



Town of Blooming Grove

Orange County, New York

SPECIAL LAND USE APPLICATION

Special Land Use Permit

All applicants are encouraged to consult the Town's Zoning Code when preparing an application for a special land use permit.

Note: Special Land Use is in addition to fee for Site Plan Approval

INSTRUCTIONS

The following steps must be completed before the application is deemed complete and scheduled for review by the Planning Board, Zoning Board of Appeals, and / or Town Board for Trustees:

1. Filing fee (see fee schedule) sought plus actual publication sought.
2. Twelve (12) copies of the application, twelve plot plans drawn to scale (showing setbacks and other dimensions) or twelve surveys that has been sworn or attested to as being true and accurate.
3. Twelve (12) copies of a narrative describing why the applicant is a Special Land Use and does not conform to the Town's code.
4. Twelve (12) copies of reference to the Building Inspector's determination, referral from the Planning Board, Zoning Board of Appeals, and / or Town Board for Trustees.
5. List of names and addresses, along with stamped self-addressed envelopes, of all property owners within a **500 foot radius** of the property covered in the application. (1,000 foot radius for cell towers & small/large scale solar applications)
6. Twelve (12) copies of a vicinity map.
7. Twelve (12) copies of a site plan.
8. Applicable escrow fees as determined by the Town's professionals.

The completed application must be received at least four (4) weeks prior to be scheduled for review by the Planning Board, Zoning Board of Appeals, and / or Town Board for Trustees meeting and is subject to the review by the Town's professionals. You will be notified as the date of the meeting and or CDRC conference to review this application.

NOTE: *Incomplete applications, which include applications submitted without the proper fees will not be considered for any preliminary or Pre-submission conference conferences and / or meeting with any Town Boards or professionals representing the Town. By submitting this application, the applicant/property owner hereby grants permission to the Town of Blooming Grove, its agents, servants and employees to enter upon the above described property solely for the purposes incidental to the within application at reasonable times upon reasonable notice to the owner or tenant in possession.*

February 25, 2014

PART I

Date: _____

Project Name: _____

Applicant Name: _____

Phone # _____ Cell Phone # _____

E-Mail Address: _____

Address: _____
Street Name & Number (Post Office) State Zip code

Property Owner: _____

E-Mail Address: _____

Phone # _____ Cell Phone # _____

Address: _____
Street Name & Number (Post Office) State Zip code

Engineer/Architect/Surveyor: _____

Web Site: _____

E-Mail Address: _____

Phone # _____ Cell Phone # _____

License # _____ State of issue _____

Address: _____
Street Name & Number (Post Office) State Zip code

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Date: _____

Attorney: _____

Web Site: _____

E-Mail Address: _____

Phone # _____ Cell Phone # _____

Address: _____
Street Name & Number (Post Office) State Zip code

Contact Person: _____

E-Mail Address: _____

Phone # _____ Cell Phone # _____

Address: _____
Street Name & Number (Post Office) State Zip code

Secondary Contact Person: _____

E-Mail Address: _____

Phone # _____ Cell Phone # _____

Address: _____
Street Name & Number (Post Office) State Zip code

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Date: _____

TYPE OF SPECIAL USE REQUESTED:

(CHECK ONLY ONES THAT APPLIES)

A) Commercial Use	YES ☐	NO ☐	B) Residential Use	YES ☐	NO ☐
C) Utility	YES ☐	NO ☐	D) Amusement	YES ☐	NO ☐
E) Railroad	YES ☐	NO ☐	F) PUB / BAR	YES ☐	NO ☐
G) Agriculture	YES ☐	NO ☐	H) Industrial	YES ☐	NO ☐
G) Manufacturing	YES ☐	NO ☐	H) OTHER (explain below)	YES ☐	NO ☐

TO THE BEST OF YOUR ABILITY PLEASE DESCRIBE THE NATURE OF THE SPECIAL USE REQUESTED:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Tax Map Designation:

Section _____ Block _____ Lot(s): _____

Section _____ Block _____ Lot(s): _____

Location: On the _____ side of _____,
_____ feet _____ of _____

Acreage of Parcel _____ **Zoning District** _____

School District _____ **Postal District** _____

Project Description: *(If additional space required, please attach a narrative summary.)*

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If subdivision:

1) Is any variance from the subdivision regulations required? _____

2) Is any open space being offered? _____.

