

ARTICLE 15 SPECIAL USE PERMITS

SECTION 15.01 PURPOSE

This Article is intended to provide regulations for Special Use Permits as authorized under New York State Town Law, Section 274-b, entitled "Approval of Special Use Permits." A Special Use Permit is the authorization of a particular land use, which is permitted in the Zoning Ordinance, subject to conditions imposed by this Ordinance through the Zoning Board of Appeals, to assure that the proposed use is in harmony with the Zoning Ordinance and will not adversely affect the neighborhood if such conditions are met. Among the purposes of the Special Use Permit standards of this Article are to accomplish the following:

- A. Provide a mechanism for public input on decisions involving more intense land uses.
- B. Establish criteria for both new development and infill/redevelopment consistent with the Town's land use goals and objectives
- C. Regulate the use of land on the basis of impact to the Town overall, and adjacent properties in particular.
- D. Promote a planned and orderly development pattern which can be served by public facilities and service in a cost-effective manner.
- E. Ensure uses can be accommodated by the environmental capability of specific sites.
- F. Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- G. Provide greater flexibility to integrate land uses within the Town.

This Article provides general standards for all Special Uses, as well as specific standards for certain higher impact uses. The process for review of a Special Use involves a Public Hearing at the Zoning Board of Appeals, prior to their decision. Upon approval of any Special Use by the Zoning Board of Appeals, a Special Use Permit will be issued.

SECTION 15.02 APPLICATION, REVIEW AND APPROVAL PROCEDURES

The procedure for Special Use review shall be as follows:

- A. An applicant for a Special Use Permit shall submit an application to the Town Zoning Enforcement Officer. The application shall contain the following:
1. Name of proposed development.
 2. Common description of the property, complete legal description and address, if available.
 3. Dimensions of land: width, length, acreage and frontage.
 4. Existing zoning classification and zoning of all adjacent properties.
 5. Proposed use of land.
 6. Name, address, and phone number of:
 - (a) Firm or individual who prepared the application.
 - (b) Legal owner of the property.
 - © Applicant (including basis of representation).
 7. Signature of the legal owner and the Applicant.
 8. A site plan, prepared in accordance with the provisions of Article 13, Site Plan Review, of this Ordinance.
 9. Copies of any required traffic impact study.
- B. The Zoning Board of Appeals shall conduct a public hearing within sixty-two (62) days from the day a complete application is received and accepted on any matter referred to it under this section. This time period shall not commence on incomplete applications. Public notice of said hearing shall be printed in a newspaper of general circulation in the town at least ten (10) days prior to the date thereof. Adjoining property owners shall also be sent written notification of the hearing as said property owners addresses appear on the latest completed assessment roll of the Town. The notice shall state when and where the Special Use Permit request will be considered, state where written comments will be received and the date, time and place of the public hearing.
- C. At least ten (10) days before such hearing, the Zoning Board of Appeals, through its administrator, shall mail notices thereof to the applicant and to the County, which notice shall be accompanied by a full statement of the matter under consideration.
- D. The Zoning Board of Appeals shall conduct the required public hearing.
- E. The Zoning Board of Appeals shall review the application in terms of the General Review Standards of Section 15.03.

- F. The Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article Eight of the Environmental Conservation Law and its implementing regulations.
- G. The Zoning Board of Appeals shall decide upon the application within sixty-two (62) days after the conduct of the hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Zoning Board of Appeals.
- H. The Zoning Board of Appeals shall either approve, approve with conditions (as described below in Section 15.04) or deny the Special Use Permit.
- I. If Site Plan Review by the Planning Board is required for the specially permitted use, this review may be done concurrently with the approval of the Special Use Permit by the Zoning Board of Appeals.
- J. The decision of the Zoning Board of Appeals on the application after the holding of a public hearing shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- K. Upon approval of an application for a Special Use Permit, the Town Zoning Enforcement Officer shall issue the permit. The Zoning Enforcement Officer shall be responsible for ensuring any conditions attached to the approval of the Special Use Permit are implemented.

SECTION 15.03 GENERAL REVIEW STANDARDS FOR ALL SPECIAL USE PERMITS

Prior to approving a Special Use Permit application, the Zoning Board of Appeals shall require the following general standards shall be satisfied for the use at the proposed location. The Zoning Board of Appeals shall determine all of the following are met:

- A. The Special Use will be consistent with the land use goals and objectives of the Town of Schuyler.
- B. The Special Use will be consistent with the stated intent of the zoning district.

