

TOWN OF CLAY

ZONING BOARD OF APPEALS – Special Permit - Residential Application Instructions:

The Board meets at **6:00 P.M.** on the 2nd Monday of each month. See the ZBA calendar for meeting dates and application submittal deadlines. (available on the Town of Clay website townofclay.org)

File the **one (1) Original Zoning Board of Appeals Application** with the **Commissioner of Planning and Development, Town of Clay, 4401 State Route 31, NY 13041.**

ATTACH the following to the ORIGINAL application:

- **EIGHT (8)** copies of the survey map drawn to scale sufficient to show the boundaries and location of the subject property. The survey must be done by a civil engineer or licensed surveyor. (**Interpretations** do not require copies of the survey)
- **ONE (1)** copy of the legal description of the subject property
- **EIGHT (8)** copies of the Environmental Assessment Form, filled out and signed. (*Separate download*)
- If the applicant is not the owner, the attached form stating that the owner *“agrees to and joins in”* the application must be filled in.
- Payment of the \$200.00 administrative fee must accompany the filing of this Notice of Appeal and Application.

Applicant will be notified by mail at least five (5) days prior to the public hearing date. In the event of default by the applicants to appear for the hearing, the Board may either proceed with the hearing and vote on the case, or adjourn the case to a later date.

IMPORTANT: Failure to submit all the above information and answer all pertinent questions may result in an **incomplete** application and delay in processing the appeal and possibly a denial.

ONLY IF there is any additional information or revisions not previously submitted, provide **SEVEN (7) copies the night of the public hearing.**

11/2016 rev

***Please read
instructions!!
Incomplete
applications will
NOT be
processed.***



TOWN OF CLAY

Case # _____
Tax Map # _____

ZONING BOARD OF APPEALS
RESIDENTIAL

Application for a Special Permit:

NAME OF APPLICANT (Principal contact): _____

Mailing Address _____

Email _____ **Phone #** _____

ADDRESS OF SUBJECT PROPERTY: _____

PROPERTY OWNER (owner of record, if not applicant) _____

Mailing Address _____ **Phone** _____

PERSON/FIRM REPRESENTING APPLICANT _____

(architect, engineer, attorney, etc.)

Mailing Address _____

Email _____ **Phone** _____

ZONING DISTRICT WHERE PROPERTY IS LOCATED: _____

CURRENT USE OF PROPERTY: _____

LENGTH OF TIME SO USED: _____ Months/Years (circle one)

- Is any portion of the land located in:
- _____ **Regulated Wetlands**
 - _____ **Flood Plain**
 - _____ **Town Local Waterfront Revitalization Area**

SPECIAL PERMIT to allow subject premises to be used for: _____

subject to satisfying the standards governing the issuance of a special permit set forth in Section _____ of the Town of Clay Zoning Code.

No previous application for the relief herein sought has been made, except

Location of the subject property:

Yes **No**

Is located within 500 feet of the boundary line of the Town of Clay
or the Village of North Syracuse

Is located within 500 feet of boundary of an *existing* or *proposed*
County or state park or other recreation area; County or State Parkway,
Thruway, expressway, road or highway; right-of-way of any stream or
drainage channel owned by County or for which the County has established
channel lines; County or State owned lands on which a public building
or institution is situated.

MANDATORY EXHIBITS FOR SPECIAL PERMIT REQUESTS. The hearing will not be scheduled without these exhibits:

A **legal description** of the property; an **up-to-date survey** or **scaled drawing** of the subject property showing all dimensions and locations and setbacks of all buildings and structures thereon; and an **EAF** (Environmental Assessment form)

The applicant hereby acknowledges that the burden of proof is upon him/her to prove his/her entitlement to the relief sought according to the applicable Standards of Proof and further understands that the Zoning Board of Appeals is powerless to grant relief sought unless the applicant satisfies the Standards of Proof.

Dated: _____, 20_____	

(Individual Signature)	
(or)	

(Entity Name)	
By: _____	
(Officer)	(Title)

TOWN OF CLAY

DISCLOSURE AFFIDAVIT

This affidavit is a part of and must be completed and attached to every application, petition, request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit.

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.:
_____ OF _____)

I. _____, being duly sworn, deposes and says that (s)he is:

(applicant, petitioner, corporation officer, property owner, etc.)

II. That deponent has read and is familiar with the provisions of the General Municipal Law, Section 809 which states:

A. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:

- 1) is the applicant, or
2) is an officer, director, partner or employee of the applicant, or
3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
4) is a party to an agreement with such an applicant, express or implied, whereby (s)he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.

C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

III. That no Town of Clay officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application.

-OR-

If a Town of Clay officer, employee or relative of either as defined in Section 809 General Municipal law has any interest in this application, the full particulars are provided on an attached sheet.

