

TOWN OF STILLWATER

BUILDING, PLANNING & DEVELOPMENT DEPARTMENT
881 HUDSON AVE, STILLWATER, NY 12170
(518) 664-6148, EXT. 215



Planning Board

**Special Use Permit
Application
Fee: \$325.00
To be submitted concurrent
with Site Plan Application**

OFFICE USE ONLY

Project # _____

Total Fee Paid \$ _____ Rec'd by: _____

DATE: ____ / ____ / 20__

PROJECT INFORMATION

Project Name:

Address/Location:

APPLICANT/REPRESENTATIVE INFORMATION

***ALL INFORMATION IN THIS SECTION IS REQUIRED FOR A COMPLETE APPLICATION**

Name:

Phone:

Email:

Address:

City:

State:

Zip:

Owner (if owner is different from applicant, owner authorization section must be completed and signed)

Name:

Phone:

Email:

Address:

City:

State:

Zip:

SITE INFORMATION

Parcel Identification (SBL) # of all lots included:

Number of proposed lots:

Zoning District:

Size of existing lot(s): _____ acres, _____ acres, _____ acres, _____ acres

Size of proposed lots: _____ acres, _____ acres, _____ acres, _____ acres

Proposed Use: Commercial Other _____

Type of Special Use Permit: Permanent Temporary Renewable

Any applicant who receives a temporary or renewable special use permit and who decides to proceed with the special use does so realizing that the temporary special use permit has a fixed duration, and that all rights to continue that use terminate upon the expiration of the specified time, and that the renewable special use permit may not be extended beyond its original term without approval pursuant to this section. The applicant, in accepting a temporary or renewable special use permit, acknowledges and agrees that such special use permit confers no rights or privileges other than those specifically contained therein.

SIGNATURES

I, the undersigned, have thoroughly read and understand the application and the list of items to be shown on the plans and documents for review and I consent to all the requirements as set forth in the application.

Signature: _____ Date _____

AUTHORIZATION TO ACT AS AGENT (OWNER AUTHORIZATION)

In the event that the owner of the property desires to have another individual act as his/her authorized representative in support of this application the following statement must be completed and signed:

I, _____, owner of the above referenced lot(s) hereby designates _____ as my agent regarding this application for review.

Signature: _____ Date _____

APPLICATION PREPARATION CHECKLIST

***Applications must be submitted along with the Application Fee and deemed complete by the department to be considered for placement on an agenda. Incomplete applications will not be accepted and will be returned to the applicant. Exclusion of any required materials will result in the delay of project review.**

COPIES: The following materials are required:

****Fifteen (15) printed (and 1 digital) copies of the following materials:**

Applicant Initials

APPLICATION FORM

NARRATIVE: While recognizing that certain types of uses may be desirable or necessary in the Town, their nature can cause certain problems or difficulties. Consequently, particular uses are controlled by a special use permit procedure which requires additional regulations designed for each use in order to mitigate such problems or difficulties and to minimize the impact of these upon the zoning district in which such use is located. The narrative should describe such mitigation strategies.

Site Plan Application: A complete Site Plan Application must be submitted concurrently with all Special Use Permit Applications.

LONG ENVIRONMENTAL ASSESSMENT FORM:
Pursuant to the N.Y.S. State Environmental Quality Review Act (SEQRA).

AGRICULTURAL DATA STATEMENT: (If Required) For all projects within Saratoga County Ag District 1 Available at: <https://www.stillwatery.org/building-planning-development/planning-department/planning-board-forms-and-application/>

MAPS:
Size of 22x34 inch maximum should be used when practical *Printed maps must be folded
See Map requirements below

DIGITAL COPIES:
Digital copies are mandatory. Any applications submitted without digital copies shall be deemed incomplete.
***Must be on USB Drive or downloadable email format**

AGENCY MATERIALS

FIRE DEPARTMENT: One full set of materials (printed or digital) mailed directly to:
 Arvin Hart Fire Company
 PO Box 288, Stillwater, NY 12170

USPS: A layout plan must be submitted to the appropriate Post Office for approval of the mailbox (mail receptacle) locations. Contact the post office that will be providing service for their preferred contact information

OFFICE USE ONLY

PUBLIC NOTICE FEE: The cost of this fee will be determined by the Planning Board based on the number of notifications required and must be submitted no later than 14 days prior to the meeting	
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ENGINEER ESCROW AND LEGAL ESCROW FEES: To be determined following initial review of the application. This fee must be paid prior to placement on an agenda	
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Additional copies of any and all materials MAY BE REQUESTED AT ANY TIME	
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MAP/PLAN REQUIREMENTS

