

TOWN OF CLAY

PLANNING BOARD

SPECIAL PERMIT APPLICATION INSTRUCTIONS

1. The Board meets at 7:30 P.M. on the 2nd and 4th Wednesday of each month.
2. File the **ORIGINAL** and **THREE (3) COPIES** of the Special Permit Application, with: the Commissioner of Planning and Development, Town of Clay, 4401 Route 31, Clay, NY 13041
3. Attach to the **ORIGINAL AND EACH COPY:**
 - (a) Disclosure Affidavit Form, filled out, signed and notarized.
 - (b) Location or survey map drawn to scale sufficient to show the boundaries and location of the subject property:
 - (c) Site plan drawn to scale showing the location and dimensions of the existing and proposed structures and improvements on the subject property, parking areas, vehicle access and circulation drives, open spaces and landscaping.
 - (d) Legal description of the subject property.
 - (e) Descriptions of the proposed use of the subject property and of the exterior construction and appearance of the proposed structures.
 - (f) **Full Environmental Assessment Form, filled out and signed. (separate download)**
 - (g) Additional pertinent information and material may be submitted as desired or shall be submitted upon request of the Town Board or as provided in the Zoning Ordinance.
4. Payment of the Two Hundred Dollars (\$200.00) administrative fee must accompany the filing of this Special Permit Application.
5. Applicant will be notified by mail at least five (5) days prior to the hearing date. In the event of default by the proponents to appear, the Board may either proceed with the hearing and vote on the application, or adjourn the hearing to a later date.
6. **IMPORTANT:** Failure to submit all of the above information and to answer all pertinent questions may result in an **incomplete** application and a delay in processing the application.
7. All surveys, maps, etc, that are submitted with the application must be folded to 8 ½ x 11, except copies provided the night of the public hearing.
8. Provide **eight (8) copies** of exhibits for Board Members when submitting the application.
9. An electronic copy (pdf) of the plan (either disk or email) must be submitted.

REMOVE THESE INSTRUCTIONS PRIOR TO FILING

12. Upon information and belief, the names and addresses of all adjoining owners together with the current zoning classification of each adjoining parcel are as follows:

<u>USE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>ZONING</u>	<u>PRESENT</u>
NORTH:				
SOUTH:				
EAST:				
WEST:				

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)

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

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

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

1. 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.
2. 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:
 - a) is the applicant, or
 - b) is an officer, director, partner or employee of the applicant, or
 - c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - d) 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.
3. 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.

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

3. 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)

(Corporate Name)

By (Officer)

(Mailing address of applicant)

(Telephone Number)

(Facsimile Number)

(Individual Acknowledgement)

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

On this _____ day of _____, 20____, before me personally came and appeared _____, to me known and known to me to be the person described in and who executed the foregoing application for Special Permit Review and Approval, and he duly acknowledged to me that he executed the same.

Notary Public

(Corporate Acknowledgement)

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

On this _____ day of _____, 20____, before me personally came and appeared _____, to me known, who being by me duly sworn did depose and say that he resides at _____, that (s)he is the _____ of _____, the corporation described in and which executed the foregoing application for Special Permit Review and Approval; that he knows the seal of said corporation; that one of the seals affixed to said instrument is such seal; that it was so affixed by order of the directors of said corporation and that he signed his name thereto by like order.

Notary Public

STANDARDS OF PROOF - SPECIAL PERMIT

The burden of proof for a special permit is always on the applicant. In order for an applicant to be entitled to a special permit, the following criteria must be satisfied:

1. That the proposed use will not, in the circumstances of the particular case and under any conditions that the Board of Appeals considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare. (Applicant should specify any conditions which he can satisfy in order to establish this criterion). The ZBA should be prepared to discuss at the hearing any pertinent conditions.
2. That the proposed site plan shows the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping. (Failure to adhere to the site plan precisely as presented or as otherwise modified by order of the Planning Board or ZBA will constitute a violation of the Zoning Ordinance).
3. That there is no violation of the Zoning Ordinance on the subject premises at the present time.
4. That the
 - a. location and size of the proposed use
 - b. nature and intensity of the operation involved
 - c. size of the site in relation to the proposed use
 - d. location of the site with respect to existing streets
 - e. location of the site with relation to future street are all in harmony with the orderly development of the district.
5. That the location, nature and height of
 - a. buildings
 - b. walls
 - c. fences

will not discourage the appropriate development and use of the adjacent lands or buildings or impair the value thereof.

6. That the operations in connection with such proposed use will not be more objectionable to nearby properties by reason of
 - a. noise
 - b. fumes
 - c. vibration
 - d. flashing lights

than would be the operations of any specifically permitted use in that zoning district (except in the case of an S-1 District).

If the applicant proves his compliance with each standard, he is entitled to the special permit. Conversely, if the applicant fails to address or satisfy any one or part of these standards, he is not entitled to the special permit.