



Village of East Rochester
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THE SPECIAL USE PERMIT PROCESS

Certain uses of land, or types of businesses, have the potential to impact the community or surrounding properties, and may not be appropriate for all parcels within a zoning district. The Zoning Ordinance adopted by the Village Board gives the Planning Board authority to review these uses through the Special Use Permit process.

What types of projects need a Special Use Permit?

Uses that require a Special Use Permit are listed in the Zoning Schedule. The following table includes, but is not limited to, uses that may require a Special Use Permit in certain zoning districts:

TABLE 1 – Some developments that require a Special Use Permit are: (but not limited to)

All Districts	Public utility Public and semi-public uses
Residential Districts	Home occupation and offices Funeral homes Multi-family dwellings (TR District only)
Commercial Districts	Gasoline service stations Motor vehicle sales and repairs Funeral homes Light assembly and fabrication

Who approves Special Use Permits?

The Planning Board makes the decision and can approve, conditionally approve, or deny the Special Use Permit. The Planning Board is scheduled to meet once a month, usually on the second Tuesday of each month, or as needed. Special Use Permit applications are heard during these regular event meetings. The Board listens to the concerns of the applicant and neighboring citizens, discusses the issues, and votes on the proposal.

Submission cutoff date for next meeting is _____ Meeting Date _____

What does the Planning Board consider in their review?

The Planning Board must consider the following general concerns during its review of each application for a Special Use Permit:

- a. Adequate off-street parking facilities will be provided. It is further provided that the additional standards of this article are complied with.
- b. That public health, safety, morals, and general welfare will not be adversely affected.

- c. The necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

In addition, the project must meet the specific standards and guidelines indicated for each of the listed Special Permit uses in the Town/Village Code (Sections 193-47 through 193-48) of the Zoning regulations. These standards regulate such concerns as hours of operation, noise level, landscaping, and traffic.

Is a public hearing required?

Yes. State law and the Village Zoning regulations require the Planning Board to hold a public hearing on all applications for a Special Use Permit. The public hearing must be advertised in the official newspaper at least five (5) days prior to the hearing. Prior to the public hearing, a sign must be posted on the property announcing the upcoming hearing. Signs are available at the office of the Building Inspector / Code Enforcement Officer.

How long does the process take?

The process takes from one to four months, depending on the type of use. You can help expedite the review process by making sure your application is correctly filled out and your proposal is clearly stated. The Building Inspector / Code Enforcement Officer will be happy to answer your questions regarding any application requirement.

Do I need to apply for Site Plan Review as well as the Special Use Permit?

Some uses that require a special use permit will also require Site Plan Review. A building permit for a special use permit use will not be issued until the Site Plan Review has been completed and the site plan application approved by the Planning Board. The Planning Board has the authority to review site plans as well as Special Use Permits.

Does that mean that it will take twice as long to get my Special Use Permit approved?

No. If the application for Site Plan Review is submitted at the same time as the application for a Special Use Permit, the review of both applications take place at the same time. In most cases, the Planning Board will hold a public hearing on the Site Plan at the same time as the public hearing on the Special Use Permit.

Are Special Use Permits subject to environmental review (SEQR)?

Yes. Review of Special Use Permits is an “action” as defined by the State Environmental Quality Review Act (SEQR) regulations, and a completed Environmental Assessment Form (EAF) needs to be submitted with the application. As the Site Plan Review is also subject to SEQR, only one form needs to be filled out for both actions. Most projects will require the “Short EAF.” If your project is very large, or is located within a County Agricultural District, or is adjacent to public open space or a historical site, the Long EAF may be required. Check with the Building Inspector / Code Enforcement Officer to determine which EAF will be required.

APPLICATION AND REVIEW PROCEDURES

1. The applicant should submit the original and Twelve (12) copies of the application to the Planning Board Clerk along with a non-refundable fee.
2. The Planning Board Clerk forwards the completed application to the Building Department, Planning Board, attorney and engineer.
3. As appropriate, the applicant may also submit a preliminary application for Site Plan Review. Whenever possible, the Planning Board will review both applications at the same time, and hold one public hearing on both applications. Any conditions of the Special Use Permit approval must be reflected in the final Site Plan submitted for the project.
4. The Planning Board, as appropriate, may request a recommendation from the Village Engineer, who must respond within 30 days. The cost of Engineering Review will be charged to the applicant in addition to the Application Fee.
5. If required, the Planning Board Clerk refers a copy of the complete application and supporting documents to the Monroe County Department of Planning and Development. The County must respond with a recommendation within 30 days.
6. The Planning Board holds a public hearing within sixty-two (62) days of receipt of a complete application. The public hearing must be advertised in the official newspaper at least five (5) days prior to the hearing.
7. The Planning Board approves, approves with conditions, or denies the Special Use Permit within sixty-two (62) days after the public hearing unless and the Planning Board and the applicant mutually agree upon extension.
8. Before approving a Special Use Permit, the Planning Board shall make the following findings:
 - a. The proposed special use is consistent with the general intent of the Village's Comprehensive Plan and Zoning Ordinance.
 - b. The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use will be compatible with the orderly development of the zoning district.
 - c. Operation of the proposed special use is no more objectionable to the uses of nearby properties than any permitted use.
 - d. The proposed special use satisfies each and all standards and conditions specified for such special use in Article X, Sections 193-53 through 193-58 and Article XI.
9. The Planning Board may impose any modifications or conditions it deems necessary to conform with the goals and objectives of the Village's Comprehensive Plan, and its principles of land use and development and to protect the health, safety, or general welfare of the public.
10. If the Planning Board approves the application, the Building Inspector / Code Enforcement Officer may issue the permit with the conditions imposed by the Board.
11. If the application is denied, the Planning Board will state the reason or reasons for such denial in the Board resolution and transmits a copy of such resolution to the Building Inspector / Code

Enforcement Officer. The Building Inspector / Code Enforcement Officer denies the application by providing the applicant with a copy of the Board's reasons for disapproval.

12. At a time designated in the approval of the Special Use Permit, the Planning Board may request that the Building Inspector / Code Enforcement Officer inspect the premises of the approved special permit use. The inspection shall determine that the use is being operated consistent with the term and conditions established by the Planning Board in approving the permit. If the conditions are not in compliance with the permit, the Building Inspector / Code Enforcement Officer shall nullify the Special Use Permit. The use may not be operated until a new application is submitted and approved, and the Planning Board shall specify a time for review and inspection.
13. No site preparation or construction shall commence nor shall existing structures be occupied until final site plan approval has been granted by the Village Planning Board and permits have been issued by all governmental agencies involved.
14. A Special Use Permit may not be issued for any property where there is an existing violation of the Zoning Ordinance.

How can I get more information?

The Planning Board encourages preliminary review of all Special Use Permit applications. This review of your plans by the Building Inspector / Code Enforcement Officer is a time-saving process intended to reduce any subsequent revisions of your plans. When you are ready for a preliminary review, please call the Building Inspector / Code Enforcement Officer at (585) 385-3513.