

**BOARD OF ZONING APPEALS
VILLAGE OF ASHAROKEN**

New York Law states:

A. Area Variance:

A “variance” shall mean the authorization by the Board of Zoning Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning law and regulations.

In making its determination, the BZA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood and community by such grant.

It would be beneficial to secure letters of support from neighbors or adjoining and/or nearby properties; you should also familiarize yourself with the applicable village ordinances setting front, side, and back yard and height restrictions (The Village Code is available at Village Hall and on the website www.asharoken.com).

B. Use Variance:

A “Use Variance” shall mean the authorization of the Board of Zoning Appeals to allow a use that has no provision in the code to be permitted.

C. Special Use Permit:

A “Special Permit” shall mean the authorization by the Board of Zoning Appeals for the use of land for a purpose that is permitted under certain conditions.

D. Special Use Permit for Accessory use:

A “Special Use Permit for Accessory use” user must comply with conditions of the Incorporated Village of Asharoken’s zoning ordinance with which you should familiarize yourself (see local law 125-7, 125-41 of the Village Code available at the Village Hall or the website, www.asharoken.com).

Applicants for special use permit for accessory user are required to submit an original application and all required documentation and a fee of \$250.

In the second and third year the applicant must submit a renewal form certifying that all documentation and information given has not changed, no fee required. At the end of the third year the renewal expires and the applicant must re-apply in full and pay the fee of \$250.

Example:

Year One – Original application (Fee of \$250)

Year Two – Renewal application (No Fee)

Year Three – Renewal application (No Fee)

Renewal expires -Return to Year One

Village contact information:

Village of Asharoken, One Asharoken Avenue, Northport, New York 11768

Phone: (631) 261-7098 Clerk: Michelle Glennon email: mglennon@asharokenny.org

**BOARD OF ZONING APPEALS
VILLAGE OF ASHAROKEN**

INSTRUCTIONS FOR A RESIDENTIAL APPLICATION

Please read these instructions and accompanying information thoroughly.

Step 1 must be completed and submitted to the Village Clerk Office before a BZA hearing will be scheduled and put on the calendar: **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED AND WILL BE RETURNED TO BE RE-SUBMITTED WHEN COMPLETE.**

STEP 1:

Eight (8) identical packets of the following documents assembled in the same order as indicated below. These identical packets become a permanent part of the file and cannot be returned. Many of the required documents are attached for your completion.

- a. LETTER OF DENIAL (when required) from the Building Department
- b. APPLICATION FORM (for variance, special use permit for accessory use or special use permit) must be signed by the applicant and all parties on the current deed for the property and completed in detail
- c. LIST OF PROPERTY OWNERS AND OCCUPANTS AND **RADIUS MAP within 300 feet of the subject property – include full names, address, property tax ID# and labeled map**
- d. SURVEY OF PROPERTY IN RECOGNIZABLE SCALE showing precise dimensions of all existing structures
- e. **SITE PLAN showing all additions, dimensions, type and material of proposed structure, screening, floor and elevation plans.**
- f. Copy of CERTIFICATES OF OCCUPANCY and/or LETTER IN LIEU OF C.O. for all structures on the property and any previous BZA decisions
- g. Copy of DEED and any covenants and restrictions relative to the property
- h. PHOTOGRAPHS of all structures on the property and area of proposed structures from various angles.
- i. Copy of both Town of Huntington and Asharoken Village paid TAX BILLS for the applicant property
- j. INSPECTION AGREEMENT signed by property owner
- k. DISCLOSURE AFFIDAVIT (General Municipal Law §809)
- l. SEQRA Classification Form (If Necessary - Short Environmental Assessment Form – Part I (on website under ‘Permits & Applications’)

****Must email the site plan and the radius map with names and addresses in 11x17 printable form to the Village Clerk at mglennon@asharokenny.org. This is needed to submit to the Suffolk County Planning Commission.**

STEP 2: TO BE COMPLETED ONCE HEARING DATE IS ESTABLISHED:

- m. AFFIDAVIT OF POSTING “Public Notice” sign; signed and notarized (Village Hall will provide sign after hearing date has been established)
- n. AFFIDAVIT OF MAILING signed and notarized with attached list of property owners (Village Hall will provide letters after hearing date has been established)

APPLICATION FEES in the form of a check payable to the Incorporated Village of Asharoken according to the following fee schedule:

Application fee for special use/accessory permit.....	\$250
Application fee for variance.....	\$550

**APPLICATION FOR VARIANCE, SPECIAL USE PERMIT &
SPECIAL USE PERMIT FOR ACCESSORY USES**

Pursuant to the Provisions of Chapter 125 of the Code of the Village of Asharoken,

Application Submission Date: _____ BZA Application No. _____ (Assigned by VC)