Date: _____, 20____.	
_____ (Individual Signature)	_____ (Print Name)
_____ (Entity Name)	
_____ By (Officer)	_____ (Title)
_____ (Mailing address of applicant)	
_____ (Telephone Number)	_____ (Fax Number)

Date: _____, 20____.	
_____ (Individual Signature)	_____ (Print Name)
_____ (Entity Name)	
_____ By (Officer)	_____ (Title)
_____ (Mailing address of applicant)	
_____ (Telephone Number)	_____ (Fax Number)

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

On this _____ day of _____ in the year 20____, before me, the undersigned, a notary public in and for said state, personally appeared _____, _____, and _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me that he/she/they executed the same in her capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted executed the instrument.

Notary Public
Revised

OWNER agrees to and joins in on the request for a Special Permit:

Date _____

(I / We) _____ being owner
of premises known as:

(ADDRESS) _____

TAX MAP NUMBER(S) _____ . - _____ - _____
_____ . - _____ - _____
_____ . - _____ - _____

Agree to and join in the application of:

APPLICANT NAME: _____

WHAT IS BEING REQUESTED:

SIGNATURE: _____

PRINTED NAME _____

STANDARDS OF REVIEW FOR A SPECIAL PERMIT:

“Proof” is not just parroting these criteria. You must produce “facts” so as to enable the ZBA to carefully consider each of the criteria. Then the ZBA will weigh the benefit to you as contrasted with the detriment to the Town.

Consideration might well be given to hiring a professional real estate appraiser (not a broker or salesman) or a landscape architect to develop proof that will satisfy the above standards.

Remember, this is your case. The Zoning Board of Appeals does not have the power to grant variances unless the required proof is furnished.

As the Appellate Division of the Supreme Court recently held, an applicant must demonstrate that strict compliance with the Zoning Ordinance (Law) will result in practical difficulties.

Standards of Approval. This section has two parts: Part 1 contains general standards applicable to all special permit uses; Part 2 (available in the Zoning Code online) contains standards applicable to certain specified uses in addition to the general standards of Part 1. All applications for a special permit shall meet the following minimum standards of performance that are elaborated upon in the guidelines for a special permit available from the Department of Planning and Development.

Special permit standards of review:

- (a) ***General codes compliance.*** The proposed use or structure shall comply with the applicable intent and regulations of the Town Zoning Code, including the specific zone district in which it is located, and to any other applicable Town, county, state or federal regulations.
- (b) ***Conformance to Town planning.***
 - [1] The proposed use or structure shall be so located and designed that it is compatible in size and character to existing patterns of development and land uses and/or is consistent with the long-term development objectives for the affected portions of the Town.
 - [2] The proposed use or structure shall be appropriately located with respect to the existing pattern of streets and other facilities, including but not limited to: water, sanitary lines and drainage systems; and will not adversely affect the functioning of these facilities nor impede any planned improvements.
- (c) ***Scale of development.*** The scale and design of the proposed use or structure shall be physically and visually compatible with the conditions of the site and surrounding properties and will be developed in a manner that ensures the provision of necessary public facilities, improvements and landscaping.
- (d) ***Vehicular and pedestrian circulation.*** There shall be safe and efficient vehicular and pedestrian movement within the site, to neighboring properties and in relationship to any streets serving the site.

- (e) **Public safety, services and utilities.** The proposed use or structure shall be served with adequate water supply, wastewater disposal and drainage facilities in compliance with applicable local, state or federal requirements and shall include satisfactory provision for solid waste disposal, fire, police and emergency service protection, utilities and other services necessary to support the proposed use or structure.
- (f) **Environmental resources.** The proposed use or structure shall be located, designed and operated in a manner that avoids or minimizes disturbance of significant natural or cultural resources; is consistent with the site's soil capabilities to accommodate the use or structure; provides overland drainage systems and controls stormwater runoff in a manner conforming to area-wide drainage plans and Town planning objectives; and complies with applicable county, state or federal regulations for significant environmental resources.
- (g) **Aesthetics.**
- [1] The site shall be designed to include building materials, screening, landscaping treatments of structures, parking, drainage and storage areas that are consistent with existing development and aesthetic standards or any guidelines promulgated by the Town, which minimize adverse visual effects on surrounding properties or public rights-of-way.
- [2] Lighting and signage shall be appropriate in size, color and placement for the site and the character of the surrounding area and shall have no adverse impact on surrounding properties.
- (h) **Emissions.** The detection of any noise, smoke, heat or odor shall be within limits established by this code or other applicable laws or regulations. Such emissions shall be minimized and directed away from surrounding properties. Mechanical devices or attachments associated with these emissions are to be installed and maintained in accordance with applicable health and safety codes and adequately screened from view.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. 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 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.

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/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. 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: _____ _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	

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
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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 and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		