

**ARTICLE IX  
SPECIAL PERMIT USES**

All special permit uses cited in Article IX and Attachment A of this Ordinance or any other Section of this Ordinance shall be subject to Site Plan Review. The procedures and requirements of this review are located in Article X. In all cases where this Ordinance requires site plan review and approval, no building permit or Certificate of Occupancy or Use shall be issued by the Zoning Administrator except upon authorization of and in full conformity with plans approved by the Planning Board.

**A. Procedure**

The procedure for review and approval under this Article shall be as set forth in Article X.D.

**B. Application**

Application for review and approval under this Article shall be filed according to the requirements and procedure set forth in Article X.D.

**C. Compliance with State Environmental Quality Review Act (SEQR)**

Proposed projects are actions subject to the provisions of SEQR. Prior to rendering its decision, the Planning Board shall make a determination as to the type of the proposal in accordance with Article 8 of the Environmental Conservation Ordinance and Part 617 NYCRR and follow all applicable procedures.

**D. County Planning Board Referral**

Prior to taking action on the application, the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with Section 239(m) of the General Municipal Law, if applicable. Pursuant to this Article, applicable uses include any special permit use within five hundred feet of:

1. The boundary of any city, village, or town;
2. Any existing or proposed county or state park or other recreation area;
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
4. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines;

5. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
6. The boundary of a farm operation located in an agricultural district as defined by Article 25AA of the Agricultural and Markets Law.

**E. Required Fee**

An application for a special permit use shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall. The Planning Board, in its discretion, may require the applicant to establish an escrow account not to exceed \$1000.00 to pay for additional engineering review of the application.

**F. Time Limit**

If the applicant does not substantially complete the terms of the special permit within (1) one-year of issuance, said permit shall become null and void. An extension of up to 12 months may be granted upon review and approval of the Planning Board.

**G. General Special Permit Use Standards**

In authorizing any special permit use, the Planning Board shall take into consideration the public health, safety, general welfare, the comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board shall also take into strict account the specific conditions set forth in this Section for certain uses, applicable supplementary regulations stated in Section XI of this Ordinance, and the following general objectives for any use requiring Planning Board authorization:

1. Adjacent land uses: The Planning Board shall not approve the special permit use unless, in its determination, the proposed use will not have a negative effect on existing adjacent land uses.
2. The location and size of the use: The nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access, shall be in harmony with the orderly development of the district.
3. The location, nature and height of the buildings, walls and fences, and the nature and intensity of intended operations: These should not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

4. Vehicular Circulation: Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls shall be considered.
5. Pedestrian Circulation: Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience shall be considered.
6. Parking: Location, arrangement, appearance and sufficiency of off-street parking and loading shall be considered.
7. Layout: The location, arrangement, size, design and general site compatibility of buildings, lighting and signage shall be considered.
8. Drainage Facilities: Adequacy of stormwater management plans and drainage facilities shall be considered.
9. Water and Sewer: Adequacy of water supply and sewage disposal facilities and their compliance with New York State Department of Health requirements shall be considered.
10. Vegetation: Adequacy, type and arrangement of trees, shrubs and other landscaping constituting at all seasons of the year a visual and/or noise deterring buffer between the Applicant's and adjoining lands, including the maximum retention of existing vegetation shall be considered.
11. Impacts on Adjacent Land Uses: Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features shall be considered.
12. Emergency Access: The accessibility of the use to fire, police, and other types of emergency vehicles shall be considered.
13. Flooding: Special attention shall be given to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion, including compliance with Town of Northumberland Ordinance No. 1 of 1987 as amended by Local Laws #6 of 1989 and #5 of 1991 governing the one hundred (100) year flood hazard area;
14. Driveways: Driveways shall be located and, where possible, relocated to minimize the impact of vehicular traffic on neighboring properties and existing roads.
15. Lighting: The impacts of lighting on adjacent areas and areas within viewing distance shall be considered.

## H. Additional Standards for Certain Uses

In addition to the general standards stated above and the site plan review considerations stated in Article X of this Ordinance, the following specific standards shall be complied with for the particular special permit uses cited below:

1. Mining and Excavation Exempt from State Jurisdiction: The regulations below (a.-i.) shall apply to those operations including the loading, hauling and/or processing of sand, gravel, soil, shale, topsoil, stone, all or any aggregate material native to the site, in excess of four hundred (400) tons or two hundred (200) cubic yards, whichever is less, but less than one thousand (1,000) tons or 750 cubic yards, whichever is less, within twelve (12) successive calendar months. Non-commercial mining performed on agricultural lands for agricultural purposes and non-commercial mining performed on subdivision lands for the purpose of said subdivision, which mined material shall remain on-site, shall be exempt from the following provisions.
  - a. The hours of operation shall be as determined by the Planning Board. The decision shall be based on potential impacts on nearby land uses;
  - b. The routing of transport shall be as determined by the Planning Board. Said decision shall take into account impacts on roads, public rights-of-ways, natural or man-made barriers to restrict access, dust control measures, ingress/egress, affected land uses, and any other factors deemed worthy of consideration;
  - c. A time schedule for completion of either the entire operation or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval. A special permit shall be issued for a one (1) year period, subject to renewal upon the review and approval of the Planning Board providing that the applicant has met all applicable conditions. No renewal of the special use permit shall be granted until the permit holder has complied with all provisions of item f., below.
  - d. An operations plan, including the number and type of trucks and other machinery to be used on the site shall be submitted for approval;
  - e. A progressive restoration and rehabilitation/reclamation plan showing both existing contours and proposed final contours after operations are completed at two (2) foot intervals shall be submitted for approval. Such restoration and rehabilitation/reclamation plan shall include sowing and planting and proper vegetation so as to prevent erosion, unsightly-ness and noisome impact on neighboring properties, groundwater resources and aquifers;