- C. The off-street parking spaces required are adequate to handle the use being requested.
- D. The Special Use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar Impacts.
- E. The Special Use can be served adequately by public facilities and services such as sufficient roadway capacity, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.
- F. The use will not cause undue traffic congestion or create a traffic hazard.

SECTION 15.04 CONDITIONS OF APPROVAL

- A. Prior to granting any Special Use Permit, the Zoning Board of Appeals may impose any additional conditions or limitations deemed necessary for protection of the public health, safety and welfare. Such conditions shall ensure compliance with the standards in this Ordinance, other town ordinances and applicable state or federal regulations.
- B. Approval of a Special Use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property.
- C. A record of conditions imposed shall be made a part of the Zoning Board of Appeals minutes and maintained by the Town Zoning Enforcement Officer. The conditions shall remain unchanged unless an amendment to the Special Use Permit is approved by the Zoning Board of Appeals.
- D. The Town Zoning Enforcement Officer shall make periodic investigations of developments authorized by Special Use Permit to determine continued compliance with all requirements imposed by the Zoning Board of Appeals and this Ordinance. Non-compliance with the requirements and conditions approved for the Special Use Permit shall constitute grounds to terminate said approval following a public hearing.

SECTION 15.05 VALIDITY OF PERMIT

- A. Where actual physical construction of a substantial nature of structures authorized by a Special Use Permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate. (Note: It is the responsibility of the applicant to request such an extension).

- B. Upon written application filed prior to the termination of the one (1) year period as provided above, the Zoning Board of Appeals may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one (1) year extension period.

- C. Any approved Special Use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.

- D. Any use for which a Special Use Permit has been granted and which ceases to continuously operate for a six (6) month period shall be considered abandoned, and the Special Use Permit shall become null and void.

SECTION 15.06 SPECIAL ISSUES

- A. Amendments

Any person or agency who has been granted a Special Use Permit shall notify the Town Zoning Enforcement Officer of any proposed amendment to the approved site plan of the Special Use Permit. The Zoning Enforcement Officer shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with Article 13. A major amendment to a Special Use permit shall comply with the application and review procedures contained in this Article.

B. Expansions or Change in Use

The expansion, change in use or redevelopment of any use operating under a Special Use Permit shall require resubmittal in the manner described in this Article. A separate Special Use Permit shall be obtained for each use requiring Special Use review on a lot, or for any expansions of a Special Use which has not previously received a Special Use Permit. If a use regulated as a Special Use ceases operations for more than six (6) months, a new Special Use Permit shall be required.

C. Restrictions on Resubmittal of a Special Use Permit Request:

No application for a Special Use Permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Zoning Board of Appeals. A resubmitted application shall be considered a new application.

SECTION 15.07 REVOCATION

Revocation of a Special Use Permit may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:

- A. The Zoning Board of Appeals, through its designated administrators, shall notify the recipient, in writing, of any violations of Town codes or provisions of the Special Use Permit.
- B. The recipient shall have thirty (30) days to correct all deficiencies to the satisfaction of the Zoning Board of Appeals.
- C. If after thirty (30) days any deficiencies remain, the Zoning Board of Appeals may then revoke the Special Use Permit, or if the conditions warrant, allow additional time.
- D. A repeat violation shall cause immediate revocation of the Special Use.

SECTION 15.08 SPECIFIC REQUIREMENTS BY USE

The following section identifies specific requirements for individual Special Uses, as determined by the Zoning Board of Appeals, in addition to the general standards of Section 15.03.

A. Motor Vehicle Washing Establishments

1. Only one (1) ingress/egress driveway shall be permitted on any single street unless the Zoning Board of Appeals determines additional driveways will be necessary to ensure safe and efficient access to the site.
2. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Zoning Board of Appeals may require landscaping, including a berm, as an alternative.
3. All washing facilities shall be within a completely enclosed building.
4. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district.
5. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as may be required in Section 14.22 G., Off-Street Parking & Loading.
6. Truck washes must be at least one hundred (100) feet from all property lines and entirely screened from residential uses. The screening shall include both a solid fence or wall and landscaping.

B. Motor Vehicle Repair Stations or Service Stations

All principal and accessory structures shall be set back a minimum of five hundred (500) feet from a single family residential district.

1. There shall be a minimum lot frontage on a paved road of two hundred (200) feet.
2. Overhead doors shall not face a public street or residential district. The The Zoning Board of Appeals can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of landscaping.
3. Where adjoining a residential district, a fence six (6) feet in height shall be erected along any common lot line. Such fence shall be continuously maintained in good condition. The Zoning Board of Appeals may approve a landscaped berm as an alternative.

