

ARTICLE 8  
SPECIAL USE PERMITS

A. Intent:

The intent of this Article is to set forth the procedure and standards for the review and approval of special uses. Special Use Permits apply to uses, which may or may not be compatible with other uses in the district in which they are proposed. The purpose of the Special Use Permit is to ensure the compatibility of such uses by applying appropriate standards.

B. Applicability and Authorization to Grant Special Use Permits:

1. In accordance with Village Law §7-725-b, the Village of Victory Planning Board is hereby authorized to grant Special Use Permits for the following:
  - a) All uses listed as requiring a Special Use Permit in Article 4.
  - b) All uses specified as requiring a Special Use Permit in Article 5.
2. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Special Use Permit.
3. These conditions must be met in connection with the issuance of any other permit such as a Building Permit or a Certificate of Occupancy.

C. Procedure:

The Planning Board shall review and act on all Special Use Permit Applications in accordance with the procedure set forth in Article 7, except that the public hearing shall be mandatory.

D. Application:

All applications made to the Planning Board shall be in writing, on forms prescribed by the Planning Board and shall contain those items specified in Article 7-E-2, as determined necessary by the Planning Board. In addition, the application shall be accompanied by the following:

1. Sufficient information to permit the Planning Board to review compliance with the general standards discussed Article 7-E-2 of this Local Law and with the applicable standards in section E herein.
2. Payment of the applicable fees as determined by the Village Board and posted in the Village Hall.

3. Completed Environmental Assessment Short Form or Part I of the Long Form, if necessary.

E. General Special Use Permit Standards:

In authorizing any special use, the Planning Board shall take into consideration the public health, safety, general welfare, comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board shall also take into account the specific conditions set forth in this section for certain uses, applicable Supplementary Regulations stated in Article 5 of this Local Law, and the following general objectives.

F. Adjacent Land Uses:

The proposed use should not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. The proposed use shall not have a negative effect on adjacent land uses.

G. Location and Size of Use:

The nature, scale, 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 existing and future streets providing access, shall be in harmony with the orderly development of the district.

H. Vehicular Access and Circulation:

Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, alignment, grade, pavement-surfaces, channelization structures, visibility, and traffic controls shall be considered.

I. Pedestrian Circulation:

Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience shall be considered.

J. Parking:

Location, arrangement, appearance, and sufficiency of off-street parking and loading shall be considered.

K. Layout:

The location, arrangement, size, design, and general site compatibility of buildings, lighting, and signage shall be considered.

L. Drainage Facilities/Erosion Control:

Adequacy of stormwater management plans and drainage facilities shall be considered.

M. Water and Sewer:

Adequacy of water supply and sewage disposal facilities and their compliance with New York State Department of Health requirements shall be required.

N. Vegetation:

The type and arrangement of trees, shrubs, and other landscaping components shall be considered. Existing vegetation shall be retained to the extent possible.

O. Emergency Access:

Adequate provision for fire, police, and other types of emergency vehicles shall be made.

P. Flooding:

Special attention shall be given to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, and/or erosion.

Q. Aesthetics:

The impacts of visual intrusion and noise on adjacent areas and areas within viewing distance shall be considered.