



# VILLAGE OF TIVOLI

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- Planning Board

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## SPECIAL PERMIT PROCEDURE AND CHECKLIST

PROJECT: \_\_\_\_\_ APPLICANT: \_\_\_\_\_

Application for special permit is made in accordance with Article V. of Local Law 231 (Zoning Code) of the Village of Tivoli. The application must be initially presented to the Planning Board at a regularly scheduled workshop. In order to be considered for a meeting agenda, a complete application package. Including any applicable application fees, must be received by the Planning Board Clerk at least 10 calendar days before such meeting. A complete package must consist of each of the items listed below unless expressly waived by the Planning Board at the workshop. Incomplete applications will not be processed. At the initial workshop, the Planning Board may request that the applicant submit additional information in support of the application before their formal review and acceptance/rejection at the meeting. The Board encourages pre-submission conceptual discussions, where appropriate.

Applicants or their representatives should review Section 231- 23,26 and 38 of the Zoning Code governing the special permit application procedure, as revised by Local Law (1) of 2009, (attached), as well as any other Code provisions pertinent to their application. As required by the Zoning Code, the Planning Board must conduct a public hearing on every special permit application within forty five days after its formal acceptance of a complete application. The Planning Board may refer the application to its consultants and any expenses incurred in connection with such reviews may be charged to the applicant. The Planning Board may also be required to refer the application to other Town departments or committees, other municipalities, the Dutchess County Department of Planning and/or various state agencies. A resolution setting forth the Board's decision on the application will be mailed to the applicant at the conclusion of the process.

### APPLICATION CHECKLIST

Applicant's Initials \_\_\_\_\_

- \_\_\_\_\_ Completed Application Form (signed original and 10 copies)
- \_\_\_\_\_ Environmental Assessment Form (EAF) (Short or full)
- \_\_\_\_\_ Narrative which explains the nature of the proposed use. The narrative should include the type of business or project, number of employees, residents or visitors; hours of operation; expected impact on traffic, neighborhood, parking requirements and / or land etc. (Original and 10 copies)
- \_\_\_\_\_ Preliminary site plan which demonstrates the overall site layout and building locations, parking areas, access and egress locations, setbacks and buffer areas, lighting, landscaping, signage and the location and extent of existing development on adjacent parcels. (Originals and 10 copies).
- \_\_\_\_\_ Preliminary building plans and elevations illustrating proposed building construction and alteration, including an indication of exterior materials, textures and colors. (Original and 10 copies)
- \_\_\_\_\_ Application Fee in accordance with published fee schedule.
- \_\_\_\_\_ Initial escrow deposit in accordance with published fee schedule. (Depending on the complexity of the project, additional escrow deposits may be required to cover consultants' fees.)

Applicants may contact the Planning Board office at 845.757.2921 or via e-mail at [villagehall@tivoliny.org](mailto:villagehall@tivoliny.org) regarding procedural questions or scheduling.

# SPECIAL PERMIT PROCEDURE AND CHECKLIST

## CERTIFICATION

I, the undersigned, do of my own personal knowledge certify that the above information has been provided in support of the referenced application.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sign Name

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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Tivoli

Local Law No. 1 of the year 2009

A local law amending Chapter 231 of the Code of the Village of Tivoli entitled ZONING.

Be it enacted by the Board of Trustees of the Village of Tivoli as follows:

SECTION 1. LEGISLATIVE INTENT

This Local Law shall amend the Village of Tivoli Zoning Law. The amendments will grant authority to the Planning Board to review Special Use Permits, consistent with Village Law § 7-725-b, and will update the referral requirements to Dutchess County Department of Planning and Development, consistent with General Municipal Law §§ 239-l and 239-m.

SECTION 2. APPLICATION

This Local Law shall apply within the Village of Tivoli.

SECTION 3. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

SECTION 4. AMENDMENTS TO ARTICLE V OF THE  
ZONING LAW ENTITLED "SUPPLEMENTARY  
REGULATIONS"

*§ 4-1. Section 231-23D is hereby amended by deleting the reference to "Zoning Board of Appeals" in the second clause and substituting in lieu thereof the term "Planning Board" to read as follows:*

D. Application for special permit. In addition to requirements of § 231-59, the applicant shall provide the following information to the Planning Board:

*§ 4-2. Section 231-23E is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new Section 231-23E:*

E. Application for site plan approval. Site plan approval shall be required for all special permit uses.

§ 4-3. Sections 231-23F(7), (8), and (9) are hereby amended by deleting all four references to "Zoning Board of Appeals" and substituting in lieu thereof the term "Planning Board."

§ 4-4. Section 231-26A is hereby amended by deleting the reference to "Zoning Board of Appeals" in the last sentence of the subsection and substituting in lieu thereof the term "Planning Board."

§ 4-5. Section 231-26D is hereby amended by deleting the reference to "Zoning Board of Appeals" in the second sentence and substituting in lieu thereof the term "Planning Board."

§ 4-6. Section 231-38A is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new Section 231-38A:

A. Special permit and site plan approval. Special permit and site plan approval from the Village Planning Board are required.

