Special Use Permit

Application procedure and instruction

A Special Use Permit application can be obtained from the Town Clerk's Office **or Zoning Officer's Office.** Complete; in full, the **Special Use Permit Application** including a Short Environmental Assessment Form, along with an Ag Data Statement Form if needed and attach required maps and submissions.

Applications and Fees:

a) Applicant submits a minimum of three (3) completed applications (additional copies may be required); in full, to the Zoning Officer for review, to determine if the Special use is allowable. If allowable, the Zoning Officer shall submit the completed application to the Planning Board Secretary for Planning Board review and approval. The application shall be submitted to the Planning Board Secretary a minimum of fifteen (15) days prior to the regularly scheduled Planning Board meeting. (Meetings are scheduled for the **3rd** Wednesday of every month)

b) Fees: After meeting with the Zoning Enforcement Officer and determining that the proposed use is an allowable Special Use, as per zone requirements or municipal requirements. If determined that the Town may incur costs for review of this application, the applicant shall be responsible for those costs incurred for the review of the application.

c) The applicant or representative (with written permission), must present the "project" before Planning Board at a regular meeting.

d) The Planning Board shall hold a public hearing within 62 days * from the date it determines that the application is complete unless it has issued a positive declaration under the State Environmental Quality Review Act. The hearing on an application that has been the subject of a positive declaration under the State Environmental Quality Review Act shall commence no less than 15 days* and no more than 60 days* after the filing of the notice of completion of the draft environmental impact statement. [*SEQRA § 617.0 (4) (ii)]

e) The Applicant or Representative will notify adjoining property owners of the public hearing and supply the Planning Board with proof of mailing.

Referral to County Planning and Development Agency:

a) Pursuant to the General Municipal Law § 239-m, the Planning Board shall refer to the Schoharie County Planning and Development Agency.

b) If the County Planning and Development Agency recommends modification or disapproval of a proposed action, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one vote of all members thereof.

c) The Planning Board shall decide, within 62 days (Town Law § 274-B # 6) of the public hearing, as to its final decision.

Expiration and Enforcement:

A special use permit shall be deemed to authorize only the particular special use or uses permitted and shall expire if the special use or uses shall cease for more than 12 consecutive months for any reason or if the applicant fails to obtain the necessary building permit or fails to comply with the conditions of the special use permit within 12 months of its issuance. (Town Law § 274-B # 4)

Adopted: May 21, 2014