duly sworn, deposes and says that they reside at \_\_\_\_\_, in the County of \_\_\_\_\_, State of \_\_\_\_\_; that they are the \_\_\_\_\_ Officer of \_\_\_\_\_, the Limited Liability Partnership which is the Owner of the premises known as \_\_\_\_\_, also described as Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_ on the Nassau County Tax Map; that they have been authorized by the Board of Directors of the said corporation to make the foregoing application and that the statements of fact contained in the foregoing application are true.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Officer's Signature

\_\_\_\_\_  
Notary Public





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GENERAL MUNICIPAL LAW, § 809 provides as follows:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
2. For the purposes of this section 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 is:
  - a. the applicant or is an officer, director, partner or employee of the applicant, or legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or 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.
3. In the County of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four of section two of the Election Law.
4. 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.
5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

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**AUTHORIZATION BY OWNER FOR REPRESENTATIVES OF THE VILLAGE OF  
BAXTER ESTATES TO GO UPON SUBJECT PREMISES**

I \_\_\_\_\_ hereby authorize the members of the Planning Board, the Superintendent of Buildings, the Village Engineer or other professional consultant, and legal counsel to the Planning Board to enter upon and inspect my property prior to the Board rendering a determination with regard to my application submitted to such Board.

\_\_\_\_\_  
(Signature of Owner)

Owner's Name: \_\_\_\_\_  
(Print)

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

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**VILLAGE OF BAXTER ESTATES LAND USE APPLICATION**  
**APPLICANT ACKNOWLEDGEMENT OF DEPOSIT OBLIGATIONS**

The undersigned, an applicant to a board, department or agency of the Village of Baxter Estates with respect to the development or use of a parcel of real property within the Village, hereby acknowledges that Village Code §§102-1, 175-2 and 175-83, and resolutions adopted by the Board thereunder, require that the undersigned, as a land use applicant to the Village, is liable and shall pay for those fees, costs and expenses set forth in said Code Sections or resolutions, including engineering, legal, advertising, stenographic and consultant expenses, that are incurred by the Village in connection with my application.

I understand that my initial deposit made against such expenses may be insufficient, depending upon the circumstances of my application, and that I shall be responsible for replenishing the amount on deposit upon request of the Village Clerk, and that all amounts due and owing must be paid before a certificate of occupancy or a certificate of completion with respect to my project will be issued by the Village.

The undersigned, as owner of the affected parcel, acknowledges that any unpaid balance of such expenses shall constitute a lien upon the parcel that is the subject of this application, pursuant to Village Code §102-7.

\_\_\_\_\_  
Signature of Property Owner-Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant  
(if different from Property Owner)

\_\_\_\_\_  
Date

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**NOTICE TO PROPERTY OWNERS**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE TAKE NOTICE THAT the undersigned has made application to the Planning Board of the Village of Baxter Estates for Site Plan Review on the following:

- New single family dwelling w/attached/detached garage
- Addition/alteration to an existing residence

At Street Address: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Described on the Nassau County Land & Tax Map as:

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

A public hearing will be held by the Planning Board, on this application at the Village Hall, 315 Main Street, Port Washington, New York, on \_\_\_\_\_, \_\_\_\_\_, 20\_\_ at 7:30 p.m.

This notice is sent to you by certified mail in accordance with the filing requirements of the Planning Board of the Village of Baxter Estates.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Dated



