



Village of Nissequogue

631 Moriches Road
St. James, N.Y. 11780

Zoning Board of Appeals

**NOTE: NO INCOMPLETE PACKAGES WILL BE
ACCEPTED.**

**THE REGULAR BOARD OF APPEALS
HEARING IS THE THIRD
(3RD) MONDAY OF EACH
MONTH.**

***** COMPLETE APPLICATIONS must be filed on or
before the first (1st) Monday of the month so that the
hearing notice publication can be timely made.**

Board of Appeals

INSTRUCTIONS FOR APPLICATION TO THE BOARD OF APPEALS

Please carefully read the application. All sections must be answered (or if not applicable, so indicate). Incomplete applications of missing items will delay the matter being placed on the hearing calendar.

1. The application must be signed in two places – on the line after paragraph 15 and on the line below the acknowledgement, above where the notary signs. (Where we have placed an “X”).
2. In the matter of clarification to paragraph 4A, this date is not necessarily the date that you acquire title on your deed. This date is the date that the lot was created on either the filed map, or the date that it was subdivided from a larger parcel.
3. There must be six copies of the application submitted, signed and notarized. In addition, you must submit six copies of the building inspector’s denial.
4. Each copy of the six applications must have a certified survey containing a seal and must also show the following:
 - a. **Compass Direction**
 - b. **Scale**
 - c. **Location and length of property lines**
 - d. **Locations of all existing and proposed structures (to scale)**
 - e. **Front, rear and side yard set backs**
 - f. **Building Envelope**
 - g. **All adjacent streets or rights of way**
 - h. **Location of all existing structures situated within a 100’ of the property line**
 - i. **If none exist, the surveyor must note on the survey that there are no structures on the adjacent parcel**
 - j. **Survey must show the distances from all existing structures and proposed structures to streets, property lines and if applicable, the mean high water line.**

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5. The applicant must submit with the application a certified copy of all deeds, contracts, court orders, wills or other papers and documents having a date of April 23, 1927 or later, bearing on the ownership of the property for which the variance is requested and all adjoining properties.
6. A copy of the Certificate of Occupancy for all structures on the property requiring same.
7. A check in the amount of \$ 350.00 made payable to the Village of Nissequogue must accompany the application which is to be submitted to:

Mary Jane Remuzzi, Secretary
Board of Appeals

c/o Village of Nissequogue
631 Moriches Road
Nissequogue, NY 11780

Telephone: 631-686-6465
Fax: 631-862-7401

8. Notice of hearing will be prepared by the Board and will be published in a local newspaper.
9. Your property will most likely be visited by members of the Board of Appeals prior to the date of the hearing.
10. Below is a checklist for your convenience:

- _____ 6 copies of the fully completed application
- _____ 6 copies of the survey with seal (Note details Paragraph 4 above)
- _____ 6 copies of the Building Inspector's Denial
- _____ 6 copies of the recorded deed for the property
- _____ 6 copies of the Certificate of Occupancy for structures requiring same
- _____ Appropriate check made payable to "Village of Nissequogue"

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11. There will also be a charge to you for the stenographer's minutes (at approximately \$5.50 per page plus an appearance fee, when applicable), that must be paid prior to decision.
12. Your presentation should be guided by Section 128-58 of the Code of the Incorporated Village of Nissequoque, a portion of which is set forth below:

A. Use Variances

No such use variance shall be granted by a Board of Appeals without a Showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (a) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (b) that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood; (c) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (d) that the alleged hardship has not been self-created.

Village of Nissequogue
Application to the Board of Appeals

In the MATTER of the Application of

P.O. Address _____

Tel.# AM _____ PM _____

Cellular: _____ E-Mail: _____

To the BOARD OF APPEALS
VILLAGE OF NISSEQUOGUE

QUESTIONNAIRE

1. Location of property (indicate distance to nearest intersection)

a. Dimension of property _____

b. Acreage of property _____

2. Zoning District as shown on Zoning Map _____

3. Is property located on a Village road? YES NO

a. If not a Village road, who is the owner: _____

b. Is the road governed by a Home Owners Association: YES NO

c. Width of the road: _____

d. Is access to the property by Right of Way? YES NO

e. If yes, attach a copy of the easement

4. Is the property in separate ownership from all adjoining properties? _____

a. If yes, since what date? _____

b. If no, what adjoining property is held by the same owner _____

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NOTE: Single and separate ownership is not the date that you acquired title to the property. It is the date that your parcel was separated from a larger parcel, such as a filing of a sub-division map or the forming of three two acre parcels from an original six-acre parcel. Again, it is the date that your parcel was no longer a part of a larger parcel.

5. Type of Application

- () Interpretation of the Zoning Ordinance or Zoning Map
- () Special Exception under the Zoning Ordinance
- () Variance of Zoning Ordinance

6. Reason for Application: (complete relevant sections)

a. INTERPRETATION OF THE ZONING ORDINANCE is requested to determine whether _____

A SPECIAL EXCEPTION UNDER THE ZONING ORDINANCE is requested pursuant to _____ Section _____ Subsection _____ of the Zoning Ordinance for the purpose of

b. A VARIANCE of Section _____ Subsection _____ of the Zoning Ordinance is requested in order to _____

Reason for request of the VARIANCE are: (all three must be completed)

(1) Strict application of the Ordinance would produce unnecessary hardship or practical difficulty because _____

(2) The hardship or practical difficulty created is unique and is not shared by all of the properties alike in the immediate vicinity of this property and in this use district because _____

Village of Nissequoque

(3) The Variance would observe the spirit of the ordinance and would NOT change the character of the District because _____

7. Would the granting of this application be in conformity to adjoining properties? Explain: _____

8. Is this property **presently** the subject of an application to the Planning Board, LWRP, DEC or any Village, State or Governmental agency? If so, please list agency and status.

