

INCORPORATED VILLAGE OF OLD FIELD
Building & Planning Department
207 Old Field Road, Old Field, NY 11777 Ph
(631) 941-9449
Email: Buildingdept@oldfieldny.org
www.oldfieldny.org

FILING REQUIREMENTS

An application to the Zoning Board of Appeals is not complete and will not be scheduled until all of the following information has been provided to the Village Clerk:

One (1) original and nine (9) copies of the APPLICATION FORM – completed and signed

FEES payable by check made out to The Incorporated Village of Old Field.

- Application Fee; \$500
- Trust and Agency Account deposit; \$2000 – any money not used will be returned after final inspection and CO issued

Ten (10) copies of BUILDING PERMIT APPLICATION (marked denied and dated by Building Inspector). Application must be filed within 30-days of the date of denial from the Building Inspector.

Ten (10) copies of DEED or CONTRACT of SALE – Applicant must be the owner of the property (submit deed) or contract vendee (submit contract of sale). A lessee can submit an application with consent from the property owner.

Ten (10) copies of CERTIFICATE of OCCUPANCY, CERTIFICATE of COMPLIANCE or CERTIFICATE of EXISTING USE – May be obtained at the Building Department (631-941-9449).

A copy of the “Denial Letter” from the Old Field Building Inspector.

One (1) original and nine (9) copies 24” x 36” of SURVEY done and dated in the last 5 years – Signed and sealed by a New York State Licensed Land Surveyor showing bearings/distances and reflecting the current conditions of the property. All existing and proposed setbacks including those for any proposed construction shall be indicated by the surveyor and not added by the applicant.

Ten (10) copies of a 24 x 36 SITE DEVELOPMENT PLAN with plot plan showing existing and proposed construction, elevation views, trees, etc....as specified in the Village Site Plan Code.

ENVIRONMENTAL ASSESSMENT FORM - Check with Building Department staff if a short or long form is required.

PLEASE SUBMIT AN ELECTRONIC COPY OF ALL REQUIRED DOCUMENTS INCLUDING SURVEYS AND PLANS.

INSTRUCTIONS

After you submit a complete application, the Board will review it and schedule it for a public hearing. The Clerk of the Zoning Board will notify the applicant of the date of the public hearing. Thereafter, the following procedures the procedures must be followed:

An applicant is required to notify the surrounding property owners at least ten (10) days prior to the hearing of the date, time and subject if the hearing. The notification must be by certified US Mail.

A list of all property owners within a 200 feet radius must be prepared and submitted by the date of the hearing. A form is in this application package for your use.

This list can be prepared from the current records of the Village, which can be viewed at the Building, Planning & Zoning Department, at 207 Old Field Rd. Monday, Tuesday or Wednesday between the hours of 9:00 a.m. and 3:00 p.m.

Please review the attached sample notification letter and follow its format. The notification must be sent certified mail, return receipt requested.

AFFIDAVIT – After the applicant has mailed the notification letters, the applicant shall submit an Affidavit and proof of mailing to the Zoning Board Administrator. A copy of this Affidavit is enclosed within this package.

SAMPLE NOTIFICATION LETTER

Name of Applicant
Street Address
Old Field, NY 11733

Date

Surrounding Owner's Name
Street Address
Old Field, NY 11733 RE:

Dear (insert owners name)

This is to notify you that there will be a public hearing before the Village of Old Field Zoning Board of Appeals in the Keepers Cottage at 207 Old Field Road, Setauket, NY on *DATE* at *TIME* P.M.

The purpose of this hearing is to discuss the merits of the proposal for the above captioned property to:

(Insert description of your application before the Board.)

Information can be viewed at Village Hall located at 207 Old Field Road, Setauket # 631-941-9412 on Mondays. Tuesdays or Thursdays during normal business hours.

Although written notification is given only to those within 200 feet of the subject property, please feel free to mention this application to any neighbor who may care to attend. At this hearing, those wanting to speak regarding the application will be given an opportunity to be heard. If you have any interest in this application, we urge you to attend. If anyone is wanting to speak but is unable to appear, they may submit their comment in writing to the Zoning Board.

Very truly yours,

SUGGESTED GUIDELINES FOR VARIANCES

One of the basic powers given by law to a Zoning Board of Appeals is called the “Variance” power. The Board has the authority to “vary” or modify the strict letter of a zoning ordinance or local law in cases where the benefit to the applicant outweighs any harm or adverse impacts to the neighborhood.

Appeals Boards are frequently confronted with requests for variances. There are two types of requests that come before the Board and the standards by which they are judged differ. A use variance is a request to utilize property for a use or activity, which is not permitted by the zoning ordinance and the applicant, must demonstrate “unnecessary hardship”. An area variance is a request for relief from the dimensional standards contained in the zoning ordinance and takes into consideration the benefit to the applicant weighed against the detriment to the health, safety and welfare of the neighborhood.

