

TOWN OF HARRIETSTOWN
FRANKLIN COUNTY, NEW YORK
(518) 891-0202

APPLICATION FOR
SPECIAL PERMIT

NO. BA-X _____
DATE FILED _____
FEE _____
RECEIVED BY _____
STAFF REPORT DATE _____
HEARING ADVERTISED _____
HEARING DATE _____
APPEALS BOARD ACTION _____

TO: THE BOARD OF APPEALS
TOWN OF HARRIETSTOWN
TOWN HALL, SARANAC LAKE, NY 12983

DEAR BOARD MEMBERS:

PURSUANT TO THE PROVISIONS OF SECTION 6.0 OF THE ZONING ORDINANCE FOR THE TOWN OF HARRIETSTOWN (UNINCORPORATED PORTION), FRANKLIN COUNTY, NEW YORK, I/WE:

NAME: _____ TELEPHONE #: _____

ADDRESS: _____

HEREBY APPLY FOR ISSUANCE OF A **SPECIAL PERMIT** FOR THE PROPERTY DESCRIBED BELOW AND SHOWN ON **(6) SIX COPIES** OF THE MAP OR PLOT ATTACHED HERETO THE PERMIT THE USE OF THE THIRD SAID PROPERTY FOR THE FOLLOWING PURPOSE:

PROPOSED USE: _____ TAX MAP #: _____

LOCATION OF PROPERTY: _____

(IF ACREAGE DESCRIBE, GIVING SHORE FRONTAGES AND DISTANCE FROM NEIGHBORING PROPERTY LINES).

THE SPECIFIC PROVISIONS REQUIRED BY SECTION 6.0 OF THE ZONING ORDINANCE WILL BE COMPILED WITH IN THE FOLLOWING MANNER (**ATTACH (6) COPIES OF THIS APPLICATION AND SIX COPIES OF A MAP, OR PLAT, DRAWN APPROXIMATELY TO SCALE, OF THE PROPERTY INVOLVED AND PLANS AND SPECIFICATIONS, IF ANY OR ADDITIONAL EXPLANATORY MATERIAL.**)

OWNERS SIGNATURE

APPLICANT SIGNATURE

ADDRESS

DATE

SPECIAL PERMIT APPLICATION INSTRUCTIONS

INSTRUCTIONS TO APPLICANT: A fee (cash or check) in the amount of \$160.00 payable to the Town of Harrietstown to cover the cost of advertising and other administrative expenses must be paid at the time this application is filed. **ALL APPLICABLE FEES ARE NON-REFUNDABLE.**

Six (6) copies of this application must be accompanied by six (6) copies of a map or plat approximately drawn to scale, showing the land and the use thereon for which a Special Permit is requested. The map or plat must show the bordering properties and owners thereof, streets and names thereof, lot and block designations, if any; north point, scale and any other pertinent information. In addition, there must be submitted six (6) copies of a complete description, either in plans and specifications or written, showing how the applicant proposes to comply with any applicable specific provisions regarding the proposed use as set forth in section 6.0 of the Zoning Ordinance.

The signature of the owner of this property for which the Special Permit is sought must appear on the application.

***** IT IS THE RESPONSIBILITY OF THE
PROPERTY OWNER / CONTRACTOR / APPLICANT
TO CONTACT ANY OTHER STATE OR LOCAL AGENCIES TO
DETERMINE JURISDICTION OF THOSE AGENCIES.
IT IS NOT THE RESPONSIBILITY OF THE TOWN OF
HARRIETSTOWN TO ADVISE APPLICANTS AS TO WHICH
AGENCIES THEY MUST APPLY TO *****

ARTICLE VII
Special Permit Uses

§ 106-36. Applicability; conformance required.

All special permit uses specified in Article IV, Use Regulations, shall be subject to the review and approval of the Zoning Board of Appeals in accordance with the standards and procedures specified herein. In all cases where this chapter requires such special use permit authorization by the Zoning Board of Appeals, no building permit nor certificate of occupancy or use shall be issued by the Building Inspector except upon authorization of and in full conformity with plans approved by the Zoning Board of Appeals.

§ 106-37. General standards.