If so, what amount? _____

Project History: Has this project ever been reviewed before? _____

If so, list case number, name, date, and the board you appeared before. _____

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project. _____

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This property is within 500 feet of:

(Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE Orange COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 K, L, M, AND N.

☐ State Road / Highway	☐ County Road
☐ State or County Park	☐ County Stream
☐ Municipal Boundary	☐ County Facility
☐ Municipal Facility	☐ State Facility

List name(s) of facility checked above. _____

Applicant's Signature and Certification

State of New York)
County of Orange) SS.:
Town/Town of _____)

I, _____, hereby depose and say that all the above statements contained in the papers submitted herewith are true.

Mailing Address: _____

SWORN to before this

_____ day of _____, 20__

Notary Public

Affidavit of Ownership/Owner's Consent

State of New York)
County of Orange) SS.:
Town/Town of _____)

I, _____, being duly sworn, hereby
depone and say that I reside at: _____

in the county of _____ in the state of _____.

I am the * _____ owner in fee simple of premises located at:
_____ described in a certain deed of said premises recorded in the Orange County Clerk's Office in Liber
_____ of conveyances, page _____.

Said premises have been in my/its possession since _____. Said premises are also known and
designated on the Town / Town of _____ Tax Map as:
Section _____ block _____ lot(s) _____.

I hereby authorize the within application on my behalf, and that the statements of fact contained in
said application are true, and agree to be bound by the determination of the board.

Owner: _____

Mailing Address: _____

SWORN to before this

_____ day of _____, 20____

Notary Public

** If owner is a corporation, fill in the office held by deponent and name of corporation, and provide a list
of all directors, officers and stockholders owning more than 5% of any class of stock.*

Affidavit Pursuant to Section 809 of the General Municipal Law

State of New York)
County of Orange) SS.:
Town of Blooming Grove)

I, _____, being duly sworn, hereby depose and say that all the following statements and the statements contained in the papers submitted herewith are true and that the nature and extent of any interests set forth are disclosed to the extent that they are known to the applicant.

1. Print or type full name and post office address: _____

_____ certifies that he is owner or agent of all that certain lot, piece or parcel of land and/or building described in this application **and if not the owner that he has been duly and properly authorized to make this application and to assume responsibility for the owner** in connection with this application for the relief below set forth:

2. To the _____ of the Town/Town of _____
(Board, Commission or Agency)
_____, Orange County, New York:

Application, petition or request is hereby submitted for:

(☐) Special Use permit per the requirements of Section _____;

(☐) Other (*explain*) _____

_____;

To permit construction, maintenance and use of _____

3. Premises affected are in a _____ **zone** and from the Town of Blooming Grove tax map, the property is known as Section _____, Block, _____, Lot(s) _____.

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4. There is no state officer, Orange County Officer or employee or town officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request, or is an officer, director, partner or employee of the applicant, or that such officer or employee, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant in excess of 5% of the total of the corporation if its stock is listed on the New York or American Stock Exchanges; or is a member or partner of the applicant, if the applicant is an association or a partnership; nor that such town officer or employee nor any member of his family in any of the foregoing classes is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.

5. That to the extent that the same is known to your applicant, and to the owner of the subject premises **there is disclosed herewith** the interest of the following officer or employee of the State of New York or the County of Orange or of the Town of _____ in the petition, request or application or in the property or subject matter to which it relates: **(If none, so state).**

a. Name and address of officer or employee _____

b. Nature of interest _____

c. If stockholder, number of shares _____

d. If officer or partner, nature of office and name of partnership _____

e. If a spouse or brother, sister, parent, child, grandchild or the spouse of any of these blood relatives of such state, county or town officer or employee, state name and address of such relative and nature of relationship to officer and employee and nature and extent of office, interest or participation or association having an interest in such ownership or in any business entity sharing in such ownership.

f. In the event of corporate ownership: A list of all directors, officers and stockholders of each corporation owning more than five (5%) percent of any class of stock, must be attached, if any of these are officers or employees of the State of New York, or of the County of Orange, or of the Town / Village of _____.