USE VARIANCE

An individual who wants to utilize property for a use that is not permitted by the zoning ordinance must apply for a use variance. An application for a use variance must demonstrate unnecessary hardship by satisfying each of the following four tests:

Uniqueness – The applicant must prove that there are certain features or conditions of the property that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. If the features or conditions are generally applicable throughout the district, a variance should not be granted. In those situations where others share the difficulty, the relief should be accomplished by an amendment to the zoning ordinance, not a variance.

Reasonable Return – The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted in the zoning ordinance. There must be a “dollar and cents” proof of the applicant’s inability to realize reasonable return; speculation of qualitative assessment is inadequate. Failure to realize the highest return is not considered a hardship.

Character – The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the “spirit” of the ordinance or local law should be preserved.

Self-Created Hardship – The applicant must prove that the alleged hardship is not self-created.

The applicant for a use variance must meet all four tests before an Appeals Board may grant relief. A use variance should not be granted if the applicant created the “unnecessary hardship”. If the Appeals Board grants a use variance to an applicant who has failed to meet each of the tests, it runs the risk of assuming the function of the legislative body and making a decision contrary to the legislative intent of the zoning ordinance.

AREA VARIANCE

The Zoning Board of Appeals shall have the power, upon an appeal from a decision of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined in Village Code 7-712.

Village Code § 121-49 (C) provide as follows:

The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of any administrative official charged with the enforcement of such local law, to grant area variances from the area or dimensional requirements of such local law.

In making its determination, the Zoning Board of Appeals 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 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 benefits 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 conditions in the neighborhood or district.
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 the area variance

THE APPLICANT SHOULD CAREFULLY CONSIDER THE TESTS LISTED AND BE PREPARED ON THE HEARING DATE TO OFFER TESTIMONY BASED ON AN UNDERSTANDING OF THE ABOVE CRITERIA.

The Appeals Board shall grant the minimum relief necessary to allow reasonable use of the property in question and at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

SUMMARY

The major difference between a use variance and an area variance involves the use of the property. An area variance results in the modification of physical restrictions so that an allowable use may be established on the property. By contrast, a use variance permits the establishment of a use that is prohibited by the zoning ordinance and the zoning map.

Old Field Variance Application

INC. VILLAGE OF OLD FIELD
BOARD OF ZONING APPEALS

Return all required information to:
Inc. Village of Old Field - Village Clerk
207 Old Field Road P.O. Box 2724 Setauket, New York 11733

1. Applicant(s)/Owner(s) Name: _____

2A. Address: _____ Phone #: _____

2B. Contact Person or Applicants Representative (if applicable): _____

Address: _____ Phone #: _____

3. If Applicant is Contract Vendee, list name and current address of property owner(s) and attach owners' consent to the application.

4. Attorney, Engineer, or other Representative _____

Firm/Company Name _____

Address _____ Zip Code _____

Phone # _____ Fax # _____

5. Description of Subject Property:

Address: _____ Sec. _____ Blk. _____ Lot(s) _____

Zoning District: _____ Lot area: _____

6. The variance involved relates to: (Circle all applicable)

- Use
- Frontage Side Yard Width
- Height Area
- Front Yard
- Rear Yard Depth
- Floor Area
- Flood Zone Regulations
- Coastal Erosion
- Non-Conforming Lot

Application to vary the provision of:

Article _____, Section(s) _____, Subsection(s) _____ of the Building Zone Ordinance to construct or maintain (describe project):

Attach the Building Inspector's written denial of building permit/certificate of occupancy.

(IF MORE THAN ONE VARIANCE IS REQUESTED, PLEASE CHECK **HERE** [] AND LIST THE INFORMATION REQUIRED UNDER # 6 ON AN ADDITIONAL PAGE.)

7. State the proposed construction or use requested, the proposed dimensions and the zoning requirements. (Example: The proposed building/addition will be 35 feet rather than the required 50 feet from side line)

8. Please answer the following and explain the grounds supporting your response.

(a) Will the requested variance produce an undesirable change in the character of the neighborhood or detriment to nearby properties? **YES/NO** - Explain

(b) Can the benefit sought by the requested variance be achieved by some feasible method other than the variance? **YES/NO** - Explain

(c) Is the requested variance substantial? **YES/NO** - Explain

(d) Will the requested variance result in an adverse impact on the physical or environmental condition of the neighborhood? **YES/NO** - Explain

(e) Is the alleged difficulty in locating requested structure in a conforming location self-created by the applicant? **YES/NO** - Explain

9. State how the granting of this variance will benefit the owner and why it is necessary.

10. Does Applicant require Relief from Chapter 19-Coastal Erosion Hazard Areas **YES/NO**.
*****If yes, please complete paragraphs 10 A thru F, if no, please proceed to paragraph 11.**

Please answer the following and explain the grounds supporting your response. Refer to Village Code.

(a) Is there a reasonable and prudent alternative site available? Explain

(b) Have all responsible means and measures to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activity's design at the property owner's expense? Explain

(c) Will the development will be reasonably safe from flood and erosion damage? Explain

(d) Will the variance requested be the minimum necessary to overcome the practical difficulty or hardship which was the basis for the requested variance? Explain

(e) If public funds are utilized, the public benefits must clearly outweigh the long-term adverse effects. Explain

The criteria set forth in Village Code shall only be varied upon a finding of practical difficulty or unnecessary hardship.