4. All repair work shall be conducted completely within an enclosed building.
5. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
6. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck is prohibited beyond one (1) day.

C. Convenience Stores (with Gasoline Sales)

1. There shall be a minimum lot frontage of two hundred (200) feet.
2. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be, set back at least 15 feet from any lot line.
3. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way and shall be constructed with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Zoning Board of Appeals and approved only upon finding of compatibility with the surrounding area. The canopy shall be no higher than the building and it must be attached to the building.
4. Only one driveway shall be permitted from each street unless the Zoning Board of Appeals determines additional driveways will be necessary to ensure safe and efficient access to the site.
5. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Zoning Board of Appeals may require landscaping, including a berm, as an alternative.
6. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the approved site plan and which extends no more than ten (10) feet beyond the building.
7. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the

premises, in accordance with State requirements

D. Bed and Breakfasts

1. Sufficient parking for the rooms shall be located off-street and shall not be located in the front yard.
2. No bed-and-breakfast inn shall be located closer than three hundred (300) feet to another bed-and-breakfast inn.
3. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the inn.
4. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and said operator shall live on the premises while the establishment is active.
5. There shall be a maximum of four (4) rooms for lodging.
6. Sufficient landscaping shall be used to screen adjacent residences from parking areas or any outdoor eating area.
7. A sketch plan showing the floor plan shall be submitted for approval.
8. Sign materials are to be comparable with the architecture of the building.

E. Religious Institutions

1. Minimum lot area shall be three (3) acres for any religious institution with a seating capacity of over five hundred (500) persons plus an additional fifteen thousand (15,000) square feet for each additional one hundred (100) persons of seating capacity.
2. All vehicular access to the site shall be onto a paved public road.
3. Wherever an off-street parking area is adjacent to a residential district, a continuous obscuring wall, fence and/or landscaped area at least five (5) feet in height shall be provided. The Zoning Board of Appeals may reduce this buffer based on the presence of existing trees or topographic conditions.
4. The Zoning Board of Appeals may require a Traffic Impact Study, particularly if the religious institution has a seating capacity of over

five hundred (500) persons or will have services or activities during peak times on the roadway, or if there are other religious institutions in the vicinity which could create traffic conflicts.

F. Essential Services

1. Electric or gas regulator equipment and apparatus, water pumping stations and other similar facilities shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. Such facilities can not be located in the required front yard.
2. The buildings shall be architecturally compatible with the surrounding buildings as determined by the Planning Board.
3. The minimum lot size shall be one (1) acre.
4. Such facility shall not be located on a residential street unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
5. Essential public service storage yards shall be screened from any adjacent residential district by a solid fence a minimum of six (6) feet in height or by a heavily landscaped buffer.
6. An open fence a minimum of six (6) feet in height shall be constructed on the boundary property lines.

G. Commercial Kennels

1. For kennels housing dogs, the minimum lot size shall be five (5) acres.
2. Building wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to property lines and shall not be located in any required front, rear or side yard setback area.
3. Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e, fencing, sound-proofing sanitary requirements).
4. Such facilities shall be required to have concrete surfaces for all dog runs including an approved system for runoff and waste collection/disposal.

5. The facility shall be licensed by the appropriate County and/or State agency.
6. An operations/management plan shall be submitted to and approved by the Zoning Board of Appeals.

H. Campgrounds

Campgrounds for recreational living units and/or cabins shall be subject to the following conditions:

1. Minimum lot size shall be five (5) acres.
2. All activities are confined to an area at least five hundred (500) feet from any lot line.
3. Development features, including the principal and accessory buildings and structures, shall be located and related to minimize adverse affects on adjacent properties. Minimum setbacks for any buildings, structures or use areas shall be two hundred (200) feet from any property line abutting a residential district and one hundred twenty-five (125) feet from any other district or surface water body, including wetlands. Where topographic conditions are such that they provide a screen and shield, the Zoning Board of Appeals may modify these requirements.
4. Each individual camp site, not solely occupied by a tent, shall be at least two thousand (2,000) square feet in area.
5. Each camp site or cabin shall be provided with individual water and sewer hookups approved by the County or State Health Department or have convenient access to approved service buildings containing toilets, sinks and/or showers.
6. A dumping station shall be provided for those travel trailers which have self-contained toilet facilities.
7. Access roads shall be a minimum of eighteen (18) feet in width for two-way traffic and twelve (12) feet for one-way traffic. There shall be no dead-end streets in any campground.
8. An open space area of at least ten (10) percent of the total land area shall be designated and used for recreation and play purposes. No part of any such open space shall be placed in any designated floodplain or wetland.

