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224 Main Street, Northport, New York 11768 · (631) 261-7502 · [www.northportny.gov](http://www.northportny.gov)

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# Board of Zoning Appeals Variance Application

12292025

**TO: All Applicants for Area Variances**

**FROM: Andy Cangemi, Chairman, Board of Zoning Appeals**

**RE: Required Supporting Documents and 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 front, rear, and side views 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.

# Application Submission Instructions

## STEP 1: Apply for a Building Permit

Upon review of your building permit application, a denial issue will be issued by the Plans Examiner/Building Department if you require zoning relief.

## STEP 2: Submit your BZA Application

Once you receive a denial letter issued by the Plans Examiner/Building Department, you may submit your BZA application to the Board Secretary by the established deadline. Applications can be submitted Monday through Thursday between the hours of 8:30am and 10:30am. Your submittal must include the application fee (\$250) and ALL requested documents. Checks can be made out to: The Inc. Village of Northport.


## STEP 3: Requested Documents

**Assemble eight (8) complete sets in the below order.**

**Plans sizing:** Architectural Plans, Survey and Site Plan: (7) sets 11x17 / (1) set 24x36. All plans must be scaled. Larger, more detailed projects may require larger prints. If the details are not clear, opt for a larger size.

1. Denial Letter
2. BZA Application
3. Appendix B – Short Environmental Assessment Form (fill out part 1 only)
4. Zoning Analysis Chart "Request for Information"
5. Photographs – 5x7 picture or printed on 8.5x11, entire property and all sides
6. Survey
7. Site Plan
8. Architectural Plans
9. Any additional documents requested per plans examiner

### **Do not use staples or mark documents**

 An application will **not** be considered complete or confirmed for a hearing unless **ALL** required information is provided. If additional information is needed you will be notified.

## STEP 4: Notice of Hearing Mailing / BZA Sign

After ALL required documents have been reviewed by the Board Secretary, you will be provided with printed mailing labels, copies of the public notice, proof of mailing forms, and the BZA sign for your property. Applicants are responsible for supplying envelopes.

**Notice of Hearing Mailing** – must be completed no later than 14 days prior to your hearing date. The post office will stamp each form to confirm the mailing is complete.

**BZA Sign** - must be hung no less than 10 feet from your property line no later than 14 days prior to your hearing date. Once displayed, take a photo and attach it to the Affidavit of Posting. This form must be notarized (services are available in the Village Clerk's office).

Completed proof of mailing forms and affidavit (with photo) should be returned to the Board Secretary within (3) days.

## STEP 5: Attend Hearing

Any changes to scheduling must be promptly communicated in writing to the Board Secretary.

## STEP 6: Determination

The Board of Zoning Appeals will issue a written determination (decision). This can take several weeks/months, depending on when the decision is formalized. Once a decision has been filed, the Board Secretary will notify the Applicant with further instructions.

# **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.

# INC. VILLAGE OF NORTHPORT BOARD OF ZONING APPEALS APPLICATION

Date \_\_\_\_\_

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

Property Owner Name: \_\_\_\_\_

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Be advised that the Board must base its decisions on affirmative evidence. All determinations will, therefore, rest on presentation of factual proof. Any architectural plans or drawings submitted with the application require the testimony of the individual(s) who prepared them.

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.

# Appendix B - 617.20

## Short Environmental Assessment Form (SEAF)

### INSTRUCTIONS

#### Part 1 - Project Information (to be completed by the Applicant)

The applicant or project sponsor is responsible for the **completion of Part 1 only**. 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.

- Read over all questions in Part I and gather all current information available on both the proposed project and its location. Having this information on hand will help you complete the questions.
- Use the SEAF workbook to help you find background information, definitions, illustrations, maps, and other data that can be used to help answer each question. In addition to sources of information identified by the workbook, use other existing information that may be available locally. Good sources of information include: site plans or subdivision plats that have been completed on the parcel or nearby parcels, local comprehensive or strategic plans, and other application materials already submitted to the lead agency. Many municipalities have completed open space or environmental inventories or plans, and these can be excellent sources of local information. If the municipality has an appointed conservation advisory council (CAC), consider contacting them for additional information on local environmental resources.
- Offer as much detail as possible to answer each question thoroughly. This will make the SEQR process more efficient by providing the lead agency with the necessary information.
- Sign Part I. Remember that responses to questions in Part I become part of your application for approval or funding, and therefore are subject to both verification and public review.

#### Part 2 - Impact Assessment (to be completed by the Lead Agency if applicable – Board of Zoning Appeals)

Applicants do not fill out this portion. This will be completed by the Board of Zoning Appeals when applicable.

#### Part 3 – Determination of Significance (to be completed by the Lead Agency if applicable – Board of Zoning Appeals)

Applicants do not fill out this portion. This will be completed by the Board of Zoning Appeals when applicable.