MAP MUST INCLUDE:	Applicant initials
**Special Use Permits Applications may submit one set of maps for both the Special Use Permit and Site Plan Applications	
Site plan drawn to scale at one-inch equals 50 feet or larger.	
All existing and proposed boundary lines	
Size in acres of existing and proposed lots	
Include one sheet showing the overall plan	
All existing and proposed easements and Rights of Way	
Existing Zoning Districts and boundaries	
Names and owners of all adjacent properties	
Street names for any existing or proposed roadways	
Federal or State regulated wetland delineations	
Location and design of all proposed site improvements including drainage, retaining walls, berms, fencing, etc.	
Location of existing or proposed waste water treatment	
Location of existing or proposed water supply	
Location of the various uses and their areas	
Delineation of proposed uses	
Proposed Open Space system	
Overall drainage system	
Topographic map with intervals of 10ft	
North arrow and site location map	
Phasing Plan if the development is to be phased a general indication of how the phasing is to proceed. Whether or not the development is to be phased, the sketch plan of this section shall show the intended total project.	
Total area of proposed disturbance	

MAP/PLAN REQUIREMENTS

**Applicant
initials**

Standard notes as detailed below*

1. This property may border a farm, as defined in the Town of Stillwater Local Law #1 of the year 1997. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibration.
2. This proposal includes a total of **[insert parcel area]** ± acres and lies within the Town of Stillwater **[insert zoning district]** zoning district.
 Min lot size: _____ sf

 Min lot width @ bldg line: _____ ft

 Setbacks:
 Front: _____ ft
 Side: _____ ft
 Rear: _____ ft
3. Parcel is identified as tax parcel **[insert tax ID number]**, Town of Stillwater, Saratoga County, New York.
4. The average lot size is **[insert size]** sq. ft.
5. Describe any easements or other restrictions on this property

***Standard Notes:** The following notes are the minimum requirement on all plats. Additional notes may be necessary as defined in the Town Subdivision Design Standards, Section 1.12 or as requested by the Planning Board.

Approval Block as shown below:

TOWN OF STILLWATER PLANNING BOARD APPROVAL

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF STILLWATER, NEW YORK, ON THE _____ DAY OF _____, 20____ SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGES, ERASURES, MODIFICATIONS OR REVISIONS OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL SIGNED THE _____ DAY OF _____, 20____

BY _____
 PLANNING BOARD CHAIRMAN

Chapter 210. Zoning

Article VII. Special Use Permits

§ 210-47. General standards for special use permits.

A use requiring the issuance of a special use permit is not granted as of right and is therefore subject to the discretion of the Planning Board. Before granting approval to any special use, the Planning Board shall consider the positive and negative impact of the use on the following characteristics:

A. The extent to which the use is in harmony with and promotes the general purposes and intent of the Comprehensive Plan and this chapter and its effect on the health, welfare and safety of the Town and its residents.

B. The overall compatibility of the use with the neighborhood and the positive and negative impacts on community character, including the character of adjoining properties, districts and uses, and the positive and negative impacts on density, including the density of adjoining properties, districts and uses.

C. The positive and negative impacts of the use on vehicular congestion and parking, including the provision of adequate parking and the absence of hazardous parking or traffic conditions, including ingress and egress.

D. The positive and negative impacts on infrastructure and services, including utilities, public facilities and services, including the extent to which the project extends or provides infrastructure and services to areas in need of such infrastructure and services.

E. The positive and negative impacts on environmental and natural resources, including the environmental and physical suitability of the site for development, the risk of fire, flood or erosion and impacts such as emissions of electrical charges, dust, light, vibration or noise detrimental to the public health, safety and welfare.

F. The extent to which the use provides positive or negative effects on the long-term economic stability and community character of the Town and surrounding properties, districts and uses.

§ 210-48. Specific standards for selected special use permits.

A. Junkyards.

(1) Intent. The Town Board hereby declares that junkyards, by their very nature, constitute a hazard to property and persons and are a public nuisance. Materials in junkyards may be highly flammable and sometimes explosive. Junkyards can constitute attractive nuisances to children and certain adults. The presence of junkyards is unsightly and tends to detract from the value of surrounding land and property unless such areas are properly maintained and operated.

(2) Standards and requirements.

(a) The person requesting the special use permit to operate the junkyard must personally manage or be responsible for the activity or business for which the permit is issued.