This Application must be fully completed and will not be accepted unless Affidavit of Ownership (see page 6) is executed by the record owner of property described

Applicant (if not owner): _____ Phone #: _____

Property Address: _____ Email: _____

Owner: _____ Phone #: _____

Address: _____ Email: _____

Name and address of person who will appear for the owner at the Public Hearing:

Name: _____ Address: _____

Phone #: _____ Email: _____

Please fill out items (A) through (K)

Item (A)

Application is hereby made for:

(1) A Variance under Section (s): _____

(2) A Special Use Permit under Section(s): _____

(3) A Special Use Permit for Accessory uses Section(s): _____

(4) An Appeal for a determination under Chapter 125, section 37 of the **Village Code** Explain what determination you are seeking: _____

Item (B)

Location of Subject Premises:

House Number and Street Name: _____

Location: Section _____ Block _____ Lot(s) _____

Zoning District: A Zone _____ B Zone _____ C Zone _____
(Contact Village Hall to confirm the Zone your property is located in)

Item (C)

To permit the: Erection/Alteration/Extension/Use of _____

Item (D)

Date of attached Superintendent of Buildings Denial letter: _____

Item (E)

Question(s) involved: _____

Item (F)

Is the application in connection with a *Proposed* () or an *Existing* () Building Use (check one).

Item (G)

Type of construction: brick/frame/masonry/other _____

Item (H)

Size of Lot _____ Feet, Frontage _____ Feet, Rear _____ Feet, Depth _____ Feet

Total square feet of property: _____ Sq .Ft.

Size of Existing Building: Front _____ Feet, Depth _____ Feet

Size of Building as Proposed: Front _____ Feet, Depth _____ Feet

Height of Building: No. of existing stories _____ Height in Feet _____

Height of proposed Building: No. of stories _____ Height in Feet _____

Item (I)

Property Use: Current: _____ Proposed: _____

Is there any petition pending before the Village Board for change of Zone? _____

Item (J)

Give any previous appeals or prior zoning approvals on these premises (provide dates and types of variances denied or granted).

How long has owner held title to property? _____

Have any violations been issued that are affecting the premises? _____

Has a Court Summons been served relative to this matter? _____

Item (K)

I hereby submit the principle points on which this application is based with description of existing conditions and proposed work. In requesting a use variance include a statement concerning your hardship (attach separate sheet if necessary).

I hereby depose and say that all the above statements and information and all statements and information contained in paper submitted herewith are true.

Applicant's Signature _____

Sworn to before me this _____ Day of _____, 20_____.

(Notary Public)

AFFIDAVIT OF OWNERSHIP FOR INDIVIDUAL OWNER

County of)
)
State of New York) ss:

_____being duly sworn, deposes and says:

That he/she resides at _____in the County of _____ and
State of _____.

That he/she is the owner in fee of the premises described in this application shown on the Suffolk County
Land & Tax Map as Section No. ____Block No. ____ Lot(s) _____ and that he/she has
authorized_____ to make this application and that the statements of
fact contained in this application are true.

Owner's signature _____

Sworn to before me this
_____ Day of _____, 20_____.

(Notary Public)

AFFIDAVIT OF OWNERSHIP FOR ENTITY OWNER

County of)
)
State of New York) ss:

_____being duly sworn, deposes and says: That he/she resides at
_____in the County of _____and State of
_____.

That he/she is the (insert position held) _____ of (insert name of
entity) _____ which is the **corporation/limited liability
company/partnership** which is the owner in fee of the premises described in this application shown on
the Suffolk County Land & Tax Map as Section No. ____Block No. ____ Lot(s) _____ and that he/she has
authorized_____ to make this application and that the statements of
fact contained in this application are true.

Signature _____

Sworn to before me this
_____ Day of _____, 20_____.

(Notary Public)

INSPECTION AGREEMENT

This will grant permission to the members of the Board of Zoning Appeals of the Village of Asharoken and/or the building inspector to inspect the exterior of the subject property prior to and/or after the application hearing date. Inspection by BZA members may be conducted without notifying the owner.

Signing below will indicate your understanding and acceptance of the inspection agreement for the property noted below.

OWNER SIGNATURE

DATE

Location of Property:

ADDRESS: _____

BOARD OF ZONING APPEALS
VILLAGE OF ASHAROKEN

-----X

In the Matter of the Application of

**AFFIDAVIT PURSUANT TO
GENERAL MUNICIPAL LAW, §809**

-----X

STATE OF NEW YORK)

) ss.:

COUNTY OF)

_____ being duly sworn, deposes and says:

1. [Complete either paragraph A or B, and cross out the inapplicable paragraph]

(A) FOR INDIVIDUAL APPLICANT: I am (the applicant) (one of the applicants) in the above matter.

