



## TOWN OF PERINTON

1350 TURK HILL ROAD ■ FAIRPORT, NEW YORK 14450-8796  
(585) 223-0770 ■ Fax: (585) 223-3629 ■ www.perinton.org

NUMBER \_\_\_\_\_ FEE \_\_\_\_\_

MEETING DATE \_\_\_\_\_

### APPLICATION FORM -SPECIAL USE PERMIT

#### Instructions to Applicant

1. Submit **original** and **11 (eleven)** copies of this application, **include short EAF form**. Type or print.
2. A non-refundable fee of \$**50.00** shall accompany this application.
3. **Twelve (12)** copies of a tape location or instrument survey map should be attached to the application.
4. **Twelve (12)** copies of a floor plan, **when necessary**, drawn to scale, should be attached to the application.
5. A sign giving notice of the appeal must be posted on the front property line 10 days prior to the hearing.

#### 1. APPLICANT

Name \_\_\_\_\_ Phone \_\_\_\_\_

Street& Number \_\_\_\_\_ Post Office \_\_\_\_\_ Zip \_\_\_\_\_

Interest in Property: Owner \_\_\_\_\_ Lessee \_\_\_\_\_ Other \_\_\_\_\_

#### 2. OWNER (if other than above)

Name \_\_\_\_\_ Phone \_\_\_\_\_

Street& Number \_\_\_\_\_ Post Office \_\_\_\_\_ Zip \_\_\_\_\_

#### 3. ATTORNEY (If represented)

Name \_\_\_\_\_ Phone \_\_\_\_\_

Street& Number \_\_\_\_\_ Post Office \_\_\_\_\_ Zip \_\_\_\_\_

#### 4. INTEREST: Does any officer or employee of the State of New York, County of Monroe, or Town of Perinton have any interest in the owner/applicant or the subject property?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, who? Name \_\_\_\_\_ Address \_\_\_\_\_

INTEREST (explain): \_\_\_\_\_

#### 5. LOCATION: Street Address or Legal Description (subdivision and lot number)

\_\_\_\_\_

#### 6. SIZE OF PARCEL: \_\_\_\_\_

#### 7. PRESENT USE OF PROPERTY: \_\_\_\_\_



(continued)

8. ZONING DISTRICT: \_\_\_\_\_ TAX ACCOUNT # \_\_\_\_\_

9. Describe specifically the nature of your request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Describe the location, use and size of structures and other land use within 100 feet of the boundaries of the subject property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. The criteria used by the Zoning Board of Appeals of the Town of Perinton are set forth in Section 208-54 of the Zoning Law. Special Use Permits can only be granted where the proposed is already a permitted use, but requires Zoning Board approval. That approval can only be given when the applicant offers proof that his proposed use will not violate any of the following factors:

A. You must show that your proposal will be in harmony with the general purpose and intent of the Zoning Ordinance of the Town of Perinton, considering the location, magnitude of the use, the nature and intensity of the operations involved in or conducted in connection with it, and the size of the subject property with respect to the streets giving access to the subject property.

Will your proposed use be detrimental to the neighborhood due to Location? NO  YES

The nature or magnitude of use? NO  YES

Inadequate access to property? NO  YES

If yes to any of above, explain how it will be detrimental. If effect can be lessened in some manner, explain how: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(continued)

B. Will your proposed use tend to depreciate adjacent property or alter or be detrimental to the character of the neighborhood?    *NO*     *YES*

If yes, explain how it will be detrimental. If effect can be lessened in some manner, explain how:

---

---

---

C. Will your proposed use create a hazard to health, or the general welfare of the neighborhood or significantly alter the flow of traffic?    *NO*     *YES*

If yes, explain how. If effect can be lessened in some manner, explain how. \_\_\_\_\_

---

---

---

I certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed and the premises used as stipulated in this request.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**Owner (If other than above)**

I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			<b>NO</b>
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<b>YES</b>
			<input type="checkbox"/>
			<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			<b>NO</b>
If Yes, list agency(s) name and permit or approval:			<b>YES</b>
			<input type="checkbox"/>
			<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**

**PROCEDURES FOR FILING AN APPLICATION WITH THE BUILDING DEPARTMENT TO APPEAR BEFORE THE ZONING BOARD OF APPEALS**

1. Applicant obtains application form from Building Department and fills it out with complete detailed information as requested. Also, complete short E.A.F. form (if applicable). Print or type.
2. The original application, along with 11 copies, shall be returned to the Building Department, according to cut-off date schedule with cash or check of \$50.00 made out to the Town of Perinton. Attach to each application, **twelve (12)** copies of maps and plans with name and address of application shown on each copy. If address of property is different than applicant's address, also show that on map and plans. Please return application in person.

