

PLANNING BOARD

Town of New Scotland
Slingerlands, N.Y. 12159

SPECIAL USE PERMIT APPLICATION

Application Date: / /

Submittal Fee Due With Application \$75.00

Parcel Location: _____

Tax Parcel Id.# - - # - -

Owner: _____

Address: _____

Owner Phone #:() -

Owner(s) Signature of Consent:

Applicant/Agent: (Complete if not the owner)

Name: _____

Address: _____

Phone #:() -

Interest in Property: _____

Dept/Use	
SP/Use#:	_____
Zng.Dst.:	_____
Article :	_____
Section :	_____
Date/Purpose	
Submt/Dt:	<u> </u> / <u> </u> / <u> </u>
Fee Amt :	\$ _____
Fee/Pd :	<u> </u> / <u> </u> / <u> </u>
PB/Dt (s) :	<u> </u> / <u> </u> / <u> </u>
_____:	<u> </u> / <u> </u> / <u> </u>
_____:	<u> </u> / <u> </u> / <u> </u>

SPECIAL USE PERMIT TO ALLOW FOR:

SITE PLAN SUBMISSION REQUIREMENTS

1. ALL DOCUMENTS MUST BE SUBMITTED, AT A MINIMUM, OF FOURTEEN (14) DAYS PRIOR TO THE OFFICIAL PLANNING BOARD REVIEW MEETING.

2. FIFTEEN (15) COPIES ARE REQUIRED OF ALL DOCUMENTS SUBMITTED (PLEASE DO NOT STAPLE)

MINIMUM REQUIRED DOCUMENTS:

A. A COMPLETED APPLICATION FORM ACCOMPANIED BY THE APPROPRIATE FEE

B. A WRITTEN DESCRIPTION OF THE PROPOSED PROJECT INCLUDING:

1. NUMBER OF BUILDINGS PLANNED TO BE CONSTRUCTED OR CONVERTED

2. PRESENT AND PLANNED BUILDING USES

3. NUMBER AND TYPE OF OCCUPANTS PLANNED TO BE ACCOMMODATED AFTER PROJECT COMPLETION

C. A SITE PLAN AT A SCALE OF ONE (1) INCH EQUAL TO, OR LESS THAN, FIFTY (50) FEET DISPLAYING:

1. A NORTH ARROW

2. PROPERTY BOUNDARY LINES

3. MAP SCALE

4. DATE

5. EXISTING STRUCTURES, WATER BODIES, AND/OR ANY OTHER SENSITIVE ENVIRONMENTAL FEATURES ON OR WITHIN TWO HUNDRED (200) FEET OF THE SITE

6. ALL PROPOSED BUILDINGS, FENCES, PAVING, SIDE-WALKS, STORAGE AREAS, PARKING AND LOADING AREAS, ACCESS DRIVES, EXTERIOR LIGHTING, OPEN SPACE AREAS, RECREATIONAL FACILITIES, LAND-SCAPING, UTILITIES, DRAINAGE, SIGNS, STORM WATER FACILITIES, TYPICAL BUILDING ELEVATIONS, SITE CONTOURS AND GENERAL BUILDING LAYOUT OR FLOOR PLAN, AND ANY OTHER IMPROVEMENTS

7. WELLS AND EFFLUENT TREATMENT SYSTEMS SERVING THE SITE, WITH APPROPRIATE DOCUMENTATION FROM THE AGENCY OF AUTHORITY OF THEIR PRELIMINARY APPROVAL

D. THE FOLLOWING INFORMATION MAY BE PROVIDED ON THE SITE PLAN DRAWING OR ON ADDITIONAL DRAWINGS AS APPROPRIATE:

1. LOCATION OF TOPOGRAPHIC SLOPES IN EXCESS OF FIFTEEN (15) PERCENT

2. LOCATION OF BEDROCK AND OTHER SIGNIFICANT GEOLOGICAL FEATURES

E. A STATEMENT AND DOCUMENTATION, AS MAY BE REQUIRED BY THE PLANNING BOARD, OR OTHER SECTION OF THIS LAW, OR OTHER RELEVANT TOWN CODE, DESCRIBING THE INTENDED METHOD OF OWNERSHIP AND MAINTENANCE OF OPEN SPACE

F. COPIES OF ANY APPLICATIONS OR REPORTS, AS REQUIRED, TO COMPLY WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, AT A MINIMUM THE SHORT E.A.F. COMPLETED