In authorizing any special permit use, the Zoning Board of Appeals shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood in particular. The Zoning Board of Appeals shall also take into strict account the specific conditions set forth in this section for certain uses, applicable supplementary regulations, including the general performance standards, stated in Article VI of this chapter and the following general objectives:

- A. 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 the existing or future streets providing access shall be in harmony with the orderly development of the district.
- B. The location, nature and height of the buildings, walls and fences and the nature and intensity of intended operations will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- C. All proposed traffic access ways shall be adequate but not excessive in number; be adequate in width, grade, alignment and visibility; be located not less than fifty (50) feet from any intersection or place of public assembly; and meet similarly safety considerations.
- D. Adequate provision for safe and accessible off-street parking and loading spaces shall be made as specified by § 106-20 of this chapter.
- E. All parking and service areas shall be screened at all seasons of the year from the view of adjacent residential lots and streets, and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing natural screening and trees over eight (8) inches in diameter to the maximum extent possible.

F. The character and appearance of the proposed use, buildings, structures and/or outdoor signs shall be in general harmony with the character and appearance of
§ 106-37 HARRIETSTOWN CODE § 106-38

the surrounding neighborhood, shall not be more objectionable to nearby properties by reasons of noise, fumes, vibration or lights than would be the operations of any permitted principal use and shall not adversely affect the general welfare of the inhabitants of the Town of Harrietstown

G. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection.

§ 106-38. Specific Standards.

In addition to the general standards stated above and the site plan review considerations in § 106-46 of this chapter, the following specific standards shall be strictly complied with for the particular special permit uses cited below:

A. Individual mobile homes, provided that:

- (1) All minimum requirements stated within this chapter pertaining to single-family dwellings are met
- (2) Any mobile home sited in the town shall be demonstrated to the satisfaction of the Building Inspector to have been constructed in accordance with the 1976 federal regulations for mobile homes and shall meet current requirements stated within the New York State Uniform Fire Prevention and Building Code for one- and two-family dwellings, including factory-manufactured homes.
- (3) The mobile home shall be wholly sited on a concrete pad with a concrete block or poured masonry foundation provided in conformance with the New York State Uniform Fire Prevention and Building Code.
- (4) Water supply and sewage disposal systems shall be installed in full conformance with the requirements of the New York State Department of Health, and a certificate to that effect shall be provided prior to issuance of a certificate of occupancy by the Building Inspector.
- (5) Any modifications or additions to the mobile home shall be in conformance with the New York State Uniform Fire Prevention and Building Code and applicable provisions of this chapter.
- (6) No mobile home shall be located permanently within fifty (50) feet of a street or highway or within one hundred (100) feet of an existing dwelling fronting on any federal, state or county road nor on a lot in any subdivision which has, in part, been developed with conventional dwellings.

- B. Mobile home parks, provided that:
- (1) The lot or parcel proposed for such use is at least five (5) acres in area.
 - (2) Not more than six (6) mobile home sites or stands per acre of lot area shall be permitted.
 - (3) Central water supply and common sewage disposal facilities shall be provided in accordance with the requirements of the Town of Harrietstown and the New York State Departments of Health and Environmental Conservation.
 - (4) Additional common services, such as laundry facilities and refuse collection, are provided in accordance with applicable laws and regulations.
 - (5) Common open space or recreation areas not less than twenty-five percent (25%) of the total development site shall be provided.
 - (6) All minimum setback requirements established within § 106-11 of this chapter are met.
 - (7) Existing natural screening is maintained along the boundaries of the mobile home park and supplemented with additional plant material or other screening when, in the opinion of the Board of Appeals, it is necessary to provide such screening to protect adjacent residential areas or public roadways from a view of the mobile home park.
- C. Camps, campgrounds, recreational vehicle parks, tourist cottage and cabin developments and similar uses, provided that:
- (1) The lot or parcel proposed for such use is at least five (5) acres in area.
 - (2) Nor more than eight (8) tent or recreational vehicle sites or eight (8) cottages or cabins or other family accommodations per acre of lot area shall be permitted.
 - (3) Central water supply and common sewage disposal facilities shall be provided in accordance with the requirements of the Town of Harrietstown and the New York State Departments of Health and Environmental Conservation.
 - (4) No tent or recreational vehicle site or other building or structure location shall be within one hundred (100) feet of any bounding roadway, property line or shoreline.
 - (5) Open space areas shall be set aside and maintained for recreational facilities such as swimming pools, court games or other active or possible recreational activities for patron use.

