

Town of Delhi

Procedure for Issuance of a Special Use Permit

1. Purpose and Authority

- The purpose of this procedure is to establish a clear and consistent process for reviewing and issuing Special Use Permits for uses that are permitted by special approval within certain zoning districts.
- This procedure is adopted pursuant to New York State Town Law §274-b and the Town of Delhi Zoning Law.

2. Pre-Application Conference (Optional but Recommended)

- Applicants are encouraged to meet with the Planning Board Chair, Code Enforcement Officer (CEO), or designated representative prior to submitting a formal application to discuss:
 - o Zoning district requirements
 - o Submission materials
 - o SEQRA classification
 - o County and agency referral requirements

3. Application Submission

- The applicant shall submit a complete Special Use Permit application to the Code Enforcement Officer or Planning Board Secretary, including:
- Completed Special Use Permit application form
 - o Site plan, drawn to scale
 - o Written description of the proposed use
 - o Demonstration of compliance with Special Use standards set forth in the Zoning Law
 - o SEQRA Environmental Assessment Form (Short or Full, as required)
 - o Application fee as set by the Town Board
 - o Any additional materials required by the Planning Board
 - o Incomplete applications shall not be scheduled for review.

4. Referral to the Planning Board

- Upon receipt of a complete application, the Code Enforcement Officer shall refer the application to the Town of Delhi Planning Board for review and action.
- Please note the planning board meets the 4th Monday of every month. It is suggested that applications be submitted 90 days before events begin.

5. SEQRA Review

- The Planning Board shall conduct environmental review under the State Environmental Quality Review Act (SEQRA):
 - Classify the action (Type II, Unlisted, or Type I)
 - Act as Lead Agency, when appropriate
 - Review the Environmental Assessment Form
 - Issue a SEQRA determination (Negative Declaration or Positive Declaration)
- No final action may be taken on the Special Use Permit until SEQRA is complete.

6. County and Agency Referrals

- If required under General Municipal Law §239-m, the application shall be referred to the Delaware County Planning Department for advisory review.
- The Planning Board may also refer the application to:
 - Town Engineer
 - Fire Department
 - Highway Superintendent
 - Other relevant agencies or consultants

7. Public Hearing

- The Planning Board shall schedule and conduct a public hearing on the Special Use Permit application.
- Notice shall be published in the official Town newspaper at least five (5) days prior to the hearing
- Mailed notice shall be provided to property owners as required by Town Law or local regulation
- The public hearing may be opened, continued, or closed at the Board's discretion

8. Review Standards

- In evaluating a Special Use Permit, the Planning Board shall consider whether the proposed use:
 - Complies with all applicable zoning district regulations
 - Is compatible with surrounding land uses
 - Will not adversely affect traffic, public safety, or community character
 - Provides adequate access, parking, utilities, and drainage
 - Protects natural, scenic, and environmental resources
 - Meets all specific Special Use Permit standards listed in the Zoning Law

9. Decision and Findings

- The Planning Board shall approve, approve with conditions, or deny the Special Use Permit within sixty-two (62) days of the close of the public hearing, unless extended by mutual consent.
 - o All decisions shall:
 - o Be based on the record
 - o Include written findings
 - o Address SEQRA compliance
 - o Consider county advisory comments, if any

10. Conditions of Approval

- The Planning Board may impose reasonable and necessary conditions to ensure compliance with zoning standards and to mitigate potential impacts, including but not limited to:
 - o Hours of operation
 - o Landscaping and screening
 - o Lighting restrictions
 - o Traffic and parking controls
 - o Noise or buffering requirements
 - o Periodic review or renewal
 - o Performance guarantees

11. Filing and Effect of Decision

- The decision shall be filed with the Town Clerk within five (5) business days
- The Code Enforcement Officer shall issue permits only upon compliance with all conditions
 - o **The Special Use Permit shall run with the land unless otherwise specified**
 - o Any substantial change to an approved use requires Planning Board review

12. Revocation

- Failure to comply with the conditions of a Special Use Permit may result in revocation following notice and a public hearing, as permitted by law.

13. Appeals

- Any person aggrieved by a decision of the Planning Board may appeal to the Zoning Board of Appeals or to a court of competent jurisdiction pursuant to Town Law and state statute.