G. THE NAMES AND MAILING ADDRESSES OF ALL LAND OWNERS WITHIN FIVE HUNDRED (500) FEET OF THE PROPERTY TO WHICH THIS APPLICATION APPLIES

H. ANY OTHER ELEMENTS INTEGRAL TO THE PROPOSED DEVELOPMENT, NECESSARY, AS DETERMINED BY THE PLANNING BOARD, TO CARRY OUT THE INTENT OF THIS LAW, INCLUDING, BUT NOT LIMITED TO, ENVIRONMENTAL TESTING

*THIS CHECK SHEET IS PROVIDED AS A GUIDE FOR CONVENIENCE ONLY, APPLICANT SHOULD REFER TO THE APPLICABLE SECTION OF THE NEW SCOTLAND ZONING LAW FOR SPECIAL USE APPLICATION REQUIREMENTS, AND ADDITIONAL INFORMATION MAY BE REQUESTED BY THE BOARD.

Permit products/special use permit

The following text is taken from
Article IV of the
"Town of New Scotland Zoning Law"
Governing Special Use Permits

ARTICLE IV
Special Permits Use

§ 190-37. Purpose.

The purpose of special use permits is to provide for evaluation and approval of uses, beneficial and allowable, as a special use, within a particular zoning district, provided certain controls and conditions are implemented and/or exist. A special use permit shall not involve the varying of this chapter, but rather assurance of compliance with provisions stated, which make special use permits compatible with other allowed uses within the zoning district.

§ 190-38. Applicability.

A building, structure, or parcel of land may be employed for a special use if the use is specifically listed as a special use in the regulations governing the zoning district, and if a special permit is approved by the Planning Board in accordance with this article.

§ 190-39. Optional preapplication procedure.

Prior to filing a special use permit application as per § 190-40 a prospective applicant may, at their discretion, make a preapplication. This submission shall not be considered an official submission, but shall be for the purpose of establishing in advance, insofar as possible, the extent to which the proposed use concept is consistent with this chapter and the Town Comprehensive Land Use Plan.

A. Optional preapplication submission requirements.

(1) An acceptable preapplication shall include the following:

- (a) A sketch site plan, substantially to scale, showing existing and proposed buildings, roads, drives, parking areas and utilities, and the relationship of physical site elements to buildings or lots within 50

feet of the property line of the site.

(b) A narrative explaining the nature of the proposed special use to the Inspector.

(c) The owner's name and address, zoning district classification and present use of the subject property. If the applicant is not the owner, the applicant's name, address and interest in the subject property.

(d) If represented by others, a statement of consent by the property owner allowing for the representation.

(e) A copy of the deed of record documenting ownership of the property.

(2) As soon as practically feasible, the Inspector shall transfer the sketch site plan and narrative to the Chair of the Planning Board. A preapplication conference shall be scheduled by the Chair to take place at a regular meeting of the Planning Board, no less than 15 days, no more than 45 days from the date a complete sketch site plan is received by the Inspector. The applicant shall be provided at least five days' notice of the meeting by the Inspector.

(3) The owner, or an agent authorized by the owner, shall be present to participate in the preapplication conference. Upon mutual agreement between the Planning Board and the applicant or applicant's agent, a preapplication conference may be rescheduled exceeding the time limits established in Subsection A(2).

B. Preapplication review.

(1) Upon review of a sketch site plan, the Planning Board may determine to waive or modify any of the application requirements of § 190-40, if the Board deems such information unnecessary or extraneous to review of the project proposed in the sketch site plan. However, the Planning Board reserves the right to require any application components waived as a result of the sketch site plan review process, in the event a project concept submitted in the

special permit application has been changed from that represented on the sketch site plan.

- (2) A record of the preapplication conference and a copy of the sketch site plan and narrative statement shall be recorded in the minutes of the Planning Board. Action taken by the Planning Board at the preapplication conference shall be binding on the Planning Board provided the concepts approved at the preapplication conference do not interfere with the project's overall compliance with this chapter and other applicable county, state and federal laws and requirements.

§ 190-40. Special use permit application procedure.