(f) State how the granting of this coastal erosion variance will benefit the owner and why it is necessary.

11. The section, block, lot, name(s), and mailing addresses of all property owners within 200 feet of property of Appellants(s) are as follows (Please use an additional page if necessary):

Section/Block/Lot

Name

Mailing Address

12. Has the premises at the address ever been the subject of a prior variance application? **YES/NO**

If yes, state the date of hearing, relief requested and decision:

AFFIRMATION ON SEARCH OF NEIGHBORING PROPERTY OWNERS

Deposes and says:

That he/she is over the age of eighteen and resides at: _____

That on the ____ of _____, 20____, deponent searched the current Village or Town tax roll records and hereby certifies that such records show the above listed current title owners of the above listed properties within 200 feet of the subject premises.

I HAVE READ THE FOREGOING AND UNDERSTAND THAT ANY FALSE STATEMENT MADE THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Date: _____

Record Search Deponents Signature: _____

(Note: General Municipal Law of the State of New York, Section 809 enacted in 1969 requires the filing of the following completed Disclosure Statement)

DISCLOSURE STATEMENT

_____ deposes and says:

1. FOR INDIVIDUAL APPLICANTS (Strike out if not applicable)

- a. I am over the age of 21 and reside at _____
- b. I am the _____ (Owner/Contract Vendee) of the property designated as Section _____ Block _____ Lot(s) _____ on the Real Property Tax Map of Suffolk County which forms the subject matter of this application and am fully familiar with all the facts and circumstances hereinafter set forth.

2. FOR CORPORATE APPLICANTS (Strike out if not applicable)

- a. I am the _____ (Title) of the _____ (Corp) with offices located at: _____ and am fully familiar with all the facts and circumstances hereinafter set forth.
- b. The corporation was incorporated under the Laws of the State of New York and is the _____ of the property designated as Section _____ Block _____ Lot(s) _____ on the Real Property Tax Map of Suffolk County.
- c. The following are the names and residences of each officer, director and shareholder:
(Set forth names, residences and relationship to corp.) (Add additional sheet if necessary.)
- d. That the corporate stock of said corporation has not been pledged to any person nor has any agreement been made to pledge the said stock: (except: If any, set forth details.)

3. FOR PARTNERSHIP APPLICANTS (Strike out if not applicable.)

a. I am a _____ (Partner/Joint Venturer, etc...) of the

_____ (Name of Partnership) and am fully familiar with all the facts and circumstances hereinafter set forth.

b. That the above partnership was established in _____ (Place) on

_____ and is the _____ (Owner or Contract Vendee)

of the property designated as Section _____ Block _____ Lot(s) _____ on the Real Property Tax Map of Suffolk County.

c. That the following are the names, addresses and interests, respectively, of all partners (joint ventures', etc.): (Add additional sheet if necessary)

Disclosure Statement must be completed.

1. There are no encumbrances or holders of any instruments creating an encumbrance upon the subject property (except: if any set forth details.)

2. Neither deponent nor any other person mentioned in this statement is a Village officer or employee, or is related to a Village officer or employee. (Except: if any set forth details.)

3. No State Officer or employee or local municipal officer or employee in Suffolk County or his spouse or a person by consanguinity related to either of them within the third degree is (are) the Applicant(s) or an officer, director or employee of the Applicant(s), or legally or beneficially owns or controls the corporate stock of the Appellant(s) or is a partner of the Appellant(s) or associated with the Applicant(s) in a joint venture or has an agreement with the Appellant(s), expressed or implied whereby his compensation for services is to be dependent or contingent upon the favorable exercise of discretion in the granting of the application herein. (Except: if any set forth details.) 5. That in the event there is any change in the matters set forth herein prior to the public hearing relating to the property affected hereby, deponent(s) will file with the Village a supplemental statement indicating the details of such change within 48 hours of such change.

I HAVE READ THE FOREGOING AND UNDERSTAND THAT ANY FALSE STATEMENT MADE THEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

_____ (Date) _____ Applicant(s) Signature(s)

_____ (Date) _____ Applicant(s) Signature(s)

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

I _____, being duly sworn say: I am over 18 years of age and reside at _____.

On _____, I served or caused to be served the within notice of public hearing, a copy of which is attached hereto, upon the persons listed below, constituting all property owners within a 200 foot radius of the property that is subject to this application, by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive custody of the US Postal Service, 200-foot of said notices were sent certified or registered mail, return receipt requested, ten (10) days prior to the hearing.

Name: _____

Address: _____

Please see attached –

Signature

Sworn to before me this
_____ day of _____, 2025

Notary Public

PUBLIC HEARING NOTIFICATION

The Village Code requires notification for a public hearing to all property owners within 200 feet of all property lines of subject lot. This notification shall be CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

Names and addresses must be from current tax rolls. Village of Old Field is District 203.

[illegible]