

## TOWN OF CLAY

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

The Board meets at 7:30 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](http://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

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<u>Location of the subject property:</u>	<b>Yes</b>	<b>No</b>
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 <i>existing</i> or <i>proposed</i> 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.

<b>Dated:</b> _____, 20_____
_____
<b>(Individual Signature)</b>
<b>(or)</b>
_____
<b>(Entity Name)</b>
<b>By:</b> _____
<b>(Officer)</b> <b>(Title)</b>

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.



**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.