9. Upon approval of a Special Use Permit by the Zoning Board of Appeals, an operating license will be granted to the applicant by the Zoning Enforcement Officer. Said license will be valid for a period of one (1) year, and shall be renewable on a yearly basis, provided the conditions under which the original license was granted have not changed.

I. Outdoor Recreation Establishments, Golf Courses and Driving Ranges

1. The site shall have the minimum lot area as listed in the schedule of regulations for the district in which it is located.
2. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Zoning Board of Appeals.
3. The site shall be located on a paved arterial roadway.
4. No building or play area shall be located within one hundred (100) feet of a property line, and five hundred (500) feet from residential district.
5. The site plan shall be designed to achieve a relationship between the arterial roadway and any proposed service roads, entrances, driveways and parking areas which will contribute to pedestrian and vehicular traffic safety.
6. Parking lots shall be setback at least thirty (30) feet from the street right-of-way and one hundred (100) feet from any property line abutting a residential district.
7. Development features including the principal buildings, accessory structures and playing areas, shall be designed and arranged to minimize any adverse effects upon adjacent property. All principal accessory buildings and storage or maintenance yards shall be at least two hundred (200) feet from any public street right-of-way or property line abutting residentially zoned lands; provided the Zoning Board of Appeals may modify this requirement where topographic conditions, existing vegetation or new landscaping will screen views. In no case shall the setback be less than seventy five (75) feet.
8. All play areas shall be setback a minimum of two hundred (200)

feet from any street right-of-way, a minimum of one hundred (100) feet from any residentially zoned or used property and in case shall be closer than seventy-five (75) feet to any property line. Adequate landscaping shall be provided as a buffer.

9. The site shall be periodically cleared of debris.
10. Operational hours for maintenance of vehicles, course maintenance and/or irrigation may be restricted by the Zoning Board of Appeals to protect nearby residential districts. Maintenance sheds shall not be visible from any adjacent single family residential areas.
11. The Zoning Board of Appeals may restrict lighting and hours of operation for an outdoor recreation use in consideration of surrounding land uses and zoning.

J. Indoor Recreation Establishment

1. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any residentially zoned or used property.
2. All uses shall be conducted completely within a fully enclosed building.
3. The building in which the use is to be conducted shall be designed so as to minimize the impact of the noise associated with the use. This may be done through sound-proofing the building or by use of a landscaped buffer.

K. Restaurants and other establishments with drive-in or drive-through facilities

1. Principal and accessory buildings shall be setback sixty (60) feet from any adjacent public right-of-way line or property line. Location shall be along a paved public road
2. Only one (1) access shall be provided onto any Arterial roadway, unless an additional access point is deemed necessary by the Zoning Board of Appeals.
3. Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible
4. Outdoor eating areas shall be illustrated on a site plan approved by

the Planning Board if within a Planned Development District; otherwise, by the Zoning Board of Appeals.

5. Where the use abuts a residential district there shall be no outdoor amplification, such as speakers.

L. Shopping Centers

Shopping centers of over 20,000 square feet gross floor area in the C-H district and shopping centers over 60,000 square feet in the C-I district shall meet the standards below. For purposes of calculation, the principal building and all outbuildings including those on outlots, shall be included in calculating the gross floor area threshold for this section.

1. A Traffic Impact Study shall be submitted.
2. The principal building with front parking shall be setback two-hundred-fifty (250) feet from any public right-of-way or property line.
3. The design of regional shopping centers shall ensure that vehicular circulation patterns are designed and regulated to reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the center on adjacent streets.
4. Internal circulation shall be designed such that no intersection includes more than four aisles or drives.
5. Site entrances shall be restricted to three-way movements, with unrestricted inbound movements.
6. Internal drives defined by the ends of aisles shall have raised curbed islands at appropriate locations to define circulation paths and control movements through the parking lot.
7. Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.
8. Any building side facing a public street or residential district shall be constructed with brick, fluted block or similar decorative material, unless a landscaped berm is approved by the Planning Board.
9. Any outlots shall have circulation and parking designed to complement the entire site.

M. Commercial Excavation

Except when incidental to the construction of a building on the same lot, the excavation, processing and sale of topsoil, sand, gravel, clay, or other natural mineral deposit, or the quarrying of any kind of rock formation shall require a Special Use Permit from the Zoning Board of Appeals, provided such use will not:

1. Endanger the stability of adjacent land or structures;
2. Constitute a detriment to public health, safety or welfare by reason of excessive dust, noise, traffic congestion or other conditions.

