

SPECIAL USE PERMIT

Prior to filing any application for a Special Use Permit, the applicant shall request a meeting with the Zoning Administrator to review the submittal for Administrative Completeness.

**APPLICATION TO THE PLANNING BOARD
TOWN OF HYDE PARK, NEW YORK**

4383 Albany Post Road
Hyde Park, N.Y. 12538
Phone (845) 229-5111 X 2
Fax (845) 229-0349

To be completed by the Town

APPLICATION NO. _____

Received by: _____

Submittal Date Stamp:

Fee: \$ _____

Escrow: _____

All required information: _____

EAF/DEIS: _____

SEQRA Declaration: _____

Referral to DC Department of Planning and Development under 239-m.: _____

Referral to DCDPW re: access: _____

Referral to Regional DOT re: access: _____

To be completed by the applicant

Part I – Information

I. PROPERTY ADDRESS: _____

TAX GRID NO(s): _____

ZONING DISTRICT: _____

II. PROPERTY OWNERSHIP:

NAME OF OWNER: _____

ADDRESS: _____

NAME OF CONTACT PERSON: _____

PHONE NUMBER: _____

EMAIL: _____

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III. APPLICANT INFORMATION:

APPLICANT NAME: _____

ADDRESS: _____

PHONE NUMBER: _____ Email address: _____

Part II – Request

The Applicant requests a **SPECIAL PERMIT** for the use of the above described property as provided under Section 108-_____ of the Code of the Town of Hyde Park for the following purposes:

The Applicant alleges that the approval of said SPECIAL PERMIT will be in harmony with the intent and purpose of said zoning code and standards for such special use permit as outlined in Section 108-8.4 Standards, as well as, Articles 4 and 5 of this chapter, and that the proposed use will be consistent with the purposes of the district in which it is located, and would not be detrimental to property or persons in the neighborhood for the following reasons:

PART III – DOCUMENTATION

The Applicant is to submit the following supporting documentation:

1. Original and 13 copies of a written statement describing how the request complies with the standards for issuance of a Special Use Permit.
 - i. Compliance with the applicable requirements contained in Articles 4 and 5 of this chapter, will be consistent with the purposes of the district in which it is located.
 - ii. Consistent with the purposes of § [108-1.4](#). [Amended 8-24-2009 by L.L. No. 2-2009]

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- iii. Will not result in excessive off-premises noise, dust, odors, solid waste or glare, or create any public or private nuisances. [Amended 8-24-2009 by L.L. No. 2-2009]
 - iv. Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, condition, and any proposed improvements made to them by the applicant.
 - v. Will be suitable for the proposed action considering the property's size, location, topography, vegetation, soils, natural habitat, hydrology, hydrogeology and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.
 - vi. Will be subject to such conditions on operation, design and layout of structures and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.
2. Original and 13 copies of Site Development Standards (108-4.5), by specific reference, to which the applicant objects, with supporting data and rationale for each.
 3. Original and 13 copies of the Plot Plan to scale showing:
 - The size of the parcel,
 - The zoning district,
 - The size and location of the proposed use on the parcel in terms of scale and/or density of the proposed special use,
 - Location of all existing uses on the lot,
 - The type and location of sewer and water service to the existing and proposed uses,
 - The existing and proposed points of vehicular access,
 - The existing and proposed location of all pedestrian circulation and access,
 - The approximate location of all required and proposed off-street parking,
 - Any environmental concern as identified in 108-4.3(G) that is located on or adjoins such lot,
 - Any historic district, area, place or asset as identified in 108-4.6 that is located on or adjoins such lot, and
 - Any scenic road as identified in 108-4.7 that is located on or adjoins such lot.
 4. If the application is for Adult Entertainment additional information as required in 108-30.7(E) must also be submitted in original form with twelve copies.
 5. Original and 13 copies of SEQRA ENVIRONMENTAL ASSESSMENT FORM.
 6. Original and 13 copies of an agricultural data statement, where applicable.
 7. If an area variance is required, a copy of such application shall be attached.
 8. In the case of apartments within one-family dwellings please provide a density evaluation and fill out Attachment "A.", providing the original and twelve copies.
 9. Original and twelve copies of any additional documentation that the applicant believes to be necessary for a complete and full description of the Special Use requested.

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10. Attachment "B" Escrow Procedures.

