

☐ § 230-55 **When required.**

[Amended 1-19-1999 by L.L. No. 1-1999; 7-6-1999 by L.L. No. 6-1999]

Any use in any part of this chapter made subject to a special permit by the Village Board of Trustees may be permitted on application and after public notice and hearing. Such use shall be deemed to be prohibited unless a special permit has been granted by the Village Board of Trustees and filed with the Village Clerk.

☐ § 230-56 **Renewal.**

The grant of a special permit for the use indicated therein may be conditioned on periodic renewal, which renewal may be granted only following upon public notice and hearing. Such renewal shall be withheld or granted subject to terms and conditions additional to or different from those in the original grant only upon a determination that:

- A. The factors which justified the original grant no longer exist or have changed sufficiently to require additional or different terms and conditions; or
- B. The terms and conditions of the original special permit have not been or are not being complied with, wholly or in part. A notice of violation pursuant to § **230-173** shall be prima facie evidence of lack of conformity with such terms and conditions.

[Amended 1-31-2005 by L.L. No. 1-2005]

☐ § 230-57 **Application.**

Application for a special permit pursuant to this article shall be made, in writing, to the Village Board of Trustees, accompanied by such fee as the Village Board of Trustees may from time to time set by resolution.^[1] Such petition shall be supported by a preliminary site development plan containing information required by Article **XI** of this chapter, except for such items specifically waived by said Board. The submission should also include the following documentation:

- A. A description of the proposed use, with reference to the appropriate use and regulations of this chapter, including any supplementary regulations applying thereto.
- B. A cost-benefit analysis or similar study to review the estimated municipal costs, services and prospective revenues which would be generated by the proposed use.
- C. Evidence that the proposed use is consistent with the goals of the Village Master Plan.
- D. A traffic and circulation study projecting the effects of the proposed use of the existing and probable future traffic and access in the vicinity of the proposed use.
- E. Copies of environmental assessments or permit applications and supporting materials which may be required to meet New York State or federal regulations.
- F. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter **196**, Article **I**, Stormwater Management and Erosion and Sediment Control, shall be required for any special permit approval that qualifies as or authorizes a land development activity as defined in Chapter **196**, Article **I**. The SWPPP shall meet the performance and design criteria and standards in Chapter **196**, Article **I**. The approved special permit shall be consistent with the provisions of Chapter **196**, Article **I**.

[Added 7-16-2007 by L.L. No. 3-2007]

[1] *Editor's Note: The current fee resolution is on file in the office of the Village Clerk. See also Ch. 122, Fees.*

☐ **§ 230-58 Review of application.**

[Amended 5-7-1990 by L.L. No. 2-1990; 1-31-2005 by L.L. No. 1-2005]

Every application for a special permit shall be filed with the Village Clerk. Fourteen copies of the application and supporting documentation shall be filed. Prior to decision by the Village Board of Trustees, the application shall be reviewed by the Planning Board, which shall submit its recommendations to the Village Board of Trustees. In reviewing such application, the Planning Board shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular. The Planning Board may also recommend the adoption of such terms and conditions to the special permit as it deems appropriate to achievement of the foregoing objectives and the following goals:

- A. The accessibility of all proposed structures to fire and police protection.
- B. The compatibility of the location, size and character of the proposed use with the orderly development of the zoning district in which it is located and with that of adjacent properties in conformity with the zoning district applicable to such properties.
- C. The safety, convenience and congruity with the normal traffic of the neighborhood and of the pedestrian and vehicular traffic generated by the proposed use, taking into particular account the location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets.
- D. The compatibility of the location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site with adjacent land and buildings and their appropriate development.
- E. The preservation of ecological or environmental assets of the site or adjacent lands.

☐ **§ 230-59 Report from Planning Board**

☐ **§ 230-61 Referral to county; notice of public hearing.**

[Amended 5-20-2019 by L.L. No. 7-2019]

Applications shall be referred, when required by law, to the Westchester County Planning Department for review pursuant to the Westchester County Administrative Code at least 30 days prior to the required public hearing. Notice of the public hearing shall be published at least once not less than 10 days prior to the date of the hearing in the official newspaper; and notice of hearing shall be mailed not less than 10 days prior to the date of the hearing to all owners of property abutting and within 200 feet of the property for which such application is made and to any other person(s) the Board of Trustees may deem to be particularly affected. In the case of any special permit application pertaining to real property within a distance of 500 feet of the boundaries of any municipality or state or county road, park or other state-owned facility, notice of such hearing shall be mailed to the Clerk of such municipality, and to the County Planning Department not less than 10 days prior to such hearing. Provided that due notice shall have been published and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate any action taken in connection with the grant or denial of any special permit.

☐ § 230-62 **Conditions; notice of decision.**

- A. The Board of Trustees, in approving any special permit hereunder, shall require conformance to any supplementary regulations applying to such uses generally and may establish such other conditions, including but not limited to:
- (1) Landscaping.
 - (2) Lighting.
 - (3) Access and egress.
 - (4) Signs.
 - (5) Screening.
 - (6) Architectural features.
 - (7) Location and layout of buildings.
 - (8) Definitions or limitations upon the use or characteristics of the use which are reasonably related to the public health, safety and general welfare and as may be necessary to carry out the intent of this chapter.
- B. The decision of the Board of Trustees shall immediately be filed in the office of the Village Clerk and a copy thereof mailed to the applicant.

☐ § 230-63 **Appeals and waivers.**

- A. Unless specifically exempted in the decision of the Board of Trustees, any regulation or conditions of such special permit shall not be subject to appeal before the Board of Appeals, and any such appeal shall render such permit void and without effect without necessity of further action by the Village. Any person aggrieved by any decision of the Board of Trustees hereunder shall, within 30 days of the filing of the decision, apply to a court of competent jurisdiction pursuant to the Village Law and Article 78 of the Civil Practice Law and Rules.
- B. No requirement or conditions imposed by this Article for any special permit use shall be waived or reduced by the Board of Trustees and shall be the minimum requirements for any authorization hereunder. The grant of a special permit shall authorize only one special permit use and shall be limited only to the use described and approved in such permit. Special permits shall, unless subject to periodic renewal at the discretion of the Board of Trustees, be granted for an indefinite period but shall expire automatically three years from the date of grant, unless at such time substantial construction has begun pursuant to the approved application.

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 - (6) Architectural features.
 - (7) Location and layout of buildings.
 - (8) Definitions or limitations upon the use or characteristics of the use which are reasonably related to the public health, safety and general welfare and as may be necessary to carry out the intent of this chapter.
- B. The decision of the Board of Trustees shall immediately be filed in the office of the Village Clerk and a copy thereof mailed to the applicant.

☐ § 230-64 **Performance guaranty.**

The Board of Trustees may, as a condition to the grant of a special permit, require a bond on terms satisfactory to the Board of Trustees, guaranteeing performance of the final site development plan approved by the Planning Board.

☐ § 230-65 **Final site development plans.**

After the decision of the Board of Trustees for granting the special permit, the applicant shall submit to the Planning Board final site development plans. The Planning Board shall approve, approve conditionally or disapprove such plans, in accordance with Article XI of this chapter and such regulations as the Village may have adopted or may in the future adopt under such article. In acting upon the submission, the Planning Board shall be bound by the terms and conditions of the Board of Trustees in granting the special permit.