**APPLICATIONS WILL NOT BE PUT ON THE AGENDA FOR A PUBLIC HEARING IF ANY OF THE ABOVE ITEMS OR INFORMATION IS MISSING.**

**APPLICANT WILL RECEIVE A SIGN FROM THE BUILDING DEPARTMENT WHICH SHOULD BE POSTED ON THE FRONT PROPERTY LINE.**

3. The Town will place a legal notice in the proper newspaper, advertising applicant's name, location and request.
4. ~~Applicant is required by the Town of Perinton to post a sign, provided by the Town,~~ to be located on the front property line. Said sign shall be posted ten (10) days prior to public hearing date and shall remain posted until the hearing night.

**The Town of Perinton will inspect the applicant's property to see that the sign has been properly posted. The Board of Appeals members will inspect the property to review the application request.**

**Failure by the applicant to comply with the above will disqualify the applicant from that hearing date. It will then be necessary for the applicant to reapply for a new hearing and pay an additional \$50.00 fee for re-advertising said application.**

5. The next step is that the applicant or agent must appear before the Board of Appeals on the scheduled date to explain what they would like to do. The meetings are held the fourth (4th) Monday of each month starting at 7:30 P.M.

At the hearing, any party may appear in person or by agent or attorney. The Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinances, the Board of Appeals shall have the power in passing upon appeals, to vary or modify the application of any

of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

6. A notification letter is mailed out by the Board Secretary to each applicant stating the Board's decision. Several days may elapse after a meeting before notification is mailed out, depending on the number of applications and other duties that the Secretary is responsible to fulfill as Secretary of the Zoning Board.
7. Should an applicant desire to know the outcome of the Board's action before receiving a formal notice, they may call the Zoning Board Secretary at 223-0770.

**Minutes of Board meetings are not final until approved by the members at a future meeting and then filed with the Town Clerk.**

8. Next step, if applicable, is to obtain a Building Permit from the Building Department.

**In addition, it may be necessary to obtain a Certificate of Occupancy prior to occupying or starting operations. This can be verified by checking with the Building Department at 223-0770.**

**WHEN IN DOUBT, PLEASE CALL THE BUILDING DEPARTMENT.**

1/2006

**§ 208-54. Special permits. [Amended 3-28-1990 by L.L. No. 2-1990; 6-27-1990 by L.L. No. 4-1990; 6-27-2001 by L.L. No. 5-2001; 3-13-2002 by L.L. No. 2-2002]**

- A. Purpose. Special permit uses are those uses having some special impact or uniqueness which requires a careful review of their location, design, configuration and special impact to determine, against fixed prescribed standards, the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the need and benefit against the local impact and effect.
- B. Initiation. An application for a special permit may be filed by the owner of, or the person having a contractual interest in, the subject property. Such application shall be on forms provided by the Town of Perinton Building Department and be accompanied by a nonrefundable fee, as established by the Town Board. Within 62 days of receipt of a complete application, the appropriate board shall hold a public hearing. Following the public hearing and a determination under SEQRA, the board shall render a decision on the matter within 62 days, unless the time frame has been extended by mutual agreement.
- C. Effect of permit. A special permit issued in accordance with the provisions of this chapter shall authorize only the special permit use for which the permit is granted. Any use for which a special permit is granted shall be deemed a use permitted on the property upon which it is located, except that for any additional use or enlargement of such use, a separate use permit shall be required for each addition or enlargement. The special permit may include reasonable conditions related to the proposed use, which the issuing board determines to be necessary or appropriate to ensure that the applicable standards and safeguards set forth in this section for the use can be and will be met and/or adhered to. Unless the approving board specifies a different period, a special permit shall be valid for a period of one year. Failure to exercise, maintain or continue a use which has been granted a special permit for a period of one year shall render such permit void.
- D. Standards for special permits. Before granting approval to any special permit use, the approving board shall determine whether the proposed special use will, among other things, satisfy the following considerations:
- (1) The use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.
  - (2) The public health, safety, general welfare or order of the Town will not be adversely affected by the proposed use in its location.
  - (3) The use will be in general harmony with and promote the general purposes and intent of the most recent Comprehensive Plan of the Town and the Zoning Ordinance.
  - (4) The proposed use will not interfere with the preservation of the general character of the neighborhood in which such building is to be placed or use is to be conducted and that the proposed use will, in fact, be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance.