- f. A buffer area of not less than one hundred (100) feet shall be established between the operation and the nearest property line; and a buffer area of not less than one hundred (100) feet from the nearest road shall be established. The entry into the excavated area shall be curved so as to prevent a direct view from the public right-of-way;
  - g. Such special use permit, including renewals, shall be restricted to a disturbed area not to exceed five (5) acres, and to a time period not to exceed six (6) years in total, at which time all reclamation activities shall have been completed;
2. Mining and Excavation Under State Jurisdiction: The regulations below shall apply to those operations including the loading, hauling, and/or processing of sand, gravel, soil, shale, topsoil, stone, all or any aggregate material native to the site, in excess of one thousand (1,000) tons or 750 cubic yards, whichever is less, in twelve (12) successive calendar months, or, greater than one hundred (100) cubic yards from or adjacent to any body of water.
- a. All applicable provisions of the New York Mined Land Reclamation Ordinance and other applicable State and Federal regulations shall be fully complied with;
  - b. Ingress to and egress from the site which involves locally controlled roads shall be such that vehicles associated with the operation can enter and exit safely without undue disturbance to adjacent land uses;
  - c. The routing of mineral transport vehicles over locally controlled roads shall cause as little damage as practicable to the road surface and create as little disturbance as is possible to adjacent land uses;
  - d. The Town has the authority to regulate and place special permit conditions on setbacks from property boundaries and public rights-of-way; natural and manmade barriers to restrict access if required, dust control and hours of operation;
  - e. The Town has the authority to enforce New York State Department of Environmental Conservation requirements as they pertain to reclamation.
3. Gasoline Stations:
- a. A gasoline station lot and/or fuel storage tanks shall not be located within 2,500 feet of any municipal water wells or other public water supply source. All fuel storage tanks shall comply with all federal and state regulations.

- b. No gasoline or oil pump, no oiling or greasing mechanism and no other storage or service appliance installed in conjunction with any gasoline station or public garage shall be within twenty-five (25) feet from any curb line and fifty (50) feet from any property line;
  - c. Entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line;
  - d. No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;
  - e. No access drive shall be within two hundred (200) feet of and on the same side of the street as a school, public library, theater, church or place of worship, or other public gathering place, park, playground or fire station designed for occupancy by more than fifty (50) persons, unless a street with a right-of-way of not less than fifty (50) feet lies between such gasoline station and such building or use;
  - f. All major repair work, storage of materials, supplies, and parts shall be located within a structure completely enclosed on all sides, not to be construed as meaning that the doors on any repair shop must be kept closed at all times;
  - g. Suitable year-round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards.
4. Quick Stop Retail Food Stores (with gasoline services):
- a. Ensure that adequate parking is available on site for customers making purchases at the store but not buying gasoline. The parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles purchasing gasoline. The design and number of spaces shall be as provided for in Article XI. B. Also, entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line; and no entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way; and there shall be adequate area for the safe access and maneuvering of delivery vehicles and the safe unloading of same. The siting of gasoline storage tanks and pumps must also comply with Sections H.3.a. and H.3.b. of Article IX.

- b. Provide an enclosed trash dumpster for disposal of stock packings removed by store employees, and trash receptacles for customer use shall be made available on the premises.
  - c. Maintain no outdoor displays of merchandise which interfere with the safe flow of traffic and pedestrians.
  - d. Locate all exterior vending machines on the side of the building.
  - e. Direct all roof-top heating/ventilation/air conditioning or refrigeration units away from adjacent residential properties.
  - f. Suitable year round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards;
5. Quick Stop Retail Food Stores (without gasoline services):
- a. Entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line;
  - b. No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;
  - c. There shall be adequate area for the safe access and maneuvering of delivery vehicles and the safe unloading of same;
  - d. Suitable year round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards;
  - e. The parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles. The design and number of spaces shall be as provided for in Article XI.B.;
  - f. An enclosed trash dumpster shall be provided, in the rear or side yard, for the disposal of stock packings, and trash receptacles for customer use shall be made available on the premises;
  - g. There shall be no outdoor displays of merchandise which interfere with the safe flow of traffic and pedestrians.
  - h. Locate all exterior vending machines on the side of the building.
  - i. Direct all roof-top heating/ventilation/air conditioning or refrigeration units away from adjacent residential properties.