

TOWN OF CLAY

TOWN BOARD

UTILITY SUBSTATION (§230-27) SPECIAL PERMIT APPLICATION INSTRUCTIONS

1. The Board meets at 7:30 P.M. on the 1st and 3rd Monday of each month.
2. File the **ORIGINAL** and **THREE (3) COPIES** of the Special Permit Application, with:
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) For Tower applications, submit the information listed on the Supplemental Information sheet.
 - (e) **Two Legal descriptions required:** one of the subject property *and* one of the specific area to which the Utility Substation Special Permit will pertain.
 - (f) Descriptions of the proposed use of the subject property and of the exterior construction and appearance of the proposed structures.
 - (g) **Full Environmental Assessment Form, filled out and signed. (separate download)**
 - (h) 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.
 - (i) 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.
4. Payment of the **\$300.00 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 14 Maximum, except copies provided the night of the public hearing.
8. Provide **eight (8) copies** of exhibits for Board Members the night of the Public Hearing.
9. An electronic copy (pdf) of the plan (disk or email) must be submitted.

REMOVE THESE INSTRUCTIONS PRIOR TO FILING

*Please read
instructions!!*

*Incomplete
applications will
NOT be
processed.*

TOWN OF CLAY - SCHEDULE OF FEES
CHAPTER 105

A. TOWN CLERK'S OFFICE		<u>FEE</u>
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. PLANNING & DEVELOPMENT DEPARTMENT		 <u>FEE</u>
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>& 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 & 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
C. 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
TOWN BOARD

APPLICATION

for a

_____ **Date Received**

_____ **Case Number**

UTILITY SUBSTATION SPECIAL PERMIT

Routing:

- (1) Commissioner of Planning & Development
- (2) Town Clerk
- (3) Town Board Attorney
- (4) City County Planning Agency

Tax Map Number _____ - _____ - _____

The Applicant hereby applies to the Town Board of the Town of Clay in Onondaga County, New York, for a Special Permit for the following: _____

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

ACTION ON APPLICATION

To be filled out by the Town

Date Petition and fee received by Commissioner:	_____	20
Planning Board Action:	(a) Date of filing	_____ 20
	(b) Date of Hearing	_____ 20
	(c) Date of Recommendation	_____ 20
Date Petition referred to County Planning	_____	20
Date recommendation received from County Planning	_____	20
Date Public Hearing <i>to be called</i> by the Town Board	_____	20
Date of Public Hearing before the Town Board	_____	20
Date of Town Board decision on Petition	_____	
Application Granted () Denied ()	_____	20
Date of notification to Petitioner	_____	20

Commissioner of Planning & Development _____

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

13. The subject property: yes no

is located within 500 feet of boundary line of <i>Town of Clay</i>	_____	_____
is located within 500 feet of boundary line of <i>Village of North Syracuse</i>	_____	_____
is located within 500 feet of boundary of any <u>existing or 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	_____	_____

14. Upon information and belief, the owner's names, addresses, zoning and use of all adjoining property are:

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

Petitioner further waives any or all rights otherwise afforded to him under provisions of The Zoning Code of the Town of Clay upon the granting of the special permit requested herein:

Dated: _____, 20____ Dated: _____, 20____

(Individual Signature)	(Print Name)	(Individual Signature)	(Print Name)
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(Entity Name)	(Entity Name)
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By: _____	By: _____
(Officer)	(Officer)
(Title)	(Title)

(Mailing Address of Applicant)	(Mailing Address of Applicant)
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Telephone Number() _____ - _____	Telephone Number() _____ - _____
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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, special permit, 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, special permit, 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.

Dated: _____, 20____

Dated: _____, 20____

(Individual Signature) (Print Name)

(Individual Signature) (Print Name)

(Entity Name)

(Entity Name)

By: _____
(Officer) (Title)

By: _____
(Officer) (Title)

(Mailing Address of Applicant)

(Mailing Address of Applicant)

(Telephone Number)

(Fax Number)

(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

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 Special Permit (TO / FOR)

SIGNATURE _____

**TOWN OF CLAY
APPLICATION FOR
UTILITY SUBSTATION SPECIAL PERMIT**

**SUPPLEMENTAL INFORMATION FOR
TOWER PETITION**

In addition to the permit application form, EAF, and application fee, submit the following:

1. Visual EAF Addendum.
2. Site Plan, prepared to scale, showing:
 - a. Exact location of towers, accessory structures and guy wires and anchors.
 - b. Height of the proposed tower.
 - c. Cross section of the tower, showing the height above grade for a potential mounting position for the proposed and any possible collocated antennas.
 - d. A detail of tower type (monopole, guyed, freestanding or other).
 - e. Color(s) of the tower.
 - f. Location and intensity of any lighting on the tower and site.
 - g. Boundaries of the property and boundaries of a lease parcel, if applicable.
 - h. Location of all structures on the property and all structures on any adjacent property within (50) feet of the property lines, together with the distance of these structures from the tower.
 - i. Location of existing treelines and/or areas of significant vegetation.
 - j. Names of all adjacent landowners.
 - k. Current zoning of adjacent properties.
 - l. Location, nature and extent of any proposed fencing and landscaping or screening.
 - m. Location and nature of proposed utility easements and access roads, if applicable.
3. Building elevations of accessory structures.
4. Proof of landowner's consent in the form of a letter to agree to, and join in the application, and a copy of a lease agreement if the applicant will not own the property.
5. A map of the owner's/applicant's existing Communication Facilities within the Town of Clay and site areas proposed or projected for Communication Facilities within the next two years.
6. Before and after propagation studies prepared by a qualified Radio Frequency Engineer demonstrating existing signal coverage contrasted with the proposed signal coverage resulting from the proposed Communication Facility.
7. A search ring prepared by a qualified Radio Frequency Engineer and overlaid on an appropriate background map demonstrating the area within which the Communication Facility needs to be located in order to provide proper signal strength and coverage to the target cell.

8. A report by a qualified Professional Engineer which explains the selection of the proposed site, discusses the availability (or lack of availability) of a suitable structure within the search ring which would have allowed for collocated antenna(s), discusses the extent to which the applicant explored locating the proposed tower in a more favorable location and justifies the proposed tower height. The following documentation may be required:
 - a. Structural capacity of alternative, existing or approved towers.
 - b. Mechanical, frequency or electrical incompatibilities limiting the use of alternative towers.
 - c. Cost of reinforcing or modifying alternative towers as necessary to provide for collocation.
 - d. Offers to lease or purchase alternative sites on reasonable terms.
9. A certified load analysis report for the proposed structure, indicating its ability to support possible future, collocated facilities.
10. Additional visual and aesthetic information as deemed appropriate by the Commissioner of Planning and Development or the Planning Board on a case-by-case basis, such as: enhanced landscaping plans, line-of-sight drawings, a balloon test, or visual simulations from selected viewpoints.

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 Town Board 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 Town Board 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 Town Board/ Planning Board/ 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:
 - location and size of the proposed use
 - nature and intensity of the operation involved
 - size of the site in relation to the proposed use
 - location of the site with respect to existing streets
 - location of the site with relation to future streetare all in harmony with the orderly development of the district.
5. That the location, nature and height of
 - buildings
 - walls
 - fenceswill 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
 - noise
 - fumes
 - vibration
 - 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 fails to address or satisfy any one or part of these standards, he is not entitled to the special permit.*