(b) A junkyard shall be enclosed by a six-foot-tall opaque fence of wood or other material adequate to prohibit the entrance of children and others into the area of activity or business and to contain within such fence the materials dealt in by the business. If the

property abuts a residential use or district, or a public street or highway, the fence shall be at least 25 feet from the boundary line of the property or street. All materials dealt in by the business shall be kept within the area enclosed by the fence at all times.

- (c) Where topography, natural growth of timber or other considerations accomplish the purposes of this chapter in whole or in part, the fencing requirements hereunder may be reduced by the Planning Board, provided that such natural barrier conforms with the purposes hereof.
- (d) When the area is not supervised, the fence shall be locked at a secure gate in a secure manner.
- (e) In considering the application, the Planning Board shall take into account the nature and development of the property surrounding the land described in the application, such as the proximity of places of worship, schools, public buildings or other places of public gathering, and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of odors, smoke or other causes. The Planning Board may also consider the type of road servicing the proposed location, the natural or artificial barriers protecting it from view, and its proximity to established residential and recreational areas.
- (f) Special use permits for junkyards are issued for a one-year period and must be renewed annually. Junkyards in existence at the date of enactment of this chapter shall apply for a special use permit within six months of enactment of this chapter. Junkyards which are nonconforming with respect to location at the time of enactment of this chapter may be considered as nonconforming uses pursuant to Article **XIII** of this chapter; however, such nonconforming junkyards shall also be required to obtain a special use permit pursuant to this section.

B. Kennels. Kennels shall be located on parcels of at least five acres. All dog runs or other areas in which dogs are kept must be located at least 200 feet from any property line.

C. Adult use establishments.

- (1) **Intent.** In the development and execution of this chapter, it is recognized that adult use establishments, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances and in close proximity to one another, thereby having a deleterious effect upon the adjacent area. Special regulation of such uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood, thereby have a direct deleterious affect on the health, safety and general welfare of the Town and its inhabitants. The primary control or regulation is for the purpose of preventing a concentration of this use in any one area.
- (2) **Location.** No adult use establishment shall hereafter be located within 2,500 feet from the nearest property line of any public, private or parochial school, municipal building, library, park or playground, church, convent, monastery, synagogue or other place of worship. No adult use establishment shall hereafter be located within 2,500 feet from the nearest property line of an adult entertainment establishment. No adult use establishment shall be located within 500 feet of the boundary of any residential zoning district.
- (3) **Hours of operation.** No adult use establishment shall operate between the hours of 12:00 midnight and 9:00 a.m.
- (4) **Penalties.** In addition to the penalties specified by Article **XVIII** of this chapter, violation of this section is punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding six months, or by both fine and imprisonment. Each day or any portion thereof in which any violation of this section is committed, permitted or continued shall constitute a separate offense. In addition to these penalties, the Town may institute any appropriate action or proceedings to enjoin the establishment or continuance of such use in violation of the provisions hereof, or take

such other legal or administrative action deemed necessary or desirable to correct or abate such violation.

D. Gasoline stations. The Town of Stillwater finds that, although vehicle refueling stations are a necessary part of everyday life in this day of the internal combustion engine, they also present a considerable potential for risk to the public health, welfare and safety of the Town and the inhabitants thereof. Accordingly, in order to provide for the safe and proper coexistence of vehicle refueling stations and other land uses permitted within the Town, the following additional regulations are adopted which all vehicle refueling stations are hereby made subject to:

- (1) The area for use by motor vehicles, except access drives thereto, as well as any structures, shall not encroach on any applicable required yard area requirements contained in this chapter.
- (2) No fuel pump shall be located closer than 20 feet from any street line, measured from the outside edge of the fuel island and the closest edge of the public right-of-way.
- (3) No vehicle refueling station property line shall be within 500 feet of a school, public library, theater, place of worship or other place of public assembly, as defined by the New York State Uniform Fire Prevention and Building Code, park, playground or fire station, nor within 250 feet of ingress or egress ramps to limited-access highways, nor within 250 feet of an abutting residential zone as measured linearly along the fronting street or streets.
- (4) All major repair work and servicing shall be done within a completely enclosed building. Such repair work shall not include body repair work nor spray painting, which shall only be allowed within an auto body repair shop, as that term is defined by this chapter.
- (5) No new or used cars, travel trailers or other trailers, or motorized mobile homes shall be sold or rented at a vehicle refueling station.
- (6) A copy of all other permits pertaining to the project, including tank permits, and inspection reports shall be submitted to the Code Enforcement Officer on an annual basis.