I, _____, do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

Mailing Address: _____

Sworn to before me this _____ day of _____, 20__

Notary Public

AFFIDAVIT OF OWNERSHIP

STATE OF NEW YORK }
COUNTY OF _____ } SS:

_____ being duly sworn, deposes and says that he/she
resides at _____
in the County of Orange, State of New York; that he/she is the owner in fee of all that
certain lot, piece or parcel of land situated, lying and being in the Town of Blooming Grove,
and designated on the Town of Blooming Grove Map as Section No. _____ Block No.
_____ Lot No. _____ and that he/she hereby authorizes the attached application to
be submitted in his/her behalf and that the statements of fact contained in said application
are true to the best of the applicant's knowledge. The applicant is the (owner) (contract
vendee) of the said property.

Owner: _____

Address: _____

Sworn to before me this

day of 20

Notary Public

That the following are all of the owners of property _____ feet (distance) from the premises as to which this application is being taken.

[illegible]

Sworn to before me this _____ day of _____ 20____

Notary Public

TOWN OF BLOOMING GROVE

PO BOX 295
BLOOMING GROVE, NEW YORK 10914
(845) 782-2600 Fax: (845) 782-2601

AFFIDAVIT OF POSTING

STATE OF NEW YORK }
COUNTY OF ORANGE } SS:
TOWN OF BLOOMING GROVE }

_____ being duly sworn, deposes and says that he/she is the applicant in the matter of an application before the Town of Blooming Grove affecting property located at _____, Town of Blooming Grove, Orange County, New York.

That on the _____ day of _____ 20____, he/she posted the notices provided by the Town of Blooming Grove giving notice of the hearing on this application in a conspicuous place visible from every street along the frontage of the plot affected by this application.

Sworn to before me this

day of 20

Notary Public

DISCLAIMER

APPLICANT TAKES FULL RESPONSIBILITY FOR RESEARCHING THE TAX MAP FOR THE LIST OF NAMES OF PROPERTY OWNERS ON THE ENCLOSED *AFFIDAVIT OF MAILING LIST*, AND SUPPLYING THE NECESSARY AMOUNT OF SELF-ADDRESSED STAMPED ENVELOPES. THE APPLICANT'S ENVELOPES MUST COINCIDE WITH THE LIST. THE CLERK'S RESPONSIBILITY IS LIMITED TO CHECKING NAMES ON THE ENVELOPES AGAINST THE AFOREMENTIONED AFFIDAVIT BEFORE MAILING THEM.

RECEIPT OF THIS DISCLAIMER IS ACKNOWLEDGED

APPLICANT

DATED

AS APPLICABLE, COMPLETE THE FOLLOWING:

- 1) SHORT ENVIRONMENTAL ASSESSMENT FORM
- 2) FULL ENVIRONMENTAL ASSESSMENT FORM

For access to the above State Environmental Quality Review forms:

<http://www.dec.ny.gov/public/6191.html>

PART II

Date _____

The Town may approve, approve with conditions, or deny a Special Land Use application after review and consideration of the following standards:

1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.

2. The use is, or will be a result of the special land use permit, served adequately by public services and facilities, including but not limited to municipal streets, police, ambulance, and fire protection, storm water drainage infrastructures, refuse disposal, water and sewer facilities and school.

3. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odor.

4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.

5. The site plan proposed for such use demonstrates compliance with land uses specific design standards contained in Town Code Section 235 and in all other applicable requirements of the Town's code.

6. If proposed in a residential district, the use will be compatible with the surrounding residential neighborhood, and the scale, density, or bulk of the use will be consistent with neighborhood character, scope and size. Demolition of existing residential buildings is presumed to be inconsistent with maintaining the residential character of the Town.

Date _____

7. Site plan requirements for a Special Land Use permit must contain the following:

A) In considering and acting upon site development plans, the Planning Board, Zoning Board of Appeals, and / or Town Board shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general and of the prospective occupants of the proposed development and of the immediate neighborhood in particular and may prescribe such appropriate conditions and safeguards as may be required in order to further the expressed intent of this chapter and to accomplish the **following objectives in particular:**

(1) Traffic access. All proposed traffic access will be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other major access points; and located on a roadway capable of adequately and safely handling the additional traffic; and will provide for other similar safety considerations.

(2) Circulation and parking. Adequate off-street parking and loading spaces are provided to prevent parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.

