

# Relief of Covenant Checklist

- Completed application form
- Survey of property
- Pictures of the property from the front, rear, and sides as well as rear yard & front yard
- Metes and bounds of the property (can be found with title insurance paperwork)
- Filing Fees

(a) For those lots that are in conformance with existing covenanted limits, the fee shall be \$541.26

(b) For those lots not in conformance with existing covenanted limits, the fee shall be \$1082.32

(c) Waiver of fees:

1. If the property owner can provide documentation that the house, associated structures, or site improvements were constructed and received a Certificate of Occupancy by the Building Department for clearing on a property that is not in conformance with the covenanted clearing limit for the property, the fee for the relief of covenant shall be waived for the clearing up to what was depicted on the Certificate of Occupancy. However, if relief is sought in excess of what can be documented, the appropriate relief of covenant fee shall apply.

2. If a property is located outside of the Long Island Central Pine Barrens and the existing covenanted clearing limits are greater than those that are currently being applied to new subdivisions, a property owner may seek a waiver of the fee for a relief of covenant up to the clearing limit currently being applied to new subdivisions.



# Town of Brookhaven Long Island

**Edward P. Romaine**, Supervisor

## Relief of Covenant Steps

Below are the steps for submitting a Relief of Covenant Application. If you have any questions feel free to contact me at (631) 451-6455. Michael J. Albano, Environmental Analyst

1. Submit application – You must submit the application, a survey (does **not** need to be updated), pictures of the property and application fee
  - a. Fee Waivers
    - i. If your property is located outside the Pine Barrens and the Division of Environmental Protection and the property owner can agree to a clearing limit increase amount
    - ii. If your property was over cleared at time a Certificate of Occupancy was issued.
2. Mailing list - Go to the Assessor's Office located on the first floor and request a 200 foot mailing address list and a 500 foot mailing address list.
3. Send out notice – The Planning Board Secretary will mail you a package 15 days prior to your meeting. Within that package will be the notice. You must mail all property owners within 200 feet **certified mail**, and mail everyone from 201 feet to 500 feet regular mail.
4. Planning Board Meeting – The package will have details on the date and time of the Planning Board meeting. All Planning Board meetings are held on Mondays and Relief of Covenant starts at 4:00 PM. You or your agent must be present at the meeting. Please bring the return receipts to the Planning Board meeting.
5. Planning Board Approval letter – Approximately two weeks after the meeting you will receive the Planning Board Approval letter. This letter will indicate what the Board ruled and what steps are needed to meet that approval.
  - a. Submit a revegetation plan
  - b. Revegetate to the new clearing limit amount
  - c. File new covenants with Suffolk County (We will help you with the paperwork)
  - d. After revegetation and filing the covenants, submit a new survey depicting the clearing limits and new covenants
  - e.
6. After all items on the Planning Approval letter are completed and submitted you will receive a filed closed letter which will remove any Division of Environmental Protection holds on your building permit.

**Planning, Environment and Land Management**  
**Tullio Bertoli, AICP, Commissioner**

One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-6400 • Fax (631) 451-6419  
[www.brookhaven.org](http://www.brookhaven.org)



Division of Environmental Protection  
 One Independence Hill  
 Farmingville, NY 11738  
 (631) 451-6455

# Relief of Covenant Application

## APPLICANT INFORMATION:

1. NAME OF PROPERTY OWNER(S), AS PER DEED:		2. PHONE	E-mail:
3. MAILING ADDRESS / PO BOX: HAMLET: STATE: ZIP CODE:			
4. NAME OF APPLICANT (IF DIFFERENT FROM ABOVE):		5. PHONE:	E-mail:
6. MAILING ADDRESS / PO BOX: HAMLET: STATE: ZIP CODE:			

## PROPERTY LOCATION:

7. ADDRESS OF PROPERTY (Street Address, Hamlet, Zip Code)	
8. NEAREST CROSS STREET	
9. S.C. TAX #: DISTRICT SECTION BLOCK LOT	
10. SUBDIVISION NAME & LOT	
11. LIST ALL COVENANTS ON THE PROPERTY:	
12. DESCRIPTION OF RELIEF REQUESTED (i.e. Increase in clearing limits from 60% to 70%: Reduction in buffer from 50' to 30', etc)	
13. REASON FOR REQUESTED RELIEF:	
14. <b>Current Covenant</b> (Clearing Percentage for Clearing Limits/Feet for Buffer):	14. <b>Requested Covenant</b> (Clearing Percentage for Clearing Limits/Feet for Buffer):
15. SIGNATURE OF OWNER(S):	16. SIGNATURE OF APPLICANT (IF NOT THE SAME):
DATE:	DATE:

### For office use only:

RCD FILING FEE \$:	LIST OF COVENANTS:	SURVEY:	PHOTOGRAPHS:
CHECK NUMBER:	OWNER'S CONSENT:	TRANSACTIONAL DISCLOSURE FORM:	APPLICATION NUMBER:

**Relief of Covenant Application  
Town of Brookhaven Board of Ethics  
Transactional Disclosure Form**

Applicant Name: \_\_\_\_\_  
(Last Name) (First Name) (Middle Initial)

Applicants Address: \_\_\_\_\_  
(Street, Apartment#)

\_\_\_\_\_

(City) (State) (Zip Code)

Does any Officer of the State of New York, Officer or Employee of the Town of Brookhaven, Officer or Employee of Suffolk County, Officer of a Political party in Suffolk County or his or her spouse, brother, sister, parent, child, grandchild, or the spouse of any of them have an interest in this application by virtue of being the actual Applicant, or by virtue of having an interest in the Corporation, Partnership, or association making such application? \_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered "Yes", complete the rest of the form and date and sign where indicated.

If you answered "No", simply date and sign the form where indicated.

**INTERESTED PARTY AND NATURE OF INTEREST**

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

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

\_\_\_\_\_

Title: \_\_\_\_\_

Dept: \_\_\_\_\_

Relationship to the Public Officer/Employee and his or her title if other than self:

\_\_\_\_\_

**INTERESTED PARTY:**

	<b><u>Yes</u></b>	<b><u>No</u></b>
A. Is the Owner of greater than five percent (5%) of the Corporate Stock of the Applicant when the Applicant is a corporation whose stock is listed on the New York or American Stock Exchange?	_____	_____
B. The actual Applicant	_____	_____
C. An Officer, Director, Partner or Employee of the Applicant	_____	_____
D. Legally or beneficially owns or controls any stock of a non-Publicly traded corporate Applicant or is a member of a Partnership Or Association of the Applicant	_____	_____

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

**Town of Brookhaven**  
**Owners Consent Form**

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

Division of Environmental Protection  
One Independence Hill  
Farmingville, NY 11738  
(631) 451-6455

Re: Application for a Relief of Covenant for \_\_\_\_\_

Suffolk County Tax Map Number \_\_\_\_\_

Dear Sir or Madam:

Please be advised that I am the owner of the record of the above  
referenced property and hereby consent to \_\_\_\_\_  
(name of agent or contact vendee)

making an application for Relief of Covenants to the Planning Board.

As owner of the property, I understand that I will receive copies of all correspondence  
unless noted below. I also acknowledge that as an owner, I am responsible for all activities  
that take place of the property identified above.

Sincerely,

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

\_\_\_\_\_  
(Date)

**Metes and Bounds  
(Sample)**

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Brookhaven, County of Suffolk, and State of New York, known and designated as Lot No. 9 on a certain map entitled, "Map of Peck", filed in the Office of the Clerk of the County of Suffolk on 11/9/88 as Map. No. 8650 and being more particularly bounded and described according to said map as follows:

BEGINNING at a point on the northerly side of Pecorella Court, at the southwesterly end of an arc which connects the northerly side of Pecorella Court with the westerly side of Blydenburg Road;

THENCE along the northerly side of Pecorella Court North 83 degrees 41 minutes 20 seconds West, 149.00 feet to a point;

THENCE North 6 degrees 18 minutes 40 seconds East, 124.97 feet to a point;

THENCE South 82 degrees 3 minutes 10 seconds east, 169.07 feet to the westerly side of Blydenburg Road;

THENCE along the westerly side of Blydenburg Road South 6 degrees 18 minutes 40 seconds West 100.14 feet to the northerly end of an arc of a curve;

THENCE along said arc of a curve having a radius of 20.00 feet, a distance of 31.42 feet which connects the westerly side of Blydenburg Road with the northerly side of Pecorella Court, the point or place of BEGINNING.