

**APPLICATION TO PLANNING BOARD  
TOWN of YORKSHIRE  
SPECIAL USE PERMIT**

**FILING FEE** \_\_\_\_\_

**APPLICATION #** \_\_\_\_\_

**ZONING DISTRICT** \_\_\_\_\_

**FILING DATE** \_\_\_\_\_

**SBL#** \_\_\_\_\_

**I hereby apply to the Planning Board for a special use permit:**

**Applicant Name** \_\_\_\_\_

**Mailing Address** \_\_\_\_\_

**Town** \_\_\_\_\_ **New York, Zip** \_\_\_\_\_

**Location of property** \_\_\_\_\_

**For**

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

**Applicant Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

## **ARTICLE 8 SPECIAL USE PERMITS**

### **Section 8.1 Intent**

The intent of Special Use approval is to allow the proper integration into the community of uses which may be suitable only under certain conditions and at appropriate locations. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, special uses require careful consideration so that they may be properly located and conditioned in order to minimize their effect on nearby properties and to meet the objectives of this zoning law.

### **Section 8.2 Authorization to Grant Special Use Permits**

8.2.1. The Planning Board shall hear all applications for Special Use Permits for uses that are so listed in Article 4 and elsewhere in this law. After evaluating the application using the criteria established in Section 8.4 and considering the intent and purpose of this law, the Planning Board may approve or deny the application for Special Use Permit.

8.2.2. If the application is approved, the Planning Board may impose any reasonable conditions that it feels are necessary to mitigate potential impacts to the neighborhood, to the Town as a whole, or to the environment. These conditions may include, but are not limited to, the following:

- a. Limiting the hours of operation
- b. Requiring fencing, screening, and landscaping to protect adjacent or nearby property
- c. Limiting the number, size and location of signs
- d. Controlling the number and location of driveway entrances
- e. Requiring that the Special Use Permit be renewed periodically

8.2.3. If conditions are imposed by the Planning Board, those conditions must be satisfied before the Building Inspector can issue a Building Permit or a Certificate of Occupancy. The Planning Board shall determine when the condition must be met.

### **Section 8.3 Application Procedure**

8.3.1. An applicant for a Special Use Permit shall submit a completed application to the Code Enforcement Officer, who shall forward it to the Planning Board.

8.3.2. The application shall contain the following information and materials.

- a. An application for a building permit
- b. A plot plan, showing the size and location of the lot, the location of all buildings on the lot, driveway entrances, parking areas, any other proposed features.
- c. Floor plans and elevations
- d. All required fees
- e. Any other information that the Planning Board determines is necessary to consider the application.

The Planning Board may, at its discretion, waive any application requirement that it deems is not relevant to a particular application.

8.3.3. The Planning Board shall hold a public hearing on the application within sixty-two (62) days from the day the completed application is received by the Code Enforcement Officer.

Public notice of the hearing shall be printed in a newspaper of general circulation in the Town at least five (5) days prior to the date thereof.

parcel that is the subject of the application. Such notices shall be mailed at least ten (10) days prior to the public hearing.

8.3.4. The Planning Board shall decide on the application within sixty-two (62) days after the date of the public hearing. The time within which the Planning Board must reach its decision may be extended by mutual consent of the applicant and Planning Board.

8.3.5. The Planning Board shall file a copy of its decision on the application with the Town Clerk within five (5) business days of the date of the decision. A copy of the decision shall be mailed to the applicant at the same time.

8.3.6. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act. (SEQRA).

#### **Section 8.4 Criteria for Grant Special Use Permits**

The Planning Board shall not grant any Special Use Permit unless it finds that the proposed action is in accordance with the following criteria:

1. The proposed project is in harmony with the goals and objectives established in the Town's adopted "The Yorkshire Vision."
2. The proposed project is in harmony with the general purposes and intent of this law.
3. The nature and intensity of the proposed use is in harmony with the character of the adjacent neighborhood.
4. The proposed project will not tend to depreciate the value of adjacent property. A Special Use Permit shall only be granted when the proposed use is of such character, size and location that in general it will be in harmony with the orderly development of the district in which the property is situated and will not be detrimental to the orderly development of adjacent areas.
5. The proposed use will not alter the essential character of the neighborhood nor be detrimental to the residents thereof. A permit for a special use in a residential area shall only be granted when it is clearly obvious that the special use will not impair the use, enjoyment, and value of adjacent residential properties, and that any vehicular traffic generated will not be hazardous or otherwise detrimental to the prevailing residential character of the neighborhood.
6. If located near any parcel being used for an agricultural activity, the proposed use will not unduly adversely affect the pre-existing agricultural use.
7. The proposed project will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use or will not be detrimental or injurious to the property.
8. Essential public facilities, such as streets, police and fire protection, water and sewer systems exist to adequately serve the proposed project or will be provided adequately by the applicant on-site.
9. There is adequate on-site parking provided, and the proposed project will not unduly increase traffic in the neighborhood of the site.
10. The proposed project is adequately screened from adjacent properties.
11. The proposed project is compatible in design, scale and materials with the prevailing architectural standards in the general neighborhood.

## **SPECIAL USE PERMITS:**

- All special permit uses shall be deemed to be permitted principal uses in the district in which they are located, subject however, to the additional standards of this section and such additional conditions and safeguards deemed necessary to eliminate, insofar as possible, any condition which would adversely affect the development of the district for the other permitted principal uses specified for it.
- Procedure-All applications for the use of a lot for a special permit use shall be referred to and acted upon by the **Planning Board**. Such applications shall be accompanied by a detailed development plan and such other exhibits as may be needed to clearly indicate the proposed use, its location on the lot, the size and bulk of all structures, the location of vehicular ways, parking lots, and all appurtenant facilities. The Town Board may hold a public hearing on any such proposal if it deems such to be desirable. A special permit, where granted, may include any specific additional conditions and safeguards deemed necessary by the Planning Board to carry out the purposes and intent of this ordinance.
- Standards for All Special Permit Uses-The lot area, width and depth shall be such as to minimize the adverse effect of the use on adjoining property; the extent, bulk and yard setbacks of buildings and/or structures shall be such as to maintain the over-all character of the district; the routing and parking of vehicles shall be such as to minimize hazard to street traffic and pedestrians.

**Additional forms and information to apply for an INTERPERTATION or SPECIAL USE PERMIT is available through the Code Enforcement Department and/or Zoning Officer.**

617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: _____ Date: _____ Signature: _____		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No. or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)