

An original and seven copies of this application must be filed with the Village clerk together with a filing fee of \$250.00 for each location.

## INC. VILLAGE OF NORTHPORT BOARD OF ZONING APPEALS APPLICATION

Date \_\_\_\_\_

Applicant Name \_\_\_\_\_  
(Please Print)

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ Email Address: \_\_\_\_\_

Owner Name \_\_\_\_\_

Address \_\_\_\_\_

1. Application is hereby made for a variance or permit under Chapter \_\_\_\_\_

2. Location of Property \_\_\_\_\_  
\_\_\_\_\_

3. Location in Zone Designated as \_\_\_\_\_

4. Reason for this request \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Name and address of all property owners within 200 feet of the premises:  
(Mailing must be accomplished 14 days prior to hearing date and proof presented at the hearing)

6. Is there a school, or church within 200 feet of the premises? \_\_\_\_\_

7. Approximate cost of work involved \$ \_\_\_\_\_

8. Type of road \_\_\_\_\_ width \_\_\_\_\_

The undersigned hereby certifies that (he/she) (is/are) the owner(s) of the property referred to in this application and has (have) read the notice below.

\_\_\_\_\_  
Signature of Owner

### NOTICE TO APPLICANTS TO BOARD OF ZONING APPEALS

Be advised that the Board must base its decisions on affirmative evidence. All determinations will, therefore, rest on presentation of factual proof.

The Board is bound by law in rendering decisions to follow the criteria set forth in the Zoning Ordinance and the burden is upon the applicant to present facts which satisfy these criteria.

**Board of Zoning Appeals  
Inc. Village of Northport  
Northport, NY 11768**

TO: All Applicants for Area Variances  
FROM: Andy Cangemi, Chairman, Board of Zoning Appeals  
RE: Required Supporting Documents & Proof at Zoning Board Hearings

When you make an area variance application, you are seeking to have our Board approve the construction of an improvement (addition, pool, shed, etc.) closer to one or more of your property lines than allowable by the Village Zoning laws.

Therefore, it is absolutely critical for you to give our Board enough specific and technical information to allow us to properly review your application and to make a fair decision.

The Clerk of the Board of Zoning Appeals has been instructed to reject any application failing to contain **8 copies of a survey and a site plan containing the minimal information outlined below.**

**SURVEY**

Specifically, we must know exactly how large your property is and how close to the property lines the proposed improvement will be constructed by you. This can only be done by locating the improvement on a survey. It is not necessary to obtain a new survey. The use of an old survey is acceptable as long as the old survey is legible and contains all existing improvements (with their dimensions) and the exact distances of all improvements (existing and proposed) from property and street lines.

**SITE PLAN**

We must know the proposed layout of all existing and proposed improvements. This can only be done by preparing a site plan showing, in detail, the size and configuration of all improvements, including a side view of the existing and proposed improvements with elevation measurements.

The Site Plan should show the approximate contour of the grade surrounding the improvement and if the grade affects your ability to construct an

improvement at a proper location on the property.

The site plan should also show the size and location of any sub-surface (i.e. cesspools) and natural (i.e. vegetation or trees) conditions affecting your ability to construct the improvement at the proper location on the property.

## **PHOTOGRAPHS**

Photographs of the existing site improvements, and of neighboring properties, are required and strongly encouraged because they are extremely helpful to our Board in understanding your application. Pictures should be no more than 5 x 7 unless submitted by an expert witness.

A properly completed application with the required supporting documents will benefit you by allowing our Board to understand the specifics of your application and to make a fair and speedy decision.

If you have any questions about the preparation of these documents and the detail required by our Board, please call 261-7502 and talk to the Village Code Compliance Director, or the Secretary of the Board of Zoning Appeals.

## **LEGAL PROOF NECESSARY AT AREA VARIANCE HEARINGS**

At the Zoning Board hearing, you are legally required to prove to our Board why you need the variance. Simply wanting the variance is not a legally acceptable reason.

The legal standards we are required to follow are set forth below and you must prove to our Board that you satisfy these criteria:

- A. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
  - 1.) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - 2.) Whether the benefit sought by the applicant can be achieved

by some method, feasible for the applicant to pursue, other than an area variance;

- 3.) Whether the requested area variance is substantial;
  - 4.) Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district, and
  - 5.) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of an area variance.
- B. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of our community.

617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	<b>NO</b>	<b>YES</b>	<b>N/A</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			
			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____			<input type="checkbox"/> NO <input type="checkbox"/> YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**



INC. VILLAGE OF NORTHPORT  
BOARD OF ZONING APPEALS  
CHECKLIST

This sheet must be completed, signed, and returned with your application.

Please answer the following questions:

- \_\_\_\_\_ Is the need for the variance or other relief listed on the application?
- \_\_\_\_\_ Does the Letter of Denial reflect all structures and improvements that need legalization on your property? ALL STRUCTURES on the lot must have a Certificate of Occupancy or must be legalized via this application process.
- \_\_\_\_\_ Are there eight (8) copies of the letter of denial?
- \_\_\_\_\_ Are there eight (8) copies of a legible survey showing all existing structures or improvements on the lot, (with their dimensions) and exact distances from all property lines?
- \_\_\_\_\_ Are all proposed improvements (with their dimensions) and exact distances from the property lines and set backs noted on the survey?
- \_\_\_\_\_ Is the size and configuration of all improvements, including a side view of the existing and proposed improvements with elevation measurements included with the site plan?
- \_\_\_\_\_ Is the approximate contour of the grade surrounding the improvement contained on the site plan? (Only applicable if the grade effects the applicant's ability to construct an improvement)
- \_\_\_\_\_ Is the size and location of any vegetation, trees, cesspools, or natural conditions affecting the applicant's ability to construct the improvement noted on the site plan?

I have read and answered all of the above questions.

\_\_\_\_\_  
APPLICANT SIGNATURE