

# TOWN OF CLAY

## ZONING BOARD OF APPEALS

### APPLICATION INSTRUCTIONS

1. The Board meets at 7:30 P.M. on the 2<sup>nd</sup> Monday of each month. See the ZBA Calendar for meeting dates and application submittal deadlines.
2. An appeal for an Area Variance, Use Variance, Special Permit or an Interpretation of the Zoning Ordinance must be taken and notice filed with the Commissioner of Planning and Development, within **sixty-two (62) days** of the denial.
3. File the **ORIGINAL** and **TWO (2) COPIES** of the Notice of Appeal and Application, (and of the Environmental Assessment Form), with:  
**Commissioner of Planning and Development, Town of Clay, 4401 Route 31, Clay, NY 13041**
4. Attach to the **ORIGINAL AND EACH COPY**:
  - Survey map drawn to scale sufficient to show the boundaries and location of the subject property: (A survey is required for Area Variances, Use Variances and Special Permits, and must be submitted by a civil engineer or licensed surveyor.)
  - Site plan drawn to scale showing the location and dimensions of the existing and proposed structures and improvements on the subject property. Show the required dimensions and the proposed dimensions for area variances. **Provide 7 additional copies with the application for commercial projects.**
  - Legal description of the subject property.
  - Descriptions of the proposed use of the subject property and of the exterior construction and appearance of the proposed structures and
  - Environmental Assessment Form, filled out and signed.
  - Additional pertinent information and material may be submitted as desired or shall be submitted upon request of the ZBA or as provided in the Zoning Ordinance.
5. 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.
6. Payment of the \$\_\_\_\_\_ administrative fee must accompany the filing of this Notice of Appeal and Application.
7. 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 case, or adjourn the case to a later date.
8. The applicant must verbally present responses to the **Standards of Proof** appropriate to the type of application, at the Public Hearing.
9. **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 appeal and possibly a denial.
10. Provide **seven (7) copies** of exhibits for Board Members the night of the Public Hearing.
11. For area variances, it is suggested that the applicant install visible stakes at the location of the proposed structure, approximately three weeks before the hearing.
12. An electronic copy (pdf) of the final plan (disk or email) must be submitted.

***Please read  
instructions!!***

***Incomplete  
applications will  
NOT be  
processed.***

# **ENVIRONMENTAL ASSESSMENT FORM**

Must be submitted with all applications

All Commercial Projects

-Use **Full** Environmental Assessment Form

All Industrial Projects

- Use **Full** Environmental Assessment Form

Residential Projects -Over 10 Acres

-Use **Full** Environmental Assessment Form

Residential Projects - Under 10 Acres

-Use **Short** Environmental Assessment Form

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# TOWN OF CLAY - SCHEDULE OF FEES

## CHAPTER 105

<b>1. TOWN CLERK'S OFFICE</b>		<b><u>FEE</u></b>
1.	TOWN MAPS	\$ 3.00
2.	ZONING ORDINANCE (Copy)	\$ 20.00
3.	ZONING MAP (Whole)	\$ 20.00
4.	ZONING MAP (Half)	\$ 10.00
5.	DRAINAGE & SEWER STANDARDS	\$ 5.00
6.	COPIES (per page)	
	♦ Small	\$ .25
	♦ Ledger	\$ .50
	♦ Wide format	\$ 3.00
7.	CERTIFICATION	\$ 1.00
8.	ZONING INFORMATION RESEARCH	\$ 30.00
<b>2. PLANNING &amp; DEVELOPMENT DEPARTMENT</b>		<b><u>FEE</u></b>
1.	ZONE CHANGE APPLICATIONS	\$ 400.00
2.	VARIANCES	
	♦ Residential	\$ 200.00
	♦ Commercial	\$ 400.00
	♦ After construction	\$ Double the fee
3.	SPECIAL PERMIT	\$ 300.00
4.	Interpretation	\$ 200.00
5.	SITE PLANS ( <i>&amp; Special Permits requiring Site Plan review</i> ) *	
	♦ 3 acres or less	\$ 900.00
	♦ Over 3 acres	\$ 1500.00
6.	AMENDED SITE PLANS *	\$ 600.00
	<i>Amendment of site plans which are proposed within five (5) years of the original site plan approval, which in the opinion of the Commissioner of Planning &amp; Development, would not involve any changes that could adversely impact adjacent properties.</i>	
7.	ADMINISTRATIVE SITE PLAN	\$ 75.00
8.	PRELIMINARY PLATS*	\$ Base fee: \$200 + 50 per lot.
9.	FINAL PLATS	\$ 300.00
10.	ADMINISTRATIVE SUBDIVISION	\$ 75.00
11.	ADDITIONAL ADVERTISING	\$ As per cost
12.	ADDITIONAL ENGINEERING FEES INCURRED BY THE TOWN	\$ As per cost
13.	AFTER HOURS INSPECTION FEE	\$ 75.00

~~\*NOTE: For a commercial site plan or residential subdivision (with no proposed public utilities) requiring the preparation of a Stormwater Pollution Prevention Plan, an additional \$1500 will need to be deposited with the Town to cover engineering fees for the review of the Stormwater Pollution Prevention Plan.~~

