



**TOWN OF LERAY
PLANNING BOARD
Special Use Permit Application Form**

**ALL SPECIAL USES ALSO REQUIRE A SITE PLAN APPLICATION
TO BE FILLED OUT.**

OFFICE STAFF ONLY

_____ *\$100 Fee for Special Use Permit*

Check # _____

Date Submitted: _____

Receipt # _____

Received By: _____

APPLICATION INFORMATION

Applicant: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Property Owner (if different from applicant): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Contact Person (if different from applicant): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Licensed Engineer, Architect or Land Surveyor: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

PROJECT INFORMATION

Name of Special Use Project: _____

Location of Project/Street Address: _____

Tax Map Number of all Parcels: _____

(Attach a copy of the current deed and any easements affecting property)

Zoning District(s) _____

Detailed Description of Proposed Activity: _____

Current Land Use of the Site: _____

Character of Surrounding Lands (Adjacent Uses): _____

Total Acreage Involved in Project: _____

Total Contiguous Acreage Controlled by Applicant/Owner: _____

(This shall include lands owned by family members of the applicant, and any corporation(s), partnership(s), limited liability company(ies) or other entities in which the applicant has an interest.)

Total Height of Tower: _____

Proposed Use of Land: _____

Statement indicating how the Special Use meets each standard as it relates to the use and regulations pertaining to the use below (can be attached separately).

1. The Site Plan for the property shall be approved in accordance with the provisions of Article VII of Chapter 158 Section XX. Explain: _____

2. The proposed size, height, architectural character and placement of new or expanded structures on the site shall be reasonably compatible with the existing or anticipated buildings on adjacent properties. Explain: _____

3. Streets and access facilities serving the site shall be able to safely accommodate the expected traffic generated by the proposed use. _____

In addition, the use shall not:

a. Cause excessive traffic congestion or delays. Explain: _____

b. Obstruct access to adjacent properties. Explain: _____

c. Imperil the safety of motorists, pedestrians, or bicyclists. Explain: _____

4. The proposed use shall not adversely affect the use and enjoyment of adjacent properties by generating excessive noise, vibration, light, glare, odors or any other form of pollution, nuisance or public safety concern. Explain: _____

5. The proposed use will be served adequately by essential services such as streets and highways, off-street and on-street parking, police and fire protection, storm water drainage, refuse disposal, water and sewer facilities, schools and other essential services as determined by the Planning Board.

Explain: _____

Please provide any information you feel will be necessary or helpful for the Planning Board in rendering their decision. Certain Special Use Permits (expansion of an existing nonconformity, specific uses in the Town Overlay District, etc.) require other, more specific findings in addition to those listed above.

NAMES AND ADDRESSES OF ADJACENT/ABUTTING LANDOWNERS

The following list consists of all individuals, firms, corporations, and businesses owning property adjacent to both sides and rear, and in front of (across street from) the property. Addresses must be obtained from the current tax rolls which are available in the Town Office. Use additional pages if needed.

Property Owner: _____ Tax Map Id # _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Property Owner: _____ Tax Map Id # _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Property Owner: _____ Tax Map Id # _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Property Owner: _____ Tax Map Id # _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Property Owner: _____ Tax Map Id # _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Property Owner: _____ Tax Map Id # _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Property Owner: _____ Tax Map Id # _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Property Owner: _____ Tax Map Id # _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Chapter 158 ZONING Article XVI Section 158-125
Procedure for application and review