A special use permit application shall be filed with the Inspector by the owner or owner's agent, at least two weeks (14 days) prior to the Planning Board meeting at which it is to be introduced, on forms prescribed by the Inspector. A nonrefundable special use permit application fee, as set forth by the Town Board, shall accompany each application. A special use permit application shall contain the following to be deemed complete:

- A. A completed application form, containing the owner's name, and address. If the applicant is not the owner, the applicant's name, address and interest in the property; the subject property address; the current zoning district classification and present use of the subject property.
- B. If represented by others, a statement of consent by the property owner allowing for the representation.
- C. A copy of the deed of record documenting ownership of the property.
- D. A written general description of the proposed project, the number of buildings to be constructed or converted, their present and proposed uses and the number and type (resident, employee, etc.) of occupants anticipated to be accommodated by the project after completion.
- E. A minimum of 12 copies of a site plan, at a scale of one inch to 50 feet or

less as may be required by the Inspector, which shall display:

- (1) A North arrow, property boundary lines, scale and date.
 - (2) Existing structures within 200 feet of the property boundaries and an indication of any water bodies or other sensitive environmental features lying within 200 feet of the site.
 - (3) All proposed buildings, fencing, paving, sidewalks, storage areas, curbing, parking and loading areas, access drives, exterior lighting, open space areas, recreational facilities, landscaping, utilities, draining, signs, stormwater facilities, typical building elevations, site contours and general building layout or floor plan and any other planned improvements.
 - (4) Wells and effluent treatment systems serving the site and documentation of preliminary approval by the Albany County Department of Health, NY State Health Department or Department of Environmental Conservation, or where these agencies have no authority, evidence that a Town-designated Engineer has reviewed and approved the proposed system.
- F. The following site information shall be required and may be provided on the site plan or on additional drawings, as appropriate:
- (1) Location of any water bodies, floodplains, wetlands or other potentially sensitive environmental features.
 - (2) Location of topographic slopes in excess of 15% grade.
 - (3) Location of exposed bedrock and other significant geological features.
- G. A statement and documentation, as may be required by the Planning Board, or other section of this chapter, or other relevant Town code, describing the intended method of ownership and maintenance of open space.
- H. Copies of any applications or reports as required to comply with the State Environmental Quality Review Act. EN

I. Other elements integral to the proposed development necessary as determined by the Planning Board to carry out the intent of this chapter, including, but not limited to, environmental testing.

J. The names and mailing addresses of all owners within 500 feet of the property boundary to which the application applies.

K. A copy of the deed of record documenting ownership of the subject parcel.

§ 190-41. Application hearing.

A. Within 62 days of receipt of a complete special use permit application, the Planning Board shall hold a public hearing to receive comments on the application. Notice shall be provided by the Planning Board in accordance with § 274-b of New York State Town Law and any amendments thereof.

B. In scheduling public hearings and review time frames, the Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations, as set forth in Town Law § 274-b.

§ 190-42. Planning Board action on application.

After considering the evidence presented at the public hearing and after making any further investigations considered necessary to ensure compliance with this code, the Planning Board shall determine whether or not to grant a special permit for the proposed use.

§ 190-43. Determination standards.

Operations in connection with the proposed use will not be more objectionable to nearby properties by reason of noise, odors, vibration, illumination, or other potential nuisance, than the operation of any allowed use in the particular district, as determined by the following standards:

A. General site standards:

(1) Community infrastructure and services, including protective services, roadways, garbage collection, schools, and water and sewer facilities, are

currently, or will be, of adequate capacity to accommodate the proposed use.

(2) The proposed site possesses adequate soil capacity and natural features to safely support proposed facilities and structures, including water and septic services at the site.

(3) The proposed use, building design, and site layout complies with all applicable provisions of this chapter, as well as any other Town, state or federal laws or standards.

(4) Vehicular and pedestrian traffic patterns associated with the proposed use will be appropriate and satisfactorily established and managed for the area involved. Factors for the Planning Board to consider in making this determination include turning movements in relation to traffic flow, proximity to and relationship to intersections, adequacy of sight distances, location and access of off-street parking, provision for pedestrian traffic, capacity of existing roads, and minimizing pedestrian - vehicular contacts.

(5) The proposed use, design and layout will be of such a location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding area.

(6) The proposed location and height of buildings or structures, walls and fences, parking, loading and landscaping shall be such that it will not significantly impact appropriate development of land adjacent to the proposed site.

(7) In areas where there are patterns and similarities in the scale and design of neighborhood structures, the scale, design and material of the proposed structure(s) shall be compatible with existing structures within 500 feet of the site.

(8) Adequate screening, landscaping, exterior lighting, signs and architectural design, compatible with the neighborhood, and of appropriate size and style will be provided to protect neighborhood properties within 500 feet of the site from any adverse impacts that might result from the proposed use.