**TOWN OF CLAY**

**APPLICATION**

To the

**ZONING BOARD OF APPEALS**

\_\_\_\_\_  
Date Received

Application for: \_\_\_\_\_ Use Variance  
\_\_\_\_\_ Area Variance  
\_\_\_\_\_ Special Permit  
\_\_\_\_\_ Interpretation

Tax Map Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Case Number \_\_\_\_\_

The Applicant hereby appeals to the Zoning Board of Appeals to the Town of Clay in Onondaga County, New York from the decision of the Commissioner of Planning and Development denying application for a [ ] **Building Permit** [ ] **Certificate of Occupancy** [ ] **Other** \_\_\_\_\_

Made on \_\_\_\_\_ and furnishes the following information under oath:

1. Applicant's name \_\_\_\_\_ Phone # \_\_\_\_\_
2. Mailing address \_\_\_\_\_  
\_\_\_\_\_
3. Address of subject property \_\_\_\_\_
4. Name of applicant's attorney \_\_\_\_\_
5. Attorney's address \_\_\_\_\_
6. Name of owner of record \_\_\_\_\_
7. Applicant acquired subject property from \_\_\_\_\_  
\_\_\_\_\_ by deed dated \_\_\_\_\_, or
8. Applicant is lessee of subject property from \_\_\_\_\_
9. Zoning District in which property is located \_\_\_\_\_
10. Current use of property \_\_\_\_\_
11. Length of time so used \_\_\_\_\_

12. The relief sought is (✓ check applicable items)

A. **USE VARIANCE** to allow subject premises to be used for \_\_\_\_\_ on the grounds that (applicant cannot derive a reasonable return from any of the uses allowed in Section 230-\_\_\_\_\_ of the Town of Clay Zoning Code) or, ( \_\_\_\_\_ )

B. **AREA VARIANCE** reducing:

Lot area from \_\_\_\_\_ sq. feet to \_\_\_\_\_ sq. feet, Sec. \_\_\_\_\_  
Lot width from \_\_\_\_\_ sq. feet to \_\_\_\_\_ sq. feet, Sec. \_\_\_\_\_  
Front yard setback from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Sec. \_\_\_\_\_  
Side yard setback from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Sec. \_\_\_\_\_  
Side yard (2<sup>nd</sup>) setback from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Sec. \_\_\_\_\_  
Rear yard setback from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Sec. \_\_\_\_\_  
Height from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Sec. \_\_\_\_\_  
Perimeter landscape strip from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Sec. \_\_\_\_\_  
Perimeter landscape strip (2<sup>nd</sup>) from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Sec. \_\_\_\_\_

Section 230-19- Highway Overlay Zone District reducing:

Lot area from \_\_\_\_\_ sq. feet to \_\_\_\_\_ sq. feet, Sec. \_\_\_\_\_  
Lot frontage from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Sec. \_\_\_\_\_  
Designated highway setback from \_\_\_\_\_ feet to \_\_\_\_\_ feet, Sec. \_\_\_\_\_

Other \_\_\_\_\_

C. **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.

D. **INTERPRETATION** of Section \_\_\_\_\_ of the Town of Clay Zoning Code to allow

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Upon information and belief, the names and addresses of additional owners of land located within 200 feet of exterior boundaries of subject property are :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_

<b>15. Location of the subject property, the subject property:</b>	<b>Yes</b>	<b>No</b>
Is located within 500 ft. of the boundary line of the Town of Clay	_____	_____
Is located within 500 ft. of the boundary line of the Village of North Syracuse	_____	_____
Is located within 500 ft. of boundary of any <u>existing</u> or <u>proposed</u> 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	_____	_____

**16. Upon information and belief, the owner's names, addresses, Zoning and use of all adjoining property are:**

Name	Address	Zoning	Present Use
North	_____	_____	_____
South	_____	_____	_____
East	_____	_____	_____
West	_____	_____	_____

**17. Mandatory Exhibits: Hearing will not be scheduled without these exhibits:**

Attached hereto and made a part hereof are:

- a. The legal description of the subject property, marked **Exhibit 1**
- b. 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, marked **Exhibit 2** (survey required for Area Variances, Use Variance, and Special Permits).

**18. 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 the relief sought unless the applicant satisfies the Standards of Proof.**

19. The applicant has read and is familiar with the provisions of 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, dependent 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.
- E. 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.

Dated: \_\_\_\_\_, 20\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
(Entity Name)

\_\_\_\_\_  
(Entity Name)

By: \_\_\_\_\_  
(Officer) (Title)

By: \_\_\_\_\_  
(Officer) (Title)

\_\_\_\_\_  
(Mailing Address of Applicant)

\_\_\_\_\_  
(Mailing Address of Applicant)

Telephone Number \_\_\_\_\_

Telephone Number \_\_\_\_\_

Date \_\_\_\_\_

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

(ADDRESS) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TAX MAP NUMBER(S) \_\_\_\_\_ . - \_\_\_\_\_ - \_\_\_\_\_  
\_\_\_\_\_ . - \_\_\_\_\_ - \_\_\_\_\_  
\_\_\_\_\_ . - \_\_\_\_\_ - \_\_\_\_\_

Agree to and join in the application of:

(APPLICANT NAME) \_\_\_\_\_  
\_\_\_\_\_

For a Zoning Board of Appeals *Variance/Special Permit/Interpretation* (TO / FOR)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE \_\_\_\_\_