# Appendix B - 617.20

## Short Environmental Assessment Form

### Part 1 - Project Information. *(to be completed by the Applicant)*

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 I 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.

Part 1 - Project and Sponsor Information			
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:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			<b>NO</b>
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.			<b>YES</b>
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:			<b>NO</b>
			<b>YES</b>
3.     a.Total acreage of the site of the proposed action? _____ acres b.Total acreage to be physically disturbed? _____ acres c.Total acreage _____ acres (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			
4. Check all land uses that occur on, adjoining and near the proposed action.  <div style="display: flex; flex-wrap: wrap;"> <div style="width: 20%;"><input type="checkbox"/> Urban</div> <div style="width: 20%;"><input type="checkbox"/> Rural (non-agriculture)</div> <div style="width: 20%;"><input type="checkbox"/> Industrial</div> <div style="width: 20%;"><input type="checkbox"/> Commercial</div> <div style="width: 20%;"><input type="checkbox"/> Residential (suburban)</div> <div style="width: 20%;"><input type="checkbox"/> Forest</div> <div style="width: 20%;"><input type="checkbox"/> Agriculture</div> <div style="width: 20%;"><input type="checkbox"/> Aquatic</div> <div style="width: 20%;"><input type="checkbox"/> Other (specify): _____</div> <div style="width: 20%;"><input type="checkbox"/> Parkland</div> </div>			

5. Is the proposed action,  a. Permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If yes, identify:	NO	YES	
8.	NO	YES	
a. Will the proposed action result in a substantial increase in traffic above present levels?			
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies.			
10. Will the proposed action connect to an existing public/private water supply? If yes, does the existing system have capacity to provide service? If no, describe method for providing potable water:	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If yes, does the existing system have capacity to provide service? If no, describe method for providing wastewater treatment:	NO	YES	
12.	NO	YES	
a. Does the site contain a structure listed on either the State or National Register of Historic Places?			
b. Is the proposed action located in an archeological sensitive area?			
13.	NO	YES	
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. 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:			
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?	NO	YES	



16. Is the project site located in the 100-year flood plain?	<b>NO</b>	<b>YES</b>
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? b. Will storm water discharges be directed to established conveyance systems (runoff & storm drains)?  If yes, briefly describe:	<b>NO</b>	<b>YES</b>
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:	<b>NO</b>	<b>YES</b>
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:	<b>NO</b>	<b>YES</b>
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:	<b>NO</b>	<b>YES</b>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Part 2 - Impact Assessment. (to be completed by the Lead Agency if applicable – Board of Zoning Appeals)**

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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. (to be completed by the Lead Agency if applicable – Board of Zoning Appeals)**

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.

- ☐ 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.

☐ 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.

**BOARD OF ZONING APPEALS**

\_\_\_\_\_  
**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 or Preparer**

**(if different from Responsible Officer)**

# AFFIDAVIT OF POSTING

This is to certify that I have posted or have caused to be posted a clearly visible sign on the frontage of the subject property giving notice that an application is pending before the Board of Zoning Appeals. Said sign has been posted fourteen **(14) continuous days prior to the public hearing.**

BZA APPLICATION #:	
HEARING DATE:	
DATE SIGN POSTED:	
ADDRESS:	

\_\_\_\_\_  
Signature

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

## AFFIDAVIT OF PROPERTY OWNER

STATE OF NEW YORK} SS:  
COUNTY OF SUFFOLK}

\_\_\_\_\_  
Property in Name of (Individual or Corporation) PLEASE PRINT

Deposes and says: That he/she resides at \_\_\_\_\_ in the State of \_\_\_\_\_ Zip Code \_\_\_\_\_ that he is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey situate, lying and being within the Incorporated Village of Northport; that the work proposed to be done upon the said premises will be done in accordance with the approved application and accompanying plans, of which he is totally familiar; and that he/she, by making this application for a building permit, agrees to accept responsibility for adherence to all applicable codes, rules, & laws by him/herself and their agents. \_\_\_\_\_, being duly sworn, deposes and says that he is duly authorized by the aforesaid owner to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements herein contained are true to deponent's own knowledge. (If Corporation, give name of Corporation office and address of its responsible officers)

And the undersigned is authorized to make this application on behalf of said owner.

Owner/Applicant:		Address:	
Telephone #:		Email:	

\_\_\_\_\_  
Signature

Sworn to before me this \_\_\_\_\_ day

Of \_\_\_\_\_, 20\_\_\_\_

# CHECKLIST

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

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 the application?

Are there eight (8) copies of Appendix B?

Are there eight (8) copies of the zoning analysis form?

Are there eight (8) copies of the photographs?

Are there eight (8) copies of a survey – legible, showing all existing structures or improvements on the lot, (with their dimensions) and exact distances from all property lines?

Are there eight (8) copies of architectural plans?

Are there eight (8) copies of a site plan?

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?

Have I included the application fee (\$250)?

I have read and answered all of the above questions.

APPLICANT SIGNATURE