(B) FOR ENTITY APPLICANTS: I am the _____ of the applicant in the above matter, and am authorized to make this affidavit on behalf of the applicant.

2. I make this affidavit for the purposes of complying with the requirements of General Municipal Law §809.

3. No officer of the State of New York, and no officer or employee of the County of Suffolk, the Town of Huntington, or the Village of Asharoken, and no party officer of any political party, has an interest in the within application within the meaning of General Municipal Law §809, except as stated hereinafter (if none, state *NONE*):

4. In the event there is any change in the information set forth herein between the date hereof and the final determination of this application, a supplemental affidavit will be filed promptly to provide that further information.

Name:

Title:

Sworn to before me this

_____ day of _____, 20____

Notary Public

For Office Use Only: Type I ____ Type II ____ Unlisted ____

**VILLAGE OF ASHAROKEN
BOARD OF ZONING APPEALS
SEQRA CLASSIFICATION FORM**

APPLICANT NAME: _____
PROPERTY ADDRESS: _____

USE: _____ **RESIDENTIAL:** ☐ **COMMERCIAL:** ☐

NATURE OF PROPOSED WORK:

- ☐ Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes. §617.5(c)(2)
- ☐ Retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure. §617.5(c)(3)
- ☐ Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities. §617.5(c)(9)
- ☐ Construction or expansion of a single-family, a two-family, or a three-family residence on an approved lot. §617.5(c)(11)
- ☐ Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, bars, storage sheds, or other buildings not changing land use or density. §617.5(c)(12)
- ☐ Granting of individual setback and lot line variances. §617.5(c)(16)
- ☐ Granting of an area variance(s) for a single-family, two-family, or three-family residence. §617.5(c)(17)
- ☐ Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under zoning, including by special permit, and the action does not meet or exceed any thresholds in §617.4. §617.5(c)(18)
- ☐ None of the above - **Applicant must complete 617.20 Short Environmental Assessment Form.**

DESCRIPTION OF PROPOSED WORK:

I, the undersigned, hereby certify that the foregoing statements are true.

(Signature)

(Printed Name)

Date

INFORMATION FOR APPLICANTS ABOUT “NOTIFICATION BY MAIL & SIGNAGE” REQUIREMENTS

The applicant shall post the “Public Notice” sign and mail out letters to property owners within 300 feet of the perimeter of the subject property no less than ten (10) days nor more than twenty (20) days before the hearing date.

After the “Public Notice” sign has been posted and the letters have been mailed the applicant must file two affidavits: one for posting the “Public Notice” sign and one for the certification of mailing to the Board of Zoning Appeals Office of the Village Clerk, in no less than five (5) days prior to the hearing date.

The said affidavits shall include the name of the person that actually posted the “Public Notice” sign and mailed the letters.

Failure to submit the affidavits to the Board of Zoning Appeals office may result in postponement of the public hearing.

**BOARD OF ZONING APPEALS
VILLAGE OF ASHAROKEN**

**AFFIDAVIT OF POSTING THE
“PUBLIC NOTICE” SIGN**

THIS IS TO CERTIFY THAT I HAVE POSTED THE “PUBLIC NOTICE” SIGN CLEARLY
NEAR THE ROAD FRONTAGE OF THE SUBJECT PROPERTY.

LOCATED AT _____,

GIVING NOTICE THAT AN APPLICATION IS PENDING BEFORE THE BOARD OF ZONING
APPEALS ACCORDING TO THE APPLICABLE PROVISIONS AND THAT A PUBLIC HEARING
ON THIS MATTER WILL BE HELD ON _____, 20_____ AT 6:30 PM.

BZA APPLICATION # _____

DATE OF POSTING _____

(Signature)

(Print name in black)

Sworn to before me this

_____ day of _____, 20_____.

(Notary Public)

**BOARD OF ZONING APPEALS
VILLAGE OF ASHAROKEN**

AFFIDAVIT OF MAILING

THIS IS TO CERTIFY THAT I HAVE MAILED NOTICES OF PUBLIC HEARING FOR BZA
APPLICATION # _____ SUBMITTED TO THE BOARD OF ZONING APPEALS, WHICH
HEARING IS TO BE HELD ON _____, 20 _____ AT 6:30 PM. TO ALL
OWNERS AND ADDRESSES WITHIN 300 FEET OF THE PERIMETER OF THE SUBJECT
PROPERTY WITH CERTIFICATE OF MAILING.

ATTACHED HERETO IS A LIST OF THESE PROPERTY OWNERS AND ADDRESSES AND
ADDRESS THEREFORE TOGETHER WITH CERTIFICATES OF MAILING FOR EACH
RECIPIENT.

(Signature)

(Print name in black)

Sworn to before me this

_____ day of _____, 20_____.

(Notary Public)