- A. Application requirements.
- (1) If a use is permitted by special use permit, as set forth in this Chapter, the applicant shall make a written application for a review of completeness and an approval to the Zoning Enforcement Officer of the Town of LeRay on forms prescribed by the Town.
 - (2) At a minimum, a complete application shall include the following:
 - (a) The applicant's name, address and interest in the subject property.
 - (b) The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
 - (c) The street address and legal description of the subject property.
 - (d) A complete application for preliminary site plan approval as required by Article XVI. The site plan approval process can run concurrently with the special use permit process, if desired by the applicant.
 - (e) A written statement addressing the standards relevant to the proposed use and other regulations pertaining to specific uses as outlined in this Article. Such statement shall specifically describe how the proposed special use permit relates to and meets each such standard, whether qualitative or quantitative in nature.
 - (f) A map showing the property and all properties within a radius of 500 feet to the exterior boundaries thereof.
 - (g) Plans and elevations necessary to show the proposed development and other drawings or information necessary to attain an understanding of the proposed use and its relationship to surrounding properties as required by this Chapter.
 - (h) Any additional information which may be required to demonstrate compliance with any additional standards imposed on the special use permit by the particular provision of this Article authorizing the special use.
 - (3) Applicants may request a pre-application meeting with the Planning Board Chairman and Community Development Coordinator, or with any consultants retained by the Planning Board for application review.
 - (4) Ten (10) copies of the completed special use permit application and all required information, plans, drawings and/or renderings shall be submitted to the Planning Department fourteen (14) days prior to the regular meeting of the Planning Board. Applications may be made by the owner of the property or his/her duly authorized representative, who shall attend the meeting of the Planning Board to discuss the application.
 - (5) The Planning Board Chairman and Planning Department staff or Town-designated consultants shall, within ten (10) days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this section is included in the application. No application shall be considered unless all items required as part of the application are included.
 - (6) If the application is deficient or lacking necessary information, the Planning Department staff shall provide the applicant with a written statement listing the missing information. No refund of application fees shall be made, but no additional fees shall be required upon submittal of the additional information unless it causes a material change in the application.
 - (7) Upon submission of the missing information, the Planning Department shall transmit the application to the Planning Board and Town Clerk; and the application shall be placed on the agenda of the next available Planning Board meeting.
- B. Fee.
- (1) Every application for a special use permit shall be accompanied by a fee which shall be set by resolution from time to time by the Town Board of the Town of LeRay.
- C. Public hearing on special use application.
- (1) Within sixty-two (62) days of the receipt of a complete application for special use permit the Planning Board shall convene to review and consider said application. Within the same sixty-two (62) day period the Planning Board shall schedule and hold a public hearing on the application.
 - (2) Notice shall be given by first class mail to property owners within 1000 feet of the property boundary and published in the Town's official newspaper, no less than five (5) yet not more than twenty (20) days before any hearing. Compliance with this subsection shall not be a condition precedent to proper legal notice, and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this section.
 - (3) Notice of the project shall also be given, when applicable, to the Jefferson County Planning Board, if required by General Municipal Law § 239-l and 239-m, and to adjoining Towns under General Municipal Law §239-n.

- (4) The public hearing may be combined with public hearings on any environmental impact statement or requested variances.
- (5) Upon receipt of the report of the recommendation of the County Planning Board, the holding of the public hearing, and the completion of the SEQRA process, and within sixty-two (62) days of the public hearing, the Town Planning Board shall approve, conditionally approve, or disapprove the special use permit application. The time in which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board.
- (6) Reasonable conditions may be imposed upon approval of a special use to reduce to a minimum any detrimental effect. Such conditions are outlined in § 158-126.

D. Notification of action.

- (1) The decision of the Planning Board on the application shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.
- (2) The Planning Board shall notify the Applicant for a special use permit in writing with the Board's decision within five (5) days after the decision has been rendered.
- (3) A copy of the meeting minutes from said meeting mailed to the Applicant shall constitute proper notice.
- (4) In the event of disapproval, the Planning Board's written notice must include a description of the rationale and reasoning in support of such disapproval with specific references to portions of this Chapter or other Chapters of the Town of LeRay Code that were utilized in determining the deficiency of the application.

Chapter 158 ZONING Article XVI Section 158-126
General standards governing special uses

A. Except as may be provided elsewhere in this Article, each special use permit application shall meet the following standards:

- (1) A special use shall comply with the appropriate purpose, intent and design standards of the district in which it is located as well as the provisions of Articles IX, X, XI and XII.
- (2) In order to grant any special use, the Planning Board shall find that the request is in harmony with the general purpose and intent of this Chapter and its regulations as stated herein, taking into account the following:
 - (a) The character, function, density, intensity and types of uses on neighboring property.
 - (b) The location and area requirements for land and buildings of such use.
 - (c) The nature and intensity of the operations involved in or conducted in connection with such use.
 - (d) The size of the site in respect to streets giving access thereto.
 - (e) Whether or not the proposed use will have a materially adverse impact upon adjoining and nearby properties.
 - (f) Whether or not the proposed use will result in clearly adverse aesthetic and visual impacts.
- (3) In order to grant any special use, the Planning Board shall find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the area of such proposed use or be injurious to the property and improvements in the area or to the general welfare of the City.
- (4) To the greatest extent practical, proposed special uses shall avoid any undue adverse impact on the natural, physical, social and economic resources of the Town
- (5) The site plan for the property shall be approved in accordance with the provisions of Article VII of this Chapter.
- (6) The proposed size, height, architectural character and placement of new or expanded structures on the site shall be reasonably compatible with the existing or anticipated buildings on adjacent properties.
- (7) Streets and access facilities serving the site shall be able to safely accommodate the expected traffic generated by the proposed use. In addition, the use shall not:
 - (a) Cause excessive traffic congestion or delays.
 - (b) Obstruct access to adjacent properties.
 - (c) Imperil the safety of motorists, pedestrians, or bicyclists.
- (8) The proposed use shall not adversely affect the use and enjoyment of adjacent properties by generating excessive noise, vibration, light, glare, odors or any other form of pollution, nuisance or public safety concern.
- (9) The proposed use will be served adequately by essential services such as streets and highways, off-street and on-street parking, police and fire protection, stormwater drainage, refuse disposal, water and sewer facilities, schools and other essential services as determined by the Planning Board.

B. Special use permit and site plan approval.

- (1) An Applicant shall decide if it wishes to complete the special use permit process concurrently with site plan review as required pursuant to Article XVI.
- (2) The Planning Board may rule on an application for a special use permit independently from an application for site plan review and approval, with the following conditions:
 - (a) Site plan review and approval completed separately from the special permit process must take place after the special permit process has been completed and a determination rendered by the Planning Board.
 - (b) Site plan review and approval shall be subject to the conditions of approval for the special permit granted for the property.
- (3) In the event of a concurrent review of applications for special use permit and site plan review for the same property, the Planning Board shall render its decision separately for each application, with supporting evidence as required by this Article and Article XVI.

C. Pre-existing special uses.

- (1) Any use lawfully established prior to, and lawfully continuing in existence on the date of adoption of this Chapter, and which is located in a district in which the special use is permitted under the terms of this ordinance shall be deemed a conforming use without further action, application or review, unless a pre-existing special use permit expires, or unless such use ceases to continue for a period of more than six (6) consecutive months.

D. Discontinuance.

- (1) A special use permit shall become void five (5) years after approval, or after such lesser time as may be specified as a condition of approval by the Planning Board, unless within that time the owner has obtained a valid and active building permit from the Jefferson County Fire Prevention and Building Code Department.
- (2) Such requirement to obtain building permits shall not be required of Special Use Permits granted for Minor and Major Home Occupations.
- (3) No less than sixty (60) days and no more than one-hundred-eighty (180) days prior to the date of the five (5) year anniversary of the special use permit, the Zoning Enforcement Officer shall notice the owners, operators and/or managers of said property of the pending discontinuance of the special use permit.
- (4) The special use permit shall expire if an initiated special use, as approved, ceases activity for a period of more than three (3) years continuously. This shall include home occupations.

E. Extension.

- (1) A special use permit grantee shall not be provided an extension such that the time required for building construction, alteration or enlargement to commence exceeds five (5) years.

F. Modification or Revocation of Special Use Permit.

- (1) A special use permit may be modified or revoked by the Planning Board as set forth below.
- (2) The Zoning Enforcement Officer shall provide legal written notice to the owners, operators and/or managers of said property stating that the Town is seeking to modify or revoke a previously approved special use permit.
- (3) The Planning Board shall schedule a public hearing within thirty (30) days of such notice to the owners, operators and/or managers of said property.
- (4) The public hearing shall be held to discuss:
 - (a) A change in circumstances, conditions or the magnitude of community impact under which the Special Use Permit was originally granted causing the need to modify said permit; or
 - (b) Whether or not the special permit grantee has violated the terms and conditions of the special use permit causing the need to revoke said permit.
- (5) In the event the Town seeks to modify the granted Special Use Permit, the Town shall be required to explain the changes in circumstances, conditions or magnitude of community impact related to said operating special use and provide recommended remedy.
- (6) In the event of a potential revocation, the special permit grantee shall be afforded the opportunity to explain and defend their actions and operations taking place on the property.
- (7) At the closure of said public hearing, the Planning Board shall render its decision based upon the terms and conditions of the special use permit and the regulations established within this Chapter.
- (8) Within five (5) days of such hearing the Planning Board must notify the special permit grantee in writing of its decision.
- (9) The applicant or any persons may appeal a decision of revocation or modification made by the Planning Board. An appeal of such decision shall be to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.