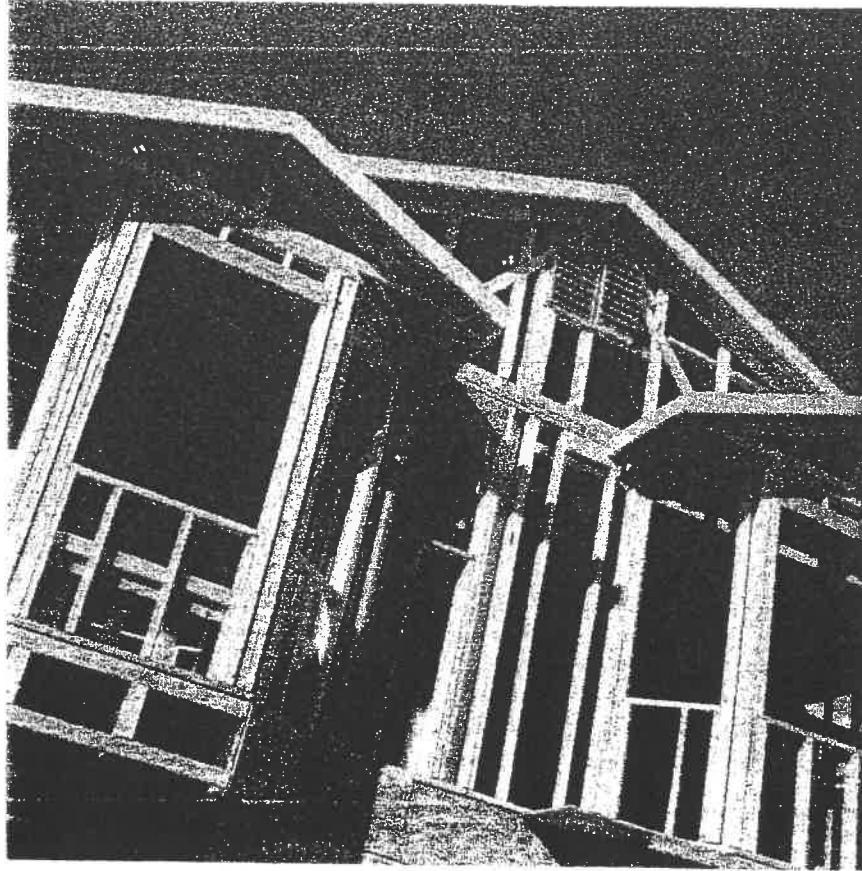


TOWN OF ESSEX

Planning Board

SPECIAL USE PERMIT – INSTRUCTIONS FOR APPLICANTS



The following is provided for the convenience of applicants whose proposed projects require a **Special Use Permit**. This material reflects the requirements contained in the Town of Essex Zoning Law. For the sake of clarity in this document, the Law's provisions have been simplified or paraphrased. Excerpts from the law are enclosed in quotation marks and followed by citations in parentheses. This guide in no way negates any aspects of the actual law, and applicants are encouraged to review the law in its entirety. An applicant should refer questions to the Town Zoning Officer or the Chair of the Planning Board.

The Zoning Law requires Special Use Permits for proposed land uses that "due to the type of use and its nature may create issues of compatibility with the area surrounding its proposed location" (Section. The need for such a permit depends upon a) the nature of the proposed project (e.g. construction or expansion of a single family dwelling or accessory building) and b) its location in the Town. (The Town is divided into a number of zoning districts – agricultural, hamlet, residential 1, historic overlay, shoreline overlay,

etc.). Applicants should refer to the zoning map of the Town (available from the Zoning Officer) to determine in which zoning district the proposed project is located.

Schedule A of the Zoning Law identifies these two variables and delineates when a Special Use Permit is required. In such instances approval by the Planning Board is required before the project can commence. In some instances delineated in Schedule A, a Site Plan Review may also be required. In that case a separate application must also be completed.

The Planning Board urges applicants to obtain the assistance of the Zoning Officer in completing the application a Special Use Permit (attached) and other required documents. Applicants are also encouraged to attend a Planning Board meeting prior to filing the application "to discuss the nature of the proposed use and to determine the information that will need to be submitted" (Section 6.3-2). The Planning Board meets the third Thursday of each month at 7pm and holds an informal public work session at 4pm on the Monday afternoon preceding each meeting. All Planning Board meetings are held in the Town offices. Applications and other required documents (see below) must be submitted to the Zoning Officer at least 10 days prior to the meeting at which the application is to be deemed complete. Applicants or their authorized representative(s) must be present at all Planning Board meetings at which their application is to be discussed.

Required Information:

- A completed Application (attached).
- Photo Identification of the Applicant(s) (driver's license, passport)
- If appropriate, a letter from the applicant(s) authorizing a third party to act on his/her behalf in the application process.
- A copy of the deed to the property with the applicant(s) clearly shown as the current owner(s) – or a legal document showing the property will be owned by the applicant(s) prior to the commencement of the project.
- A project description and identification of land use district (part of the Application form)
- A detailed and clear narrative describing the project – its proposed use and operation.
- "A plot plan, drawn to scale with accurate dimensions providing information sufficient to enable the Planning Board to make and informed decision" (Section 6.2-2). Photos may also be included.
- If applicable, an agricultural data statement. If an agricultural data statement has been submitted, the Secretary of the Planning Board shall, upon receipt of the application, mail written notice of the Special Permit application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing the notice shall be borne by the applicant.
- A list of the names and mailing addresses of all property owners whose property adjoins or is located within 500 feet of the project site.
- For properties outside the Essex and Whallonsburg Hamlets, a letter from the Adirondack Park Agency (APA) indicating the project is non-jurisdictional, a letter from the APA indicating the project is approved; or a copy of the letter of application

to the APA. (Note: in some instances the property in question may not have APA approval for a building right – it is the applicant’s responsibility to obtain this determination).

- A short-form (attached) SEQRA Environmental Assessment Form (EAF), Part 1. (Depending on the nature of the project, the Planning Board may require a long-form EAF.
- The Application fee.

The Planning Board may waive or add specific requirements for an application submission if it deems it appropriate.

Note: in some instances applications must be referred to the Essex County Planning Board. In others, the applicant may be required to apply to the NYS Office of Parks, Recreation, and Historic Preservation, and/or the NY Department of Environmental Conservation. The Zoning Officer will inform the applicant(s) and Planning Board if this is the case.

Once the Planning Board has taken action to declare an application is complete, within 62 days it will hold a public hearing (the hearing is normally scheduled for the next meeting of the Board). Ten days prior to that meeting, public notice will be given, including to all property owners within 500 feet of the project.

Within 62 days of that hearing, the Planning Board will “grant, deny, or grant subject to conditions” (Section 6.3-8-1) the application. (This action is normally taken shortly after or at the public hearing). The applicant will be informed in writing within 5 days of the decision, including any stipulations. The approval will be filed with the Town Clerk at that time.

The Special Permit expires if its use or uses “cease for more than 12 consecutive months for any reason, if the applicant fails to obtain the necessary APA Project Permit, or fails to comply with the conditions of the Special Permit within 18 months of its issuance, or its time limit expires without renewal.” (Section 6.3-9-1) The permit “may be revoked by the Planning Board if the permittee violates the conditions of the Special Permit or engages in any construction or alteration not authorized by the Special Permit” (Section 6.3-9-3).