

# TOWN OF STERLING Planning Board

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<h2>SPECIAL PERMIT APPLICATION</h2>
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Applicant shall have the burden of proof in establishing his/her right to a Special Permit

Name of Applicant: \_\_\_\_\_

Circle one: owner   tenant   agent   contractor   or other (specify) \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Project Address (if different): \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Tax Map Number: \_\_\_\_\_

Date: \_\_\_\_\_

Proposed uses on the property, if application is approved are: \_\_\_\_\_

**ATTACH THE FOLLOWING:**

1. An approved site plan
2. A statement with supporting evidence regarding the merit of the proposed use at the proposed location and how the proposed use complies with the general and specific requirement of this law.

I certify that the information provided above is true to the best of my knowledge.

\_\_\_\_\_  
Property Owner Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Applicant Signature (if not Property Owner)

Date: \_\_\_\_\_

\_\_\_\_\_  
Code Enforcement Officer Comments:



### **Special Permit Requirements:**

Special Permit Applications: Applications for special permits shall include an approved site plan and a statement with any supporting evidence regarding the merits of the proposed use at the proposed location and how the proposed use complies with the general and specific requirements of this law.

General Requirements and standards applicable to all Special Permits: The Planning Board shall grant a Special Permit only if it finds adequate evidence, that any proposed use submitted for a Special Permit will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Board shall among other things, require that any proposed use and location be:

1. In the best interests of the Town, the convenience of the community, the public welfare, and be a substantial improvement to property in the immediate vicinity.
2. Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with, and appropriate in appearance with the existing or intended character of the general law.
3. In conformance with all applicable requirements of this law.
4. Suitable in terms of effects on street or highway traffic and safety with adequate access arrangements to project major streets from undue congestion and hazard.

In granting a Special Use Permit, the Planning Board may impose whatever conditions regarding layout, circulation, and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this law. These conditions may include but not limited to the following:

1. Increasing the required lot size or yard dimensions.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the number of required off-street parking spaces.
5. Limiting the number, size, location and lighting of signs.
6. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
7. Designing sites for open space.

### **Public Hearing and Planning Board action on Special Permits:**

- Within sixty-two (62) days of the receipt of an application for special permit, the Planning Board shall conduct a public hearing.
- The Planning board shall at least five (5) days prior to the date fixed for said public hearing, public notice in official papers legal section.
- The Planning Board shall make a decision on the application within sixty-two (62) days after such hearing and file said decision within five (5) business days after the day such decision was rendered with the Town Clerk, and mail such decision to the applicant with a copy to the Code Enforcement Officer. The time within which a decision must be rendered may be extended by mutual consent of the applicant and Planning Board.
- Referral to the County Planning Board must be made at least ten (10) days before hearing under provisions of section 239-m of the general municipal law.
- SEQRA requirements shall be met.