The Zoning Board of Appeals may specify any reasonable requirements to safeguard the public health, safety and welfare, including the following:

1. The slope of material in such topsoil, sand, gravel, clay or other excavation area shall not exceed the normal angle of repose of such material.
2. The top and the base of such slope shall be a minimum of fifty (50) feet from any property line and a minimum of one hundred (100) feet from any street right-of-way.
3. In the case of a quarry or other excavation in rock, the Zoning Board of Appeals may require a substantial fence at all points a minimum of forty (40) feet from the face of any quarry walls.
4. Any commercial excavation shall be operated in accordance with all applicable State and Federal regulations.
5. Restoration and rehabilitation of the commercial excavation area shall be in accordance with the State Mined Land Reclamation Act. The excavation area shall be reclaimed and drained so as to assure adequate rehabilitation of commercial excavation sites.

N. Junk Yard

No junk yard shall be operated or established hereafter in the Town of Schuyler without the approval of a Special Use Permit by the Zoning Board of Appeals. Any such use existing on the effective date of this Ordinance shall be discontinued within two (2) years unless the operation can be brought into compliance with the regulations of this Ordinance. In reviewing an application for a junk yard the Zoning Board of Appeals shall find that such use will not constitute a detriment to the public, health, safety, welfare, convenience and property values by reason of dust, smoke, fumes, noise, traffic, odors, vermin or other conditions.

The Zoning Board of Appeals may specify any reasonable requirements to safeguard the public health, safety and welfare, including the following:

1. Said use shall not be located within two hundred (200) feet of any public road, stream or property line or within five hundred (500) feet of any existing church, school, public building, place of public assembly or residentially zoned or used property.
2. The junk yard shall be completely surrounded with a fence which substantially screens said area and shall have a gate which shall be closed and locked, except during normal operating hours. Such fence shall be a minimum of fifty (50) feet from any property line or street right-of-way. All junk stored or deposited at the site shall be kept within the enclosure of the fence and below the top of the fence, except during transportation of the same in the reasonable course of the business.
3. No burning of junk materials shall be allowed within the Town of Schuylers.
4. Where the topography, land forms, natural growth of trees or other considerations accomplish the purpose of this provision in whole or in part, the fencing requirements contained herein may be reduced by the Zoning Board of Appeals, provided that such natural barrier conforms with said purposes.
5. Where the topography, land forms, natural growth of trees or other considerations are such as to prevent effective screening, other means shall be designed or the use shall not be allowed in the specified location.

O. Agricultural Sales and Service Establishment

In determining that the purpose, location and characteristics of operation are consistent with the purposes and character of the R-A district and would not interfere with adjacent residential or agricultural uses, the Zoning Board of Appeals shall assure compliance with the following regulations:

1. All buildings and structures erected in connection with such operation and all exterior display of equipment or machinery shall be located a minimum of fifty (50) feet from any lot line and two hundred (200) feet from any existing residence.
2. There shall be no exterior storage or accumulation of dismantled or

disabled equipment or machinery, including any parts thereof.

3. Provision for access drives, parking, fencing, signage, lighting and other aspects of the site plan are in accordance with the regulations of this Ordinance and with any conditions imposed by the Zoning Board of Appeals.

P. Sanitary Landfills

In granting a Special Use Permit to operate a sanitary landfill, the Zoning Board of Appeals shall consider the following:

1. The physical characteristics of the land proposed to be used and its ability to accommodate the anticipated use are appropriate and satisfactory to the nature and scale of the proposed operation.
2. The existing and proposed land use pattern adjacent to the site and the likely impact of the proposed landfill operation on the existing and potential future adjoining land uses are satisfactory to the accommodation of such and consistent with Town land use goals.
3. Traffic considerations relative to the existing road system, its capacity to carry anticipated traffic in conjunction with the proposed operation, points of ingress and egress from the main roadway and the additional volume can be accommodated in a satisfactory manner and without undue adverse impact on any residential area.

Any sanitary landfill operated in the Town of Schuyler shall comply with the following requirements:

1. The entrance driveway shall be located on or within two thousand (2000) feet of a major arterial highway.
2. There shall be at least three thousand (3000) feet separation between the landfill and the nearest residential structure.
3. There shall be a natural or planted landscaping buffer at least fifty (50) feet wide between the landfill and any public roads and between the landfill and any residential structure.
4. The landfill shall be in compliance with all county, state and federal regulations.

