

**ARTICLE VIII**  
**Special Permitted Uses Regulations**

**§ 400-30. Review agency.**

In accordance with Town Law § 271, the Planning Board is hereinafter authorized to review all applications for special permitted uses outlined in this chapter.

**§ 400-31. Intent.**

It is the intention of this chapter to outline special permitted uses which may be appropriate to accomplish the objectives of the Town's growth policy and to provide needed services and uses compatible with the essential character of the zoning district in which they are allowed. Such special permitted uses are designed to provide social, cultural and economic amenities to the current and future residents of the zoning district in which they reside.

**§ 400-32. Review procedure.**

The review of applications for special permitted uses is divided into two phases: presubmission conference and application.

- A. Presubmission conference. The Zoning Officer shall refer the applicant for a special permitted use to the Secretary of the Planning Board, who shall schedule a presubmission conference for the next regularly scheduled Planning Board meeting. The purpose of the presubmission conference is to give the Planning Board and the applicant an opportunity to gain a perspective of the use's ramifications on the zoning district and neighborhood in which it is proposed.
- (1) This conference is beneficial to both parties because the community will gain knowledge of the applicant's intent and the applicant will learn his/her responsibilities before either is committed to significant outlays of time or capital.

- (2) At the presubmission conference, the applicant shall provide the Planning Board with basic data regarding the proposed special permitted use. At a minimum, the applicant shall provide a map showing the important existing natural and made features in and around the site and a sketch plan showing the major features of the proposals.

B. Application for a special permitted use.

- (1) Following the presubmission conference, an application for a special permitted use may be presented at the next regularly scheduled Planning Board meeting or sooner if deemed appropriate by the Planning Board. The application shall not be accepted for review unless all requirements outlined at the presubmission conference have been met.
- (2) The application shall be submitted in triplicate on forms prescribed by the Planning Board and be accompanied by three copies of a site plan. The site plan shall include information drawn from the following checklist, as determined necessary by the Planning Board at the presubmission conference. The site plan shall be prepared by a licensed professional engineer, architect or land surveyor, unless this requirement is waived by the Planning Board.
- (3) Application checklist:
  - (a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
  - (b) North arrow, scale and date;
  - (c) Boundaries of the property plotted to scale;
  - (d) Existing watercourses, wetlands and floodplains;
  - (e) Grading and drainage plan, showing existing and proposed contours;
  - (f) Location, proposed use and height of all buildings;
  - (g) Locations, design and construction materials of all parking and truck loading areas, with access and egress drives thereto;
  - (h) Provision for pedestrian access;
  - (i) Location of outdoor storage, if any;
  - (j) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
  - (k) Description of the method of sewage disposal and location of design and construction materials of such facilities;
  - (l) Description of the method of securing public water and location, design and construction materials of such locations;

- (m) Location of fire and other emergency zones, including the location of fire hydrants;
  - (n) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
  - (o) Location, size and design and construction materials of all proposed signage;
  - (p) Location and proposed development of all buffer areas, including indication of existing vegetative cover;
  - (q) Location and design of outdoor lighting facilities;
  - (r) Designation of the amount of building area proposed for retail sales or similar commercial activity;
  - (s) General landscaping plan and planting schedule; and
  - (t) Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution.
- (4) Planning Board review of application for a special permitted use. The Planning Board's review of the application for a special permitted use shall include, but not be limited to, the following:
- (a) Determination of whether the proposal is subject to the State Environmental Quality Review Act.
  - (b) The need of the proposed use. The Planning Board shall not approve the special permitted use unless it finds that the use is in furtherance of the Town's growth policy and that the use is reasonably necessary to provide social, cultural or economic amenities for existing and future residents of the zoning district in which the proposed use is to be located.
  - (c) Adjacent land uses. The Planning Board shall not approve the special permitted use unless, in its determination, the proposed use will not have a negative effect on existing adjacent land uses.
  - (d) Zoning regulations. The Planning Board shall not approve the special permitted use unless all requirements of this chapter are met.
  - (e) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.
  - (f) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.
  - (g) Location, arrangement, appearance and sufficiency of off-street parking and loading.

- (h) Location, arrangement, size, design and general site compatibility of buildings, lighting and signage.
  - (i) Adequacy of stormwater and drainage facilities.
  - (j) Adequacy of water supply and sewage disposal facilities.
  - (k) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
  - (l) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
  - (m) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
  - (n) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (5) Consultant review. The Planning Board may consult with the Zoning Officer, Fire Commissioners, Environmental Management Council, Town Highway Superintendent, Town Engineer, other local and county officials, the New York State Health Department, Department of Environmental Conservation and Department of Transportation.
- (6) Referral to the County Planning Board. Prior to taking action on the site plan application, the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with § 239-m of the General Municipal Law.
- (7) Public hearing and notice. Prior to taking action on the application for a special permitted use, the Planning Board shall conduct a public hearing. Notice of the public hearing shall be published at least 10 days prior to the date of the hearing in a newspaper with general circulation within the Town. The public hearing may be conducted at the same time the application is being reviewed. Additionally, the applicant shall be required to give notice, by certified mail, return receipt requested, of said public hearing, to every real property owner of record within 500 feet of the area for the proposed special permitted use, and to file proof of such notice at or before the public hearing. [Amended 7-13-1992 by L.L. No. 3-1992]
- (8) Planning Board action on application for a special permitted use. Within 45 days of the receipt of the application for a special permitted use, the Planning Board shall act on it. The Planning Board shall approve, disapprove or approve with modification and/or conditions the application. The Planning Board's action shall be in the form of a written statement to the applicant.
- (a) Upon approval of the application, the Planning Board shall endorse its approval on all three copies of the site plan and shall forward one copy to the

Zoning Officer and provide one copy to the applicant. The third copy will be retained by the Planning Board.

- (b) Upon disapproval of the application, the Planning Board shall so inform the Zoning Officer, and the Zoning Officer shall deny the applicant a building permit. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.
  - (c) Upon approval of the application with modifications and/or conditions, the Planning Board shall notify the applicant of said modifications and/or conditions and its reasons for requiring such. The applicant shall be advised that a revised site plan which incorporates the modifications and/or conditions must be submitted to and approved by the Planning Board. The Planning Board shall endorse its approval on all three copies of the modified site plan and shall forward one copy to the Zoning Officer and provide one copy to the applicant.
- C. Performance guarantee. No certificate of occupancy shall be issued for the approved special permitted use until all improvements shown on the approved site plan are installed. The sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Zoning Officer.
- D. Fees for special permit applications. An application for a special permit for a home occupation or home industry shall be accompanied by an application fee of \$200. All other applications for a special permit shall be accompanied by an application fee of \$500. In addition to an application fee, the Planning Board may require the applicant to pay for engineering costs incurred by the Town for review, consultation and inspections on behalf of the Town. The applicant shall deposit an engineering escrow fee in the amount of \$250 with the application. [Added 7-19-2004 by L.L. No. 6-2004; amended 11-16-2005 by L.L. No. 4-2005; 5-14-2007 by L.L. No. 1-2007; 5-12-2014 by L.L. No. 1-2014]

## ARTICLE IX District Uses and Regulations

### § 400-33. List of districts.

The Town of Saratoga is hereby divided into the following districts:

- R - Rural District
- RR - Rural Residential District
- K - Rural District 2
- VE - Village Extension District
- H - Hamlet District
- C - Conservancy District
- LC - Lake Commercial District
- LR - Lake Residential District