

# Town of Fleming

2433 Dublin Road  
Auburn, NY 13021

Phone (315) 252-8988

Fax (315) 252-1492

## SPECIAL USE PERMIT APPLICATION

### SECTION 1

Applicant's Name: \_\_\_\_\_

Circle one: owner    tenant    contractor    or other (specify) \_\_\_\_\_

Applicant Address \_\_\_\_\_

(Street Address)

(State)

(Zip)

Phone Number \_\_\_\_\_ E-mail Address \_\_\_\_\_

Proposed Special Use Location Address: \_\_\_\_\_ Tax Map # \_\_\_\_\_

Describe in detail the proposed uses for the property, if application is approved: \_\_\_\_\_

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

### SECTION 2

The applicant alleges that the approval of said Special Use Permit would be in harmony with the intent and purpose of the Fleming Zoning Code and that the proposed use conforms to the standards prescribed therefore in said Zoning Code and would not be detrimental to property or persons in the neighborhood for the following reasons:

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

### SECTION 3

**ATTACH THE FOLLOWING:** A statement with supporting evidence describing how the Special Use Request meets the standards of review described below:

- The Subject Request is in the best interest of the Town, the convenience of the community, the public welfare and that it results in a substantial improvement to the property in the immediate vicinity of the proposed use.
- The Subject Request is suitable for the property in question, and will be designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
- The Subject Request is in conformance with all applicable requirements of the Town's Zoning Law.
- The Subject Request is suitable in terms of effects on street or highway traffic and safety with adequate access arrangements to protect major streets from undue congestion and hazard.

**SECTION 4**

List the owners of record of all properties adjacent to, and across the road from, the property for which the application is being filed. These parties will be notified by the Town of Fleming prior to the public hearing.

OWNER'S NAME	MAILING ADDRESS

**SECTION 5**

THE APPLICANT'S SIGNATURE BELOW INDICATES THE INFORMATION CONTAINED IN THIS APPLICATION AND ON ANY ACCOMPANYING DOCUMENTS IS TRUE AND ACCURATE, AND THAT ANY ATTORNEY'S FEES OR ENGINEER'S FEES INCURRED BY THE TOWN RELATIVE TO THE REVIEW OF THIS PROJECT SHALL BE PAID BY THE APPLICANT.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Property Owner Signature

Dated: \_\_\_\_\_

\_\_\_\_\_  
Applicant Signature (if not Property Owner)

**FOR OFFICIAL USE ONLY:**

Special Use Permit Application Fee    **\$50.00**

Received: \_\_\_\_\_

Check No. \_\_\_\_\_

Meeting Date: \_\_\_\_\_

Board Decision: \_\_\_\_\_

TOWN OF FLEMING  
2433 Dublin Road  
Auburn, NY 13021  
(315)252-8988

INSTRUCTIONS/CHECKLIST TO APPLY FOR  
A SPECIAL USE PERMIT

The Town Board of Fleming, in accordance with Zoning Law, Section 8-1 (copy attached), shall hear and decide upon applications for uses requiring a Special Use Permit listed in the Bulk & Use Tables for each of the seven (7) zoning districts within the Town.

Please complete the Application and pay special attention to Section 2 as the information you provide will be used by the Town Board in consideration of your application. You may attach additional information on a separate page should you need more space.

Section 3 requires a statement with supporting evidence of how your request will meet the standards of review listed in this section.

Please complete Section 4 which identifies all the adjacent properties by owner and mailing address, including across the road from the subject property.

Please date and sign the application in Section 5 and include the application fee of \$50.00. Also, be advised that your signature indicates that the information contained in the application and on any accompanying documents is true and accurate, and that any attorney's fees or engineer's fees incurred by the Town relative to the review of this project shall be paid by the applicant.

**ARTICLE VIII**  
**Regulations Applicable to Special Use Permits**

**8-1. Special Use Permits**

A. Procedure.

- (1) The Town Board of Fleming shall hear and decide upon applications for special use permits for any of the uses for which this Law requires the obtaining of a special use permit from the Board.
- (2) An Applicant shall have the burden of proof in establishing a right to a special use permit.
- (3) General Requirements and Standards Applicable to all special use permits. The Town Board shall grant a special use permit when it finds adequate evidence that any proposed use submitted for a special use permit will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use under this Article. The Board shall among other things require that any proposed use and location be:
  - a. In the best interests of the Town, the convenience of the community, the public welfare, and that it be a substantial improvement to property in the immediate vicinity.
  - b. Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
  - c. In conformance with all applicable requirements of this Law.
  - d. Suitable in terms of effects on street or highway traffic and safety with adequate access arrangements to protect major streets from undue congestion and hazard.
- (4) In granting a special use permit, the Town Board may impose conditions regarding layout, circulation and performance as it deems necessary to insure that any proposed development will secure substantially the objectives of this Law. These conditions may include but are not limited to the following:
  - a. Increasing the required lot size or yard dimension.
  - b. Limiting the height, size or location of buildings.
  - c. Controlling the location and number of vehicle access points.
  - d. Increasing the number of required off-street parking spaces.
  - e. Limiting the number, size, location and lighting of signs.

- f. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- g. Designating sites for open space.

#### B. Review by Planning Board on Application for Special Use Permits

The Town Board shall forward to the Planning Board and request an advisory review and opinion on all applications for special use permits. The Planning Board must submit comments summarizing its advisory opinion at least five (5) days before the date of the public hearing held by the Town Board. If comments are not submitted to the Town Board within the established timeframe, the Town Board will interpret that as approval from the Planning Board.

#### C. Annual Review of Special Use Permits

Each special use permit issued by the Town Board may be subject to review on an annual basis by the Zoning Code Officer in order to determine the permit holder's compliance with Article VIII of the Zoning Code and with any permit conditions imposed by the Town Board. The review may be prompted upon the initiative of the Zoning Code Officer or upon the written request of a Town official or member of the public. The Zoning Code Officer shall make a report of any such review to the Town Board; if compliance has not been achieved or if violations exist, the Town Board may take such steps as it deems necessary and appropriate to compel compliance, including but not limited to amending the special use permit conditions, authorizing enforcement proceedings and/or revoking the permit.