(3) Landscaping and screening. All recreation areas, parking and service areas will be reasonably screened from the view of adjacent residential lots and streets at all seasons of the year. The Planning Board must approve all screening and landscaping, and the Board may require the posting of a performance bond to assure that the screening and landscaping plan is properly implemented.

(4) Compatibility. Signs and lights will be compatible and in scale with building elements and will not represent significant impact on the environment or result in a waste of the land and other natural resources of the Town. To the greatest possible extent, development will be in harmony with the natural and scenic environment, and adequate compensatory devices will be prescribed to offset potential significant deterioration resulting from the project. Signs shall conform to size, shape, color, materials and location as called for by the Planning Board and/or Building Department.

(5) Development. The site development plan elements, including buildings, parking, drainage, circulation, signs and lighting, cannot adversely affect the potential of adjacent properties from being put to their highest and best use.

(6) Tree preservation. The site development plan elements, including buildings, parking, drainage, circulation, signs, and lighting, should not remove more trees than necessary for the safe use of the site.

B) Site plan contents. Site plans shall be prepared by a qualified professional licensed in the State of New York.

(1) A site plan shall contain the following information:

(a) A detailed development plan showing the applicant's entire property, lot area, adjacent properties and owners thereof and streets, at a convenient scale;

(b) Location, width and purpose of all existing and proposed easements, restrictions, covenants, reservations and setbacks;

Date _____

- (c) The proposed location, use and exterior design of all buildings and structures, together with relevant floor areas and elevations;
 - (d) Any proposed division of buildings or structures into units of separate occupancies;
 - (e) Existing topography and proposed grade elevations, watercourses, marshes, areas subject to flooding, designated wetlands, wooded areas, large trees, rock outcrops and any other existing natural site features;
 - (f) For plans containing residential units, the proposed location of land for park, playground or other recreational purposes;
 - (g) Number, location and nature of all parking and truck loading areas with access and egress drives and curb cuts, together with appropriate profiles;
 - (h) Location of outdoor storage areas, if any; including snow storage.
 - (i) Location of all existing and proposed site improvements, including drains, culverts, retaining walls, fences and sidewalks;
 - (j) Description of the method of sewage disposal and water supply, location of such facilities and impact on community sewage and water systems;
 - (k) Location, size and illumination of signs;
 - (l) Location and design of lighting facilities;
 - (m) Location and proposed development of landscaping, screening and buffer areas;
 - (n) Tree preservation plans to ensure that land stripping techniques are not used to develop the site;
 - (o) Erosion control plans; and storm-water management plans
 - (p) If the site plan shows only a first stage of development, a supplementary plan shall indicate ultimate development; and
 - (q) Any other pertinent information deemed necessary by the Planning Board to determine conformity of the site plan with the intentions of this chapter.
- (2) Specific requirements of this subsection** may be waived by resolution of the Planning Board, Zoning Board of Appeals, and / or Town Board. In waiving any requirement, the Planning Board, Zoning Board of Appeals, and / or Town Board shall set forth the reason for said waiver. A copy of said resolution passed by the Planning or Zoning Board shall be forwarded to the Town Board.

Date _____

C) Procedure.

(1) Pre-submission conference. Prior to the submission of a site plan, the applicant shall meet in person with the Planning Board, Zoning Board of Appeals, and / or Town Board ("pre-submission conference"). Pre-submission conferences shall take place at regular meetings of the Town Board and / or Planning Board, by appointment only. Applicants shall contact the Secretary of the Planning Board and / or the Town Clerk to schedule a pre-submission conference. The purpose of the pre-submission conference is to discuss preliminarily the applicant's proposed site development, and for the Planning Board, Zoning Board of Appeals, and / or Town Board to have the opportunity to consider any request by the applicant for a waiver pursuant to the Town Zoning Code.

(2) Any application for site plan approval shall be made within six months following the pre-submission conference directly to the Secretary of the Planning Board, and in the form required by the Board. Said application shall also include the site plan, environmental assessment form and application fee, which fee shall be in accordance with the Standard Schedule of fees for the Town.