9. Attached hereto are Six (6) copies of surveys of the property by a licensed surveyor with seal affixed showing building envelope, all front, side and rear yard distances as well as elevations. Survey should clearly delineate all proposed structures from existing structures. Survey must also indicate any adjoining structures within 100 feet of property lines.

10. I acknowledge that under Regulation 91-3 (b) of the code of the Village of Nissequoque, in addition to the application filing fees, I will be responsible for the fees of the Village attorney or Village Engineer, if their consultation is necessary, in order for the Board to make its final determination.

11. Have you been denied Building Permit? YES NO

12. Has any previous owner applied for a variance on this property? Name and date of previous application

13. Have you previously applied for a similar variance before filling out this application?

YES NO

Date of previous application _____

Village of Nissequogue

AFFIDAVIT

Pursuant to Paragraph 2 g of instructions THIS AFFIDAVIT **MUST ACCOMPANY APPLICATION TO THE BOARD OF APPEALS.**

STATE OF NEW YORK }
 :
COUNTY OF SUFFOLK }

I, _____, being duly sworn, depose and say:

That I examined the tax rolls of the Village of Nissequogue, located at the Village Hall, and represent that the adjoining neighbors listed in the application are within 100 feet of the subject parcel as indicated on said tax rolls.

SIGNATURE

Sworn to before me this
_____ day of _____, 20 ____

NOTARY PUBLIC

Note: If the land is vacant, still indicate ownership. If the direction is a street, give neighbor across the street.

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14. Applicant is to inform adjoining neighbors listed below in the application of this Zoning Board of Appeals hearing. This must be done by sending the Public Notice provided to said neighbors by **Certified Mail, Return Receipt Requested**. Mailing must be completed a minimum of twenty-one (21) days prior to scheduled hearing.

Each returned receipt must be presented to the secretary prior to the hearing. Be sure to allow ample time to finish the process. The secretary will provide the Public Notice within two weeks of the hearing.

Adjoining property owners are as follows:

NORTH _____

EAST _____

SOUTH _____

WEST _____

15. Submitted herewith is my / our Application for a Building Permit showing “DENIAL” by the Village Building Inspector.

Signature of Property Owner

Signature of Property Owner

Dated: _____, 20 _____

STATE OF NEW YORK)

COUNTY OF SUFFOLK) ss.:

....., being duly sworn, deposes and says that he/she/we is/are (Note: indicate which) the owner, attorney for owner, contract vendee, or lessee and sub-lessee of the property described; that all statements made in this Application are true to the best of his/her/our knowledge and belief, except as to the matter therein stated to be alleged on information and belief and as the matters he/she/we believes the same to be true.

Signature of Applicant

Sworn to before me this _____ day of _____, 20 _____

Notary Public, Suffolk County

Village of Nissequoque

ZONING BOARD OF APPEALS

SUPPLEMENTAL QUESTIONNAIRE

1. Is the subject property within a distance of 500 feet of:

	YES	NO
A. The boundary of any village or town;	_____	_____
B. The boundary of any existing or proposed County, state or federal park or other recreation areas;	_____	_____
C. The right-of-way of any existing or proposed County or state parkway, thruway, expressway, road or highway;	_____	_____
D. The existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;	_____	_____
E. The existing or proposed boundary of any other County, state or federally owned land held or to be held for governmental use; or	_____	_____
F. The Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water; or	_____	_____
G. The boundary of a farm operation located in an Agricultural district, as defined by Article 25-AA of the New York Agriculture and Markets Law, except that this Subsection A (7) shall not apply to applications for area variances.	_____	_____

Signature of Applicant

RE M I N D E R

NOTICE TO ALL BOARD OF APPEALS APPLICANTS

AS EXPLAINED TO YOU WHEN YOU FILED YOUR APPLICATION AT THE OFFICE OF THE BOARD OF APPEALS, YOU MUST BE PREPARED TO PROVE YOUR APPLICATION AT THE PUBLIC HEARING USING ONE OR MORE OF THE FOLLOWING CRITERIA:

- 1. CONFORMITY, PRACTICAL DIFFICULTY, HARMONY TO THE AREA**
- 2. ECONOMIC FACTORS: YOU MAY WISH TO HAVE EXPERT TESTIMONY**

ANY EXHIBITS PRESENTED TO THE BOARD (PICTURES, LETTERS AND / OR PETITIONS) MUST BE IDENTIFIED WITH YOUR LAST NAME AND DATE OF HEARING.

DECISIONS PERTAINING TO YOUR APPLICATION WILL NOT BE RENDERED AT THE PUBLIC HEARING. YOU WILL BE NOTIFIED BY MAIL OF THE DECISION AFTER THE BOARD'S RECEIPT OF THE TRANSCRIPT.

**Mary Jane Remuzzi, Clerk
Zoning Board of Appeals**