- (6) Each tourist cottage, cabin or other family accommodation shall have at least three hundred (300) square feet of building area.
 - (7) Each tent or recreational vehicle site shall have at least three thousand (3,000) square feet of lot area.
- D. Airports and airfields in an R-1 or I-1 District or a seaplane base in a B-3 District, provided that:
- (1) The proposed site and plans for development thereof have met all of the applicable standards for the type of proposed air facility as promulgated by the Federal Aviation Agency, the New York State Department of Transportation, the New York State Department of Environmental Conservation and other agencies.
 - (2) The owners of the air facility present evidence that they have fee title or air rights to the land in the clear zones extending one thousand (1,000) feet from each end of the usable landing strip(s) or runway(s).
 - (3) Hangars and other buildings and structures shall be located at least one hundred(100) feet from any lot line.
 - (4) Adequate space for automobile off-street parking shall be provided in accordance with § 106-20 of this chapter
- E. Home occupations, Class II (located in an accessory building), provided that the home occupation conforms strictly with the limitations specified within § 106-29 of this chapter.
- F. Roadside stands, provided that:
- (1) Such stand shall not exceed one hundred (100) square feet in total area.
 - (2) Such stand shall be located not less than fifteen (15) feet from any street line.
 - (3) Such stand shall be used solely for display and sale of agricultural products grown exclusively on the premises or elsewhere by the operator of this roadside stand.
 - (4) Signage shall be limited to twelve (12) square feet and be located not less than five (5) feet from any street line.
- G. Membership clubs providing public and private recreational facilities, including playgrounds, swimming facilities, golf courses and hunting and fishing clubs with accessory buildings for administration, operation and clubhouse purposes, provided that:

- (1) The minimum lot area shall be three (3) acres.
- (2) No building shall be located closer than fifty (50) feet to any street or lot line.
- (3) Plans for all public address systems and lighting for outdoor recreational facilities shall be submitted to and approved by the Planning Board.

H. Cemeteries and crematories for humans, provided that:

- (1) No burial or memorial plats or buildings shall be located closer than fifty (50) feet to any residential lot line.
- (2) Crematories shall only be located within cemeteries
- (3) All burials shall be undertaken in strict accordance with all applicable regulations of the New York State Department of State and Department of Health.

I. Veterinarians' offices, animal hospitals or kennels and animal cemeteries, provided that:

- (1) Buildings or structures, including fenced runs and similar outdoor areas, shall be located not less than one hundred (100) feet from any lot line, nor within three hundred (300) feet of the nearest neighboring residential structure.
- (2) No burial site shall be located closer than one hundred (100) feet to any lot line, nor shall any such site be within two hundred (200) feet of the nearest residential structure, stream or other water body or source of private or public water supply.
- (3) The facility shall be screened from neighboring streets and properties by natural vegetation.

J. Radio and television receiving and transmitting antennas, provided that:

- (1) The proposed location and structure height will not interfere with the approach zone to any airport.
- (2) The dimensions of the site are such that the distances in all directions from the base of the proposed transmission tower to the edge of the property exceed by twenty percent (20%) the height of the tower.

K. Gasoline stations, automobile or equipment rental and sales and automobile repair facilities, provided that:

- (1) No gasoline station shall be located within two hundred (200) feet of any school, church, public library, theater, hospital, park, playground or other public gathering place designed for occupation by more than fifty (50) people, the distance to be measured in a straight line between the nearest point of each lot.
- (2) The area for use by motor vehicles, including display and storage, except access drives thereto, as well as any structures, shall not encroach on any required yard area.
- (3) No fuel pump shall be located within twenty-five (25) feet of any lot line or within the required side or front yard, whichever shall be more restrictive. The station layout shall eliminate the necessity of any vehicle backing into a public right-of-way.
- (4) Entrance and exit driveways shall total no more than two (2) in number and shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet and be located no closer than ten (10) feet to any side lot line.
- (5) Gasoline or flammable oils in bulk shall be stored fully underground, not closer than twenty (20) feet to any lot or street line.
- (6) All repair work and storage of equipment, 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.
- (7) Suitable year-round buffering and landscaping shall be provided in all rear and side yards. When such use abuts the side and/or rear line of a lot in any residential district, a slightly solid wall or fence six (6) feet height shall separate such use from the adjoining residential use.
- (8) Those establishments which sell gasoline in combination with a quick-stop retail food outlet shall:
 - (a) Ensure that adequate parking is available on the site for customers making purchases at the store but not buying gasoline. This parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles purchasing gasoline.
 - (b) Provide an enclosed trash dumpster for disposal of stock packings removed by store employees and trash receptacles for customer use on the premises.