In determining the appropriateness of any such proposed use, the Zoning Board of Appeals may require any or all of the following:

1. A plan and detailed description of the proposed operation, including the location, service area and land area.
2. Engineering data with regard to depth to bedrock and ground water.

3. Drainage patterns and means to prevent ground and surface water pollution.
4. Provisions for cover material, fire protection, standby equipment and any weigh station.
5. Planned staging of internal roadways, trenching, fill and cover areas.
6. Grading plan for final elevation and slopes of finished areas, seeding or other ground cover.
7. Fencing for control of dust and scattered refuse.
8. Screening from the public right-of-way and adjoining land uses.
9. Any appropriate or requisite approval by the New York State Department of Environmental Conservation.
10. The establishment of an agreement to an annual licensing procedure whereby the applicant, once authorized to initiate the landfill operation, must apply to the Town Board for an annual license to operate such landfill to assure that the ongoing operation is in compliance with all applicable zoning regulations.

Q. Transfer Stations

Proposed transfer stations in the Town of Schuyler may be granted a Special Permit by the Zoning Board of Appeals, subject to the following conditions:

1. The transfer station shall only handle waste that can be legally handled or disposed of in a municipal solid waste landfill facility. This limitation shall not preclude use of the transfer station site for collection, processing, storage and transfer of recyclable materials or for other waste reduction activities.
2. The entrance driveway shall be located on a major arterial highway.
3. There shall be at least one thousand (1000) feet separation between the transfer station and the nearest residential structure.
4. There shall be a natural or planted landscaping buffer at least ten (10) feet wide between the transfer station and any public roads and between the transfer station and any residential structure.

5. There shall be a solid fence at least six (6) feet in height enclosing the entire transfer station property.

In determining the appropriateness of any such proposed use, the Zoning Board of Appeals may require any or all of the following:

1. A plan and detailed description of the proposed operation, including the location, service area and land area.
2. Drainage patterns and means to prevent ground and surface water pollution.
3. Provisions for cover material, fire protection, standby equipment and any weigh station.
4. Grading plan for final elevation and slopes of finished areas, seeding or other ground cover.
5. Screening from the public right-of-way and adjoining land uses.
6. The proposed lighting for the site.
7. The proposed hours of operation, detailing the hours when trucks would be entering and exiting the site as well as the actual hours the facility would be in operation.
8. Any appropriate or requisite approval by the New York State Department of Environmental Conservation.
9. The establishment of an agreement to an annual licensing procedure whereby the applicant, once authorized to initiate the transfer station operation, must apply to the Town Board for an annual license to operate such transfer station to assure that the ongoing operation is in compliance with all applicable zoning regulations.

In granting a Special Use Permit to operate a transfer station, the Zoning Board of Appeals shall consider the following:

1. The physical characteristics of the land proposed to be used and its ability to accommodate the anticipated use are appropriate and satisfactory to the nature and scale of the proposed operation.
2. The existing and proposed land use pattern adjacent to the

site and the likely impact of the proposed transfer station operation on the existing and potential future adjoining land uses are satisfactory to the accomodation of such and consistent with Town land use goals.

3. Traffic considerations relative to the existing road system, its capacity to carry anticipated traffic in conjunction with the proposed operation, points of ingress and egress from the main roadway and the additional volume can be accomodated in a satisfactory manner and without undue adverse impact on any residential area.
4. Any other considerations which the Zoning Board of Appeals may find applicable to the application.

R. Materials Storage Area

1. The area set aside for material storage shall be designated on the site plan as required by Section 15.02(A)(8) of this article.
2. The maximum land area for materials storage shall be 1200 square feet per acre of land owned by applicant. If a larger area is deemed necessary, an area variance pursuant to Section 18.04(C)(2) of this Ordinance may be applied for.
3. The materials storage area shall be enclosed by a fence that is a minimum of 6 feet high, which contains a locking gate that is adequate to prohibit the entrance of children and others into the storage area. Where said area is or would be visible from a public highway or from neighboring properties, the fence would be made of wood or other materials sufficient to totally screen the storage area from view of roadways or neighboring properties.
4. Only those materials accumulated, salvaged from and/or used as a result of the commercial activity conducted on said property shall be stored in said materials area. Said area is not to be used for the storage of other rubbish and/or garbage as defined in the Property Maintenance Code of New York State.
5. Any other considerations which the Zoning Board of Appeals may find applicable to the application.

