

## **SPECIAL EXCEPTION STANDARDS OF TOWN LAW**

Town Law, Sec. 274-b as Amended July 1, 1991:

SPECIAL USE PERMIT is authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to conditions imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such conditions are met.

A. New provisions applicable under Sec. 274-B of New York Town Law:

1. Where a proposed Special Use Permit contains one or more features which do not comply with the zoning regulations, application may be made to the ZBA for an area variance without the necessary of a decision or determination of the building inspector or other administrative official charged with the enforcement of the zoning regulations. Sec. 274B-3
2. Notice of Hearing Date to applicant and County Planning agency at least ten (10) days before such hearing. Sec. 274B-7
3. Date of Hearing to be within 62 days of receipt of application. Sec. 274B-7
4. Waiver of pre-established requirements is permitted if found not to be requisite in the interest of the public health, safety, or general welfare, or inappropriate to a particular special use permit. 274B-5
5. Compliance with SEQRA procedures before rendering decision. 274B-8
6. Decision to be made within 62 days of the close of the hearing. Time may be extended by mutual consent between the Board and the applicant. 274B-6
7. Written decision to be filed with the Office of the Town Clerk within five days after the day it is rendered, and a copy mailed to the applicant.

B. Building Officer or Inspector must determine compliance of ZBA Conditions before issuance of permits. 274B-4.