- (c) Maintain no outdoor displays of merchandise which interfere with the safe flow of traffic and pedestrians.
- (d) Locate all vending machines on the side of the building.
- (e) Direct all rooftop heating/ventilation/air-conditioning or refrigeration units away from adjacent residential properties.

L. Limited neighborhood business uses, provided that:

- (1) The use shall be specifically restricted to retail sales of household goods and personal service establishments, with the maintenance of vehicles, tools and appliances, the sale of gasoline and the harboring of animals specifically prohibited.
- (2) The use shall not occupy more than one thousand (1,000) square feet of gross floor area, inclusive of all customer, storage and office areas.
- (3) The use shall not require more than seven (7) off street parking spaces when developed in strict accordance with the minimum parking standards provided within § 106-20A of this chapter.
- (4) The structure and use shall, to the extent practicable, be of a character similar to that of a residential premises.
- (5) The minimum lot area and all regulations stated in § 106-11, Schedule of Area and Bulk Regulations, for the R-1 District shall be strictly observed.
- (6) The use shall not operate between the hours of 8:00 p.m. and 7:00 a.m.
- (7) Suitable year-around buffering and landscaping shall be provided in all rear and side yards.

M. Commercial recreation or amusement facilities, provided that:

- (1) The lot or parcel proposed for such use is at least two hundred (200) feet from any main building in any residential district.
- (2) All buildings and structures are located in least one hundred (100) feet from any bounding lot or street line.
- (3) In the case of a drive-in theater, the screen shall be located so as not to face any street or highway, and individual loudspeakers for each car shall be provided, and no central loudspeaker shall be permitted.

- (4) Floodlighting shall be controlled and arranged so as not to shine or cause glare in any adjacent residential areas or into the path of motor vehicles on any adjacent highway, road or street.
 - (5) In all cases where the Board of Appeals deems it necessary, adequate sight and sound barriers between the proposed use and adjacent uses shall be provided. Such barriers may be walls, fences or screenplanting of depth sufficient to accomplish the above objectives.
 - (6) Ingress and egress to and from the highway shall be so designed as to provide for safe traffic movement, with no special permit granted for commercial recreation uses along any section of a highway or road where there is not a clear unobstructed view in each direction for a distance of eight hundred (800) feet from an entrance or exit drive.
- N. Public utility stations or structures, provided that:
- (1) The proposed location is necessary for public convenience and service which could not be equally provided if the station or structure were located in a district where it could be a permitted use under this chapter.
 - (2) If situated within an R-1, R-1 or R-3 District, the station or structure shall, wherever practicable, have the exterior appearance of a residential building
 - (3) Suitable landscaping, including screening from public roadways and neighboring residential properties, is provided.
- O. Mining and quarrying, including and limited to the removal of sand, gravel, clay or rock or the extraction of other natural material or deposits, in an I-1 District, provided that:
- (1) All applicable provisions of the New York State Mined Land Reclamation Law and other state and federal regulations shall be fully complied with.
 - (2) A time schedule for completion of either the entire operation or, if excavation is to occur in stages, of each stage of the operation is submitted for approval.
 - (3) An operations plan, including the number and types of trucks and other machinery to be used on the site, including their respective noise levels, is submitted for approval.
 - (4) A progressive restoration and rehabilitation plan showing both existing contours and proposed final contours after operations are completed is submitted for approval.

- (5) A performance guaranty (performance bond or escrow deposit) to assure that rehabilitation is provided, upon recommendation of the Planning Board, in an amount and form satisfactory to the Town Board and the Town Attorney.
- (6) A buffered area of not less than three hundred (300) feet shall be established between the operation and the nearest property line, with fencing provided where deemed necessary by the Board of Appeals for either aesthetics or to protect public health and safety.
- (7) In general, such special use permit shall be restricted to a disturbed area not to exceed five (5) years, though this does not preclude the applicant's filing of an application for renewal or continuation of said special use permit.