(3) No decision by the Planning Board, Zoning Board of Appeals, and / or Town Board to approve or deny a site plan application shall be made until after a public hearing. Written notice of said hearing shall be published in the official newspaper and posted at Town Hall, and sent by the applicant, at his expense, by certified mail, return receipt requested, to all known owners of property located within **500 feet** of each boundary of the subject property at least ten days prior to the date of the hearing. Such other notice as required by Article 12-B of the General Municipal Law, Article 8 of the Environmental Conservation Law and other applicable laws shall also be given. The written notice of hearing shall be mailed to the applicant at least 10 days prior to the hearing date. The public hearing shall be held within 62 days after the Board's first regular meeting following receipt of a complete application, and the Board shall make a decision within 62 days after close of the public hearing, unless the Board and applicant agree upon an extension of time.

D). Other required considerations. In considering and acting upon any site plan, the Planning Board, Zoning Board of Appeals, and / or Town Board shall consider, in addition to the elements and items set forth in Subsections B and C, the site layout and overall appearance of all buildings in the proposed site to ensure a harmonious relationship with the existing or permitted development of contiguous land and adjacent neighborhoods, to ensure that the value of adjacent land and buildings will be conserved, to encourage the most appropriate use of land and to protect the public interest and the integrity of the community and this chapter.

E). Protective plantings. The site plan for any nonresidential building or use which abuts a residential district shall include a protective planting strip not less than six feet wide, situated within the required side or rear yard, designed and laid out with suitable evergreen plant material which will attain and shall be maintained at a height of not less than eight feet, so as to provide an effective and natural screen between the nonresidential and residential districts and residential districts alongside and rear lot lines. Where deemed necessary by the Planning Board, Zoning Board of Appeals, and / or Town Board, similar natural screening shall be included along the front lot line where such screening will not adversely affect public safety.

Date _____

F). Public improvement requirement. Prior to the granting of site plan approval, the applicant may be required by the Planning Board, Zoning Board of Appeals, and / or Town Board to file with the Town a letter of credit or cash bond sufficient to cover the full cost of all public improvements and land reclamation including site or building restoration in the event of project abandonment or non-performance required by development of the site. The amount of such letter or credit or cash bond shall be recommended by the Town Engineer and approved by the Town Planning Board, Zoning Board of Appeals, and / or Town Board.

G). Imposition of conditions authorized. Every site plan approval granted by the Planning Board, Zoning Board of Appeals, and / or Town Board may be subject to and conditioned upon conditions and safeguards which the Board deems applicable to the particular plan. Such conditions and safeguards are deemed an integral component of the site plan approval, and any violation of such conditions or safeguards shall be deemed a violation of the site plan approval and of this chapter and is punishable under the provisions of Town Code.

H). Certificate of occupancy. No certificate of occupancy shall be issued for any development which has not been constructed in strict conformity with the approved site plan or until all necessary easements and property interests have been granted or dedicated to the Town or other governmental agencies.

I). Signing and referral of plan. Upon submission of the final site development plan with modifications required by the Planning Board, Zoning Board of Appeals, and / or Town Board in its final approval and upon satisfaction of any conditions imposed by such approval, the Chairperson of the Planning Board shall sign the approved site development plan and file one copy with the Building Inspector, who may thereafter issue a building permit or certificate of occupancy in reliance thereon, in accordance with Town Code.

J). Expiration of site plan approval. Site plan approval shall be valid for 180 days commencing with the date the Planning Board, Zoning Board of Appeals, and / or Town Board adopts a resolution granting such site plan approval. The applicant may petition the Planning Board, Zoning Board of Appeals, and / or Town Board before such approval expires for two extension(s) of 90 days each, which extension(s) may be granted or denied at the discretion of the Planning Board, Zoning Board of Appeals, and / or Town Board. Failure to obtain a building permit within this three-hundred-sixty day period shall cause the approval to expire and be deemed null and void.

K). Amendment of plan. An application for an amendment of any approved site development plan for a site which has received prior final site development plan approval shall be processed in accordance with the preceding provisions. Fees for an amended site development plan approval shall be in accordance with the Standard Schedule of Fees of the Town of Blooming Grove. The approved amendment of a site plan shall not toll the time period for expiration of a site plan contained in Subsection K above, unless the Planning Board, Zoning Board of Appeals, and / or Town Board expressly determines that an additional extension of time is warranted in view of all the facts and circumstances.

Date _____

8. A brief narrative describing the project must be attached to the site plan.

9. Any other information to demonstrate compliance with other applicable provisions of the Town’s code.

Date _____

10. Any other information that may assist the Town to make a well informed decision on this Special Land Use application.

[illegible]