## SECTION 5. AMENDMENTS TO ARTICLE VIII OF THE ZONING LAW ENTITLED "SPECIAL PERMITS"

§ 5-1. Section 231-58A is hereby amended by deleting the reference to "Board of Appeals" in the final sentence and substituting in lieu thereof the term "Planning Board," so that the final sentence of Section 231-58A reads as follows:

Upon receipt of the completed application, the ZEO shall, within five days of its receipt, forward the application to the Planning Board.

§ 5-2. Section 231-58B is hereby amended by deleting the two references to "Zoning Board of Appeals" and "Board of Appeals" and substituting in lieu thereof the term "Planning Board," so that Section 231-58B reads as follows:

B. Review by Planning Board. In reviewing the special permit application, the Planning Board shall follow the procedures as specified in Village Law § 7-725-b.

§ 5-3. Section 231-58C is hereby amended by deleting the reference to "Zoning Board of Appeals" and substituting in lieu thereof the term "Planning Board," so that Section 231-58C reads as follows:

C. Reasonable and necessary costs incurred by the Planning Board for professional review of a special permit application shall be charged to the applicant pursuant to Chapter 226 of the Tivoli Village Code.

*§ 5-4. Section 231-59 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new Section 231-59 as follows:*

Such special permits, however, may be authorized by the Planning Board only upon satisfaction of each instance of such conditions as to:

- A. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings nor impair the value thereof.
- B. Operations in connection with any special permit use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use.
- C. The standards established by Article IV shall be applied as they may be applicable to a specific request for a special permit.
- D. To assist the Planning Board in its determination, an application for a special permit shall be accompanied by plans and other descriptive matter sufficient to clearly portray the intentions of the applicant, and such plans and other descriptive matter shall become a part of the record.

*§ 5-5. Article VIII is hereby amended by adding the following new Section 231-60.1:*

§ 231-60.1. Referral to Dutchess County Department of Planning and Development.

- A. Special permit applications shall be referred to Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law for review, as required.

## SECTION 6. AMENDMENTS TO ARTICLE IX OF THE ZONING LAW ENTITLED "SITE PLAN APPROVAL"

*§ 6-1. Section 231-67 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new Section 231-67:*

§ 231-67. Referral to Dutchess County Department of Planning and Development.

- A. Site plan applications shall be referred to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law for review, as required.

- B. Within thirty days after final action by the Planning Board on a matter referred pursuant to subsection A, or such shorter period as may be prescribed by the General

Municipal Law, the Planning Board shall file a report of the final action it has taken with the Dutchess County Department of Planning and Development.

## SECTION 7. AMENDMENTS TO ARTICLE X OF THE ZONING LAW ENTITLED "BOARD OF APPEALS"

§ 7-1. *Section 231-70D is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new Section 231-70D:*

D. Hearing. The Board of Appeals shall fix a reasonable time for the hearing of any application for variance or the hearing of an appeal for administrative review.

§ 7-2. *Section 231-70E is hereby amended by deleting the words "special or" from the second sentence and substituting in lieu thereof the word "a" so that the second sentence reads as follows:*

The applicant shall give notice of any application for a variance by certified mail at least five days prior to the date of the hearing to all persons, firms or corporations owning property or residing within 200 feet of the location of the property upon which its use is proposed to be established.

§ 7-3. *Section 231-70F is hereby amended by deleting the reference to "or the application for special permit" so that Section 231-70F reads as follows:*

F. Decision. The Board of Appeals shall decide the application for variance or appeal for administrative review within 62 days after the final hearing as provided by Village Law § 7-712. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to grant a variance.

§ 7-4. *Section 231-70G is hereby amended by deleting the reference to "special permits" so that the Section 231-70G reads as follows:*

G. Fees. Fees for administrative review and variances shall be determined by the Village Board of Trustees.

§ 7-5. *Section 231-71B is hereby deleted in its entirety and Section 231-71C is hereby renumbered as Section 231-71B.*

§ 7-6. *Section 231-73 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new Section 231-73:*

§ 231-73. Referral to Dutchess County Department of Planning and Development.

A. Variance applications shall be referred to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law for review, as required.

B. Within thirty days after final action by the Zoning Board of Appeals on a matter referred pursuant to subsection A, or such shorter period as may be prescribed by the General Municipal Law, the Zoning Board shall file a report of the final action it has taken with the Dutchess County Department of Planning and Development.

*§ 7-7. Section 231-74 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new § 231-74:*

§ 231-74. Amendments; referral to Dutchess County Department of Planning and Development.

A. The regulations, restrictions and boundaries established by this chapter may from time to time be amended, supplemented, changed or modified or repealed. However, pursuant to Section 239-m of the General Municipal Law, proposed zoning amendments shall be referred to the Dutchess County Department of Planning and Development for review, as required.

B. Within thirty days after final action by the Village Board of Trustees on a matter referred pursuant to subsection A, or such shorter period as may be prescribed by the General Municipal Law, the Village Board shall file a report of the final action it has taken with the Dutchess County Department of Planning and Development.

## SECTION 8. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.