(9) The development will reflect the natural capabilities of the site to support such a use. Buildings, lots and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, such as wetlands, steep slopes, floodplains, and unique natural features, will be maintained and preserved.

(10) The existing landscape will be preserved in its natural state in so far as practical by minimizing tree removal, disturbance and compaction of soil and the project will provide adequate landscaping to define street edges and break up parking areas.

(11) As appropriate, recreation areas and open space sufficient to meet the needs of users and residents will be provided, owned and managed in accordance with this chapter.

(12) The proposed use has been approved by all other governmental entities and agencies which have jurisdiction.

(13) The proposed use will comply with the requirements of the State Environmental Quality Review Act. EN (14) Proper facilities are to be installed in compliance with any applicable stormwater management plan or stormwater management requirements.

B. The project is consistent with any advisory guidelines the Planning Board may adopt for the Town as a whole or tailored to specific geographic areas, such as hamlet areas or commercial corridors, as necessary to further implement the policies contained in the Town's Comprehensive Land Use Plan.

§ 190-44. Determination.

The Planning Board shall render its decision within 62 days after the close of the public hearing. The time in which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. In its determination on the special use application the Planning Board may issue any one of the following decisions:

A. Denial. If the Planning Board determines that the proposed use would not comply with the requirements of this chapter and in particular with the standards stated in § 190-43, it shall deny the application.

B. Approval. If the Planning Board determines that the proposed use will comply with this chapter and in particular with the standards stated in § 190-43, the Board shall grant a special use permit for the proposed use.

C. Conditional approval. In rendering its decision, the Board shall issue a written decision that shall include any reasonable additional conditions imposed on the proposed use by the Board to prevent or minimize any potentially adverse impacts of the proposed use on adjacent properties or the surrounding neighborhood. Such conditions may incorporate the standards set forth in § 190-43. Such conditions shall only go as far as to minimize or mitigate any adverse impacts directly associated with the use in question and the conditions imposed may not have the primary effect of benefiting the Town.

§ 190-45. Action on application.

Upon making a determination on the application for a special use permit, the Planning Board shall file its decision with the Town Clerk and inform the Inspector. If the application for a special use permit is approved, the Inspector will issue a written permit to the applicant, containing the Planning Board's written explanation of any special conditions of the permit. If the Planning Board disapproves the application, the Inspector shall not issue a building or use permit to the applicant but shall supply a copy of the Planning Board's written notice of the disapproval to the applicant.

§ 190-46. Effect of issuance.

The issuance of a special use permit shall not authorize the establishment or extension of any use, nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the processing of applications for any permits or approvals which may be required by Town, county or state codes. Where applicable, the review of a special use permit application shall

replace site plan review that otherwise would be required under § 190-52, Site plan review.

special use permit were to be issued, other than that explicitly approved by special use permit, except for a showing of extraordinary circumstances and a specific finding relative to such showing by the Planning Board.

§ 190-47. Limitations on special use permits.

- A. A special use permit shall authorize only the use described in the approved application and permit materials.
- B. A special use permit shall be valid upon date of Planning Board approval.
- C. A special use permit shall not expire upon change in property ownership or property transfer.

§ 190-48. Expansion or alteration of special use permit.

A new special use permit shall be required prior to issuance of any permit to extend, alter or vary the permitted special use as described in permit documents. Applications for such a permit shall follow the application review procedures described in this article.

§ 190-49. Expiration of special use permit.

- A. A special use permit shall expire if the use for which it was granted shall cease for more than one year.
- B. Where a building permit is required in connection with a special use permit, it must be applied for and obtained within one year of the special use permit approval, and remain active and renewed as necessary through completion and issuance of a certificate of occupancy, use or compliance, to avoid expiration of the special use permit. One or more extensions of time, not to exceed one year each, may be granted by the Planning Board to extend the life of a special use permit, provided the facts which supported granting the permit have not materially changed.

§ 190-50. Exceptions.

The requirements for a special use permit shall not apply to any use lawfully existing as of the effective date hereof.

§ 190-51. Existing violations.

No special use permit shall be issued for a property whereon there exists a violation of this chapter, or upon which a violation would exist if a

Short Environmental Assessment Form

Part 1 - Project Information

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.

Part 1 – Project and Sponsor Information			
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 <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
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, are adjoining or 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			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____	<input type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____	<input type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		