PART - IV SIGNATURE AND VERIFICATION

Please be advised that no application can be deemed complete unless signed below.

I hereby certify that the information enclosed herewith and on the application is accurate and factual:

Signature of Applicant: _____ Date: _____

I the record owner do hereby authorize _____ to represent me before the Planning Board during the Special Use Permit process:

Signature of Applicant: _____ Date: _____

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ACCESSORY APARTMENTS ATTACHMENT A

1. The owner(s) of the one-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units on the premises; and the owner must sign a statement acknowledging this requirement.
2. Scale drawing of the interior floor plan of the home and accessory apartment;
3. The square footage of floor area for each unit clearly identified. The floor area devoted to the apartment shall be no more than 35% of the gross square feet of the existing one-family dwelling unit prior to the creation of the accessory apartment. The certificate of occupancy for the accessory apartment shall clearly identify such dwelling unit and its floor area.
4. Bedrooms in each dwelling unit must be clearly labeled (accessory apartment can have no more than two.);
5. The floor area of the apartment shall be greater than 400 square feet.
6. A calculation of density shall be provided and must meet the district regulations in the bulk chart;
7. Provisions for safe and proper means of entrance, be clearly marked for the purpose of fire safety and mail service;
8. All County Department of Health regulations shall be met; no special use permit shall be granted in any case where the County Department of Health has determined that the water or sewage system serving the dwelling(s) in question is for any reason not capable of handling the additional demand that would be imposed upon it in the event the special use permit was issued there under;
9. Stairways leading to any floor or story above the first floor shall be located within the walls of the building. Any fire escapes, when required, shall be located on the rear wall in preference to either side wall. In no instance shall a stairway or fire escape be located on any wall fronting on a street;
10. The requirement for site plan approval for special permits shall not apply to special use permits under this Subsection B unless the accessory apartment is proposed to be located in a detached structure;
11. All accessory structures which contain dwelling units must comply with the Schedule of Bulk Regulations (108-5.15); and

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ESCROW PROCEDURES ATTACHMENT B

Upon initial application to the Planning Board, an applicant or his/her agent is responsible to deposit with the Town an escrow or combination escrow amount as established by the Town Board or by the Chair or his/her designee in advance of the review of the application.

Upon receipt of your escrow, an account will be set up specifically for your project. The funds will be placed in a non-interest bearing account maintained by the Town of Hyde Park and will be used by the Planning Board for consultation with professional review services provided by engineers, lawyers, architects, landscape designers, surveyors, appraisers, planners and related professionals. Professional review expenses are billed at an hourly rate and you will be responsible for these bills as it pertains to your project. For instance, as the Town receives bills for work performed on your project from its consultants (i.e., Attorney, Engineer, Planner, etc.), your escrow will be used to pay these bills. The Chair or his/her designee prior to approval verifies bills by the Town Board for payment. At any time, you may **request copies of the bills processed against your escrow directly from project Consultants. Please contact the ZBA or Planning Board Secretaries for the email address for the project consultant.**

Before receiving the final decision by the Planning Board regarding your application, any bills submitted by the consultants used by the Planning Board will be fully paid by your escrow.

If at anytime there are insufficient funds in your account to cover the bills, there will be a delay in your application being placed on the agenda, review of your project, and delay in your project being considered for final decision. In the event that you fail to deposit the requested review fees into an escrow account, any application review, approval, permit or certificates of occupancy shall be withheld or suspended by the reviewing board, officer or employee of the Town until such monies are deposited. In addition, no application to the Town Board, Planning Board or Zoning Board of Appeals shall be accepted, nor shall any building permit or Certificate of Occupancy be issued, if said applicant has outstanding any fees due the Town from any previous applications.

The Town may invoke any and all legal remedies provided to it under applicable laws including Article 36 of the Hyde Park Zoning Code, including charging such sums against the real property subject to the permit application and adding that charge to and making it a part of the next real property tax bill associated with the subject property.

After all bills are paid in full, the Board will authorize release of any escrow balances to you or your designee.

Please sign below as agreement to the terms of the escrow procedures.

Signature of Primary Applicant

Date

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Kindly print the name of the person whom any refund check will be made payable to upon completion of your application. This person will receive any escrow balance remaining, if any, upon approval of the Town Board

Name: _____

Mailing Address: _____

Telephone: _____