

VILLAGE OF NISSEQUOGUE  
631 MORICHES ROAD  
ST. JAMES, N.Y. 11780

BOARD OF APPEALS

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

**THE REGULAR BOARD OF APPEALS HEARING IS**

**THE THIRD (3RD) MONDAY OF THE MONTH.**

**COMPLETE APPLICATIONS MUST BE FILED ON OR**

**BEFORE THE FIRST (1ST) MONDAY OF THE MONTH**

**SO THE HEARING NOTICE PUBLICATION CAN BE**

**TIMELY MADE.**

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ST. JAMES, N.Y. 11780

BOARD OF APPEALS

**INSTRUCTIONS FOR APPLICATION TO THE BOARD OF APPEALS**

Please carefully read the application. All sections must be answered (or if non applicable, so indicate). Incomplete applications or 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 you acquire title on your deed. This date is the date the lot was created on either the filed map, or the date 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 the property lines**
  - d) **Location 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 adjacent structures situated within 100' of property line.**
  - h) **If none exist, the surveyor must note on the survey that there are no structures on the adjacent parcel.**
  - i) **Survey must show the distances from all existing structures and proposed structures to streets, property lines and if applicable, the mean high water line.**
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. 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, Clerk  
Board of Appeals  
11 Woodcutters Path  
St. James, New York 11780  
862-6052

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 on the Saturday preceding the date of the hearing.

10. Below is a checklist for your convenience:

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

11. There will also be a charge to you for the stenographer's minutes at \$4.75 per page 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 Nissequogue, 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.

APPLICATION TO THE BOARD OF APPEALS

In the MATTER of the Application of

\_\_\_\_\_

P.O. Address \_\_\_\_\_ Phone # AM \_\_\_\_\_

\_\_\_\_\_ PM \_\_\_\_\_

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 owner? \_\_\_\_\_

b. Is road governed by Home Owners Association?                      YES                      NO

c. Width of road \_\_\_\_\_

d. Is access to property by right of way?                      YES                      NO

e. If yes, attach copy of 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 \_\_\_\_\_

\_\_\_\_\_

Note: Single and separate ownership is not the date you acquired title to the property. It is the date that your parcel was separated from a larger parcel, such as the 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 \_\_\_\_\_  
\_\_\_\_\_

b. A SPECIAL EXCEPTION UNDER THE ZONING ORDINANCE is requested pursuant to \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_ of the Zoning Ordinance for the purpose of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. 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 properties alike in the immediate vicinity of this property and in this use district because \_\_\_\_\_  
\_\_\_\_\_

(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. At the present time , is this property presently the subject of an application to the Planning Board, LWRP, DEC or any other 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

Nissequogue, 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 a 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 filing this application?

YES      NO      Date of previous application \_\_\_\_\_

AFFIDAVIT

Pursuant to Paragraph 2g of instructions THIS AFFIDAVIT  
MUST ACCOMPANY APPLICATION TO 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 Nissequoge,  
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.

14. Submit stamped envelopes addressed to each of the adjoining property owners as shown on the tax rolls of the Village of Nissequogue.

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 he/she/we is/are 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 NISSEQUOGUE  
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 area;	_____	_____
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

R E 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  
BOARD OF APPEALS