

Town of Babylon - Zoning Board of Appeals



Covenants and Restrictions Form

FOR AUTO BODY SHOP

Complete and return the attached form to the Town Attorney’s office at 200 East Sunrise Highway, Lindenhurst, New York, 11757, with the following:

- Copy of the Zoning Board of Appeals approval
- Current deed with proof of recording
- Written metes and bounds description
- Survey that matches description

The Town Attorney’s office must review the document as to content and form prior to recording in the Suffolk County Clerk’s office.

Please indicate a contact person below. The Town Attorney’s office will call when they have completed their review.

Should you have any questions, please call the Town Attorney’s office at (631) 957-3029.

Contact Person: _____

Phone Number: _____

E-mail: _____

THE COVENANTS AND RESTRICTIONS

WILL NOT BE ACCEPTED WITHOUT THIS COVER SHEET

**INSTRUCTIONS FOR
DECLARATION OF COVENANTS AND RESTRICTIONS
FOR AUTO BODY SHOP**

The attached Covenants and Restrictions form **must be TYPED** with a minimum font size of 12. Pursuant to Suffolk County Clerk’s office, a handwritten document is not acceptable for recording.

All property owners’ signatures must be notarized using the Uniform Certificate of Acknowledgement (see last page).

(3) Metes and Bounds Description

WHEREAS, aforesaid parcel of land is further identified by Suffolk County Tax Map Number(s):

(4) District 0100	Section	Block	Lot(s)
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WHEREAS, said owner(s) has/have heretofore applied to the Zoning Board of Appeals of the Town of Babylon, Suffolk County, New York, for approval for the aforesaid property.

WHEREAS, said owner(s) herewith agree(s) to file Covenants and Restrictions on the above described property as required by the Zoning Board of Appeals of the Town of Babylon.

WHEREAS, any violation of these Covenants and Restrictions will immediately void the approval issued by the Zoning Board of Appeals of the Town of Babylon.

NOW THEREFORE, the said Declarant(s) (5)

makes the following declaration of protective Covenants and Restrictions to the land heretofore described:

(6) Covenants and Restrictions for Auto Body Shop

1. That no repair work shall be performed outdoors at any time.
2. That the use of the premises in any manner for the sale or rental or offering for sale or rent of used automobiles, trailers or any other vehicle shall be prohibited at all times; and the installation of automatic or other vending machines or devices outside of any structure on the premises shall be prohibited at all time.

3. The installation of automatic or other vending machines or devices outside of any structure on the premise shall be prohibited at all times.

4. That no automobile parts, dismantled vehicles and similar articles shall be stored in the open, whether in racks, cabinets or other containers.

5. That any oil, transmission fluid, radiator fluid or any other liquid waste be placed in containers and properly disposed of by a licensed hazardous waste hauler and that no such liquid be allowed to seep into the ground.

6. That no gasoline, diesel or any other type of fuel shall be dispensed on the subject premises, unless applicant has a valid approval for such activity.

7. That there shall be no noise, fumes or odors emitted outside the existing building or future improvements to the subject premises and effective filters and/or other effective apparatus shall be installed and properly maintained to protect the area against noise, noxious fumes, dust, dirt, chemicals and any other elements or substances present on the subject premises.

8. That the exterior of all structures, lighting, paved areas and all other installations visible to the public shall be continually maintained and kept in good repair. This includes landscaping and maintaining a proper buffer zone.

9. All site lighting to be contained on said premise.

10. That the subject premises shall be properly landscaped, unless a variance or Planning Board approval was already granted to eliminate landscaping, and continuously maintained.

11. That all garbage and rubbish shall be placed or kept in suitable containers, and disposed of in accordance with applicable statutes ordinances and laws.

12. That the covenants, restrictions and provisions recited herein may only be changed, modified or terminated by Zoning Board of Appeals resolution.

13. That in the event of any violation of any kind of these covenants and restrictions or any previously imposed, or any ordinance or regulations and failure of the current tenant or owner to remedy such violation after having notice and an opportunity to be heard, the Zoning Board of Appeals shall have the right to suspend or revoke forthwith the special exception permit granted, unless a cure for such violation has been commenced.

If the parties hereto, or any of them, their heirs, successors, or assignees shall violate or attempt to violate any of the covenants herein, it shall be lawful for the Town of Babylon to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants either to prevent him or them so doing or to recover damages or some other relief for such violation.

Invalidation of any of these covenants by judgment or court shall in no way affect any of the other provisions which shall remain in full force and effect.

The owner reserves for himself and his distributees, executors, administrators, successors, and assigns, the right to terminate and amend the covenants herein set forth upon prior approval of the Zoning Board of Appeals of the Town of Babylon, 200 East Sunrise Highway, North Lindenhurst, Suffolk County, New York.

This declaration of covenants shall run with the land and shall be binding upon the owner and his distributees, executors, administrators, successors and assigns.

IN WITNESS THEREOF, the Declarant(s) has/have caused this instrument to be executed the day and year first above written.

BY (7)

Signature

Type Name

Signature

Type Name

UNIFORM CERTIFICATE OF ACKNOWLEDGEMENT

STATE OF NEW YORK)

COUNTY OF)

SS:

On the _____ day of
personally appeared

in the year 20 _____ before me, the undersigned,

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 the within instrument and acknowledged to me that he/she/they executed 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 individual(s) acted, executed this instrument.

Signature and Office of individual
taking acknowledgement

FILING COVENANTS AND RESTRICTIONS
DO'S & DON'TS

DO type your C&Rs - handwritten C&Rs are no longer accepted by the Suffolk County Clerk.

DO NOT photocopy the C&Rs from your approval onto the form declaration of covenants and restrictions - they come out too small and Suffolk County Clerk cannot microfilm them.

DO have the whole document retyped as one document in a font 12 point or larger. It is the best way to make sure the document is not rejected by Suffolk County.

DO NOT include any conditions that the Board imposed in your declaration of C&Rs. This is for your own protection b/c the conditions could be construed as C&Rs and cause a title problem in the future.

DO submit separate C&Rs for each proposed lot in a subdivision. One overall set of C&Rs for both or all lots in the subdivision is not allowed because the C&Rs imposed on each lot may have been different. Also, because the lots are being subdivided, the Town wants to make sure the C&Rs are reflected on each individual lot.

DO submit separate C&Rs for Planning Board and Zoning Board.