



Board of Zoning Appeals

One Independence Hill, Farmingville, NY 11738
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BZ-07 rev. 4/04

All applicants applying for a special permit from the Board of Zoning Appeals must prove that they comply with the requirements of Brookhaven Town Code, Section 85-29 (B) "Special Permits" listed below:

Special Permits

1. To ensure special permits for any of the areas for which this Chapter requires the obtaining of such permits from the Board of Appeals. In granting such permits, the Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. No special permit shall be granted by the Board of Appeals unless it shall determine:
 - (a) That the use will not prevent the orderly and reasonable use of adjacent properties or of properties in the surrounding area or impair the value thereof.
 - (b) That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located or of permitted or legally established uses in adjacent districts.
 - (c) That the safety, health, welfare, comfort, convenience or order of the Town will not be adversely affected by the proposed use and its location.
 - (d) That the use will be in harmony with and promote the general purposes and intent of this Chapter.

2. In making such determination, the Board of Appeals shall give consideration, among other things, to:
 - (a) The character of the existing and probable development of uses in the district and the peculiar suitability of such district for the location of any such permissive uses.
 - (b) The conservation of property values and the encouragement of the most appropriate uses of land.
 - (c) The effect that the location of the proposed use may have upon the creation or undue increase of traffic congestion on public streets, highways or waterways.
 - (d) The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent, whether liquid, solid, gaseous or otherwise, that may be caused or created by or as a result of the use.
 - (e) Whether the use or materials incidental thereto or produced thereby may give off obnoxious gases, odors, smoke or soot.
 - (f) Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise.
 - (g) Whether the operation in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing or if proposed by the Town or by other competent governmental agency.
 - (h) The necessity for an asphaltic or concrete surfaced area for purposes of off-street parking and loading of vehicles incidental to the use and whether such area is reasonably adequate and appropriate and can be furnished by the owner of the plot sought to be used within or adjacent to the plot wherein the use shall be had.
 - (i) Whether hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason or as a result of the use or by the structures to be used therefore or by the inaccessibility of the plot or structures thereon for the convenient entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot.

- (j) Whether the use or structures to be used therefore all cause an overcrowding of land or undue concentration of population.
 - (k) Whether the plot area is sufficient, appropriate and adequate for the use and the reasonable anticipated operation and expansion thereof.
 - (l) The physical characteristics and topography of the land.
 - (m) Whether the use to be operated is unreasonably near to a church, school, theatre, recreational area or public assembly.
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- All applicants applying for a special permit should present evidence in regard to the items considered by the Board of Zoning Appeals under Brookhaven Town Code, Section 85-29 (B) (2) stated above.
 - Due to the fact that Code Sections are amended from time to time, please make sure that the above Code Sections are current.