P. RV units/motor homes as dwelling unit. [**Added 10-15-1992 by L.L. No. 1-1992**]

- (1) As used in this subsection, "recreational vehicle unit" shall be defined as a unit build on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; designated to be self-propelled or permanently towable by a light-duty vehicle; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. Further, a unit shall not be considered a "recreational vehicle unit" unless there is affixed to it a Recreational Vehicle Industry Association (RVIA) certification symbol or equivalent. Such symbol must have been affixed at the factory where the recreational unit was manufactured.
- (2) RV units/motor homes as dwelling units shall be permitted, provided that:
 - (a) An RV unit or motor home has hard sidewalls. No soft walls will be considered as an RV dwelling unit.
 - (b) Permanent water and sewer supply are in place to allow parking of such unit, such systems to be per New York State Department of Health Standards.
 - (c) No such RV unit shall be located within fifty (50) feet of a street or highway or within one hundred (100) feet of an existing dwelling fronting on any federal, state or county road nor on a lot in any other district than an R-1.
 - (d) The RV unit has a valid Department of Motor Vehicles registration that is current.
 - (e) Existing natural screening is maintained along the boundaries of the property and supplemented with additional plant material or other screening when, in the opinion of the Board of Appeals, it is

necessary to provide such screening to protect adjacent residential areas or public roadways from view.

- (f) No accessory structure shall be attached to an RV unit.
- (g) A permit, once issued, will be a three-year revocable permit, reviewable upon the discretion of the Zoning Board of Appeals. The permit will allow for one hundred eighty (180) days as a temporary dwelling unit, and then the unit must be removed.
- (h) Any permit issued will be nontransferable to another owner or another trailer.

Q. **[Added 10-25-1992 by L.L. No. 1-1992]** Boathouses and structures of similar use, provided that:

- (1) A minimum side setback of twenty (20) feet shall be maintained from any other property line.
- (2) A boathouse shall not exceed a height of twenty (20) feet , including the railing on flat decks, above the mean high-water line. Its primary use shall be for storage of boats and attendant equipment. It shall contain no plumbing.
- (3) Boathouses and waterfront structures shall be of colors and materials that are in harmony with the surroundings.
- (4) The principle use of boathouses and waterfront structures shall be by the owner or occupant of the shoreline lot.
- (5) No boathouse structure shall exceed fifty percent (50%) of shoreline coverage on a lot. The front footage shall be determined by straight line measurement from side lot lines. Islands shall include all shoreline as per assessed basis.
- (6) Temporary boathouses and additions to existing structures shall require a special permit as though they were permanent.

SPECIAL PERMIT APPLICATION CHECKLIST

- APPLICATION COMPLETED AND SIGNED BY PROPERTY OWNER
(6 COPIES)**
- MAPS AND DESCRIPTION INCLUDED (6 COPIES)**
- DIAGRAMS – INCLUDE LAYOUT, SIDE AND FRONT ELEVATIONS
(6 COPIES)**
- OTHER ATTACHMENTS**

- SEQR FORM COMPLETED (6 COPIES)**
- JURISDICTIONAL INQUIRY FORM SUBMITTED TO APA**
- LETTER OR COMMUNICATION, WHICH RESULTED IN APPLICATION
TO THE ZONING BOARD OF APPEALS (IF APPLICABLE, 6 COPIES)**
- LIST OF CONTIGUOUS PROPERTY OWNERS CONTAINING NAMES,
TAX ID NUMBERS, PHYSICAL AND MAILING ADDRESSES**
- FEE PAID - \$160.00 PER SINGLE PROJECT**
- ORIGINAL RECIEPT WITH APPLICANT, DUPLICATE WITH PAYMENT**
- NOTICE OF PUBLIC HEARING PUBLISHED IN ADIRONDACK DAILY
ENTERPRISE 10 DAYS PRIOR TO THE HEARING DATE**
- NOTICE APPLICANT AND ADJOINING PROPERTY OWNERS VIA
CERTIFIED MAIL WITH RETURN RECIEPT**
- NOTICE TO PLANNING BOARD FOR ADVISORY OPINION**
- NOTICE AND APPLICATION DOCUMENTS TO ZONING BOARD OF
APPEALS MEMBERS**
- HEARING DATE SET; PUT ON AGENDA FOR THAT MEETING**
- NOTICE OF DECISION**
- PERMIT ISSUED (IF APPROVED)**