

§ 155-75. Standards for special use permits.

- A. General provisions. The special uses for which conformance to additional standards is required by this chapter shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this chapter. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- B. Required map and plans. An area map, showing the location of the property or sign with respect to surrounding property, street and other important features, and a plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit. The plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, special features and any other pertinent information, including such information about neighboring properties as may be necessary to determine and provide for the enforcement of this chapter.
- C. Application for special use permit. Application for required special use permits shall be filed with the Building Inspector/ Code Enforcement Officer, who shall forward the application to the Planning Board for decision.
- D. Application fee. A nonrefundable fee as set by the Village of Coxsackie Fee Schedule to cover the cost of processing special use permits and applications therefor shall accompany any application for a special use permit and shall be in addition to the building permit fee as prescribed in § 155-98.
- E. Expiration of special permits. A special permit shall be deemed to authorize only one particular special use, and such permit shall be considered null and void if, within one year from the date of issue, all improvements required for the special use are not completed and if the special use shall cease for more than one year for any reason, unless otherwise provided in the Planning Board's approval of said use.
- F. Revocation of special permits. A use authorized by special permit may be revoked by the Planning Board if it is found and determined that there has been a failure of compliance with any one of the terms, conditions, limitations and requirements imposed by said permit.

- G. Conditions and safeguards. The Planning Board shall attach such conditions and safeguards to the special permit as are necessary to assure continual conformance to all applicable standards and requirements.
- H. Decisions of the Planning Board shall be in writing and shall specify the particular conditions for such approval or the grounds for denial.
- I. The Planning Board shall hold a public hearing on special use permit applications within 45 days of the filing of a complete and proper application.
- (1) The Village Clerk shall publish notice of said public hearing in the Village's official newspaper at least five days before such public hearing.
 - (2) The applicant for the special use is responsible for mailing notices of the public hearing to interested landowners of the affected property so that the notice is received at least 10 days prior to the public hearing. "Interested landowners" are those persons who own properties located within 500 feet of the affected property and all adjoining property owners. Notices must be sent return receipt, and the green return cards must be filed with the Planning Board prior to the public hearing. **[Amended 3-14-2016 by L.L. No. 1-2016]**
 - (3) Pursuant to General Municipal Law § 239-nn, if a variance application concerns property within 500 feet of the Village's municipal boundaries, a copy of the public hearing notice shall be provided to the Clerk of the adjoining municipality.
- J. The Planning Board must render its decision within 45 days of the hearing. This period may be extended by mutual consent of the applicant and the Planning Board.
- K. Standards applicable to all special permit uses. Standards for all special use permits shall be as follows. Additional criteria for special uses are cited below:
- (1) The accessibility of the use to fire, police and other types of emergency vehicles shall be considered.
 - (2) The location, size and character of the special use must be in harmony with the orderly development of the zoning district and must not be determined to be detrimental to the orderly development of adjacent properties.

- (3) Safe, convenient and adequate vehicular and pedestrian access to and from the use through the provision of adequate but not excessive points of ingress and egress which are of sufficient width, properly graded and aligned, provide clear visibility and are not located too near street corners or places of public assembly.
- (4) Adequate off-street parking and loading areas which are properly located on the lot so as to provide safe and convenient circulation.
- (5) Locations and heights of buildings shall be such that the special use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- (6) Landscaping and screening of parking, loading and service areas so that such areas are screened all seasons of the year from the view of adjacent lots and streets.
- (7) Adequacy of stormwater management plans and drainage facilities shall be considered.
- (8) There will be no emission of noxious odors, gases or smoke.