- (5) The physical characteristics and topography of the proposed site make it suitable for the proposed special use.
  - (6) The proposed special use provides sufficient landscaping and/or other forms of buffering to protect surrounding land uses.
  - (7) The property has sufficient, appropriate and adequate area for the use, as well as reasonably anticipated operation thereof.
  - (8) Access to facilities is adequate for the estimated traffic generated by the proposed use on public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion.
  - (9) Adequate parking and internal traffic circulation can be accommodated on the property in compliance with other sections of the Code, taking into account adequate buffering and landscaping.
  - (10) Adequate facilities exist or can be integrated into the site development to properly deal with stormwater runoff, sanitary sewers, fire protection, electrical power needs, refuse or other waste that may be generated, odors, noise or lights which may go beyond property boundaries.
  - (11) The natural characteristics of the site are such that the proposed use may be introduced on the property without undue disturbance or disruption of important natural features, systems or processes and without negative impact to groundwater and surface waters on and off the site.
  - (12) The proposed use can and will comply with all provisions of this chapter and of the Code which are applicable to it and can meet every other applicable federal, state, county and local law, ordinance, rule or regulation.
- E. Notice of application. All applicants for special permits shall be required to post a Town-provided sign in a publicly conspicuous location on or in front of the front property line of the property affected. Said sign shall notify the public of a pending application and hearing and shall be posted not less than 10 days prior to and up to the date of the hearing. The Town shall advertise the application in the official newspaper of the Town, as required by § 274-b of the Town Law.
- F. Revocation of special permit. A use authorized by a special permit may be revoked by the original approving board if it is determined, after a public hearing, that there has been a material failure of compliance with any one of the terms, conditions, limitations or requirements imposed by said permit.
- 
-

**CUSTOMARY HOME OCCUPATIONS --** An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use. This shall be understood to include the professional office or studio of a physician, dentist, teacher, artist, architect, engineer, accountant, musician, chiropractor, podiatrist, lawyer, manufacturer's representative, real estate salesman or broker, travel agent, insurance agent, business consultant and other services of a professional nature. The office or studio must be located in the dwelling in which the practitioner resides and does not occupy more than 30% of the total floor area of the residence. Not more than one employee may be used. No other offices shall be located on the premises, nor shall any other profession be practiced or conducted on the premises. Any instruction given or professional services or care rendered shall be to one student, patient, client or customer at a time. Adequate off-street parking must be provided and maintained on the premises. The area of the building, exclusive of the portion used for such office, shall conform to the minimum requirements as provided in this chapter. There shall be no display of goods or advertising other than an accessory sign as provided in the Sign Law of the Town of Perinton.<sup>EN(1)</sup> Permission to conduct such use, or other similar uses, must be secured by special permit from the Board of Appeals after a public hearing. The Board of Appeals may determine if the proposed use comes under this section.

Perinton Codes 208-8

Feb. 15, 2003

**INSTRUCTIONS FOR SPECIAL PERMIT  
ADMINISTRATIVE APPROVAL OR BOARD APPROVAL**

These instructions are NOT for customary home occupations. These instructions would be used for parades, walk/runs, fireworks, other events, etc. Please read carefully.

Along with the completed application the following is required:

Applicant to fill out Special Permit application in full. The applicant will need to know the following information in order to be able to apply: name of event, date of event, time of event, contact person, and contact tel #

1. **Certificate of insurance** listing the Town of Perinton as additional insured in the amount of One Million dollars, unless it is on private property. If it is a fireworks display, and not on public property, proof of insurance for the explosives company will be required. If it is not a fireworks display, and not on public property, no insurance certificate is required. The Town must receive this prior to event.

2. **Copies of letters written by applicant describing the event, location, start and end time of event, where parking will occur, clean-up letter indicating who is responsible for clean-up, and when it will occur, etc.** See below for when this paperwork must arrive. Letters will go to:

- Town of Perinton Zoning Officer (at time of application)
- appropriate police department (at time of application)
- Village of Fairport (if applicable). If event is to occur in both the Village and the Town, Town requires proof of approval from village governing authority. (prior to event or at time of application)
- Perinton Recreation and Parks Dept. (if applicable) (prior to event or at time of application)
- Appropriate fire department (at time of application)
- Perinton Ambulance (at time of application)

3. **Map of event route for run/walk/parade, if applicable), map of location where fireworks will be discharged from, (if applicable), and map of property showing where parking will occur for all.** Town must receive at time of application.

4. **Proof of rental of Perinton Parks and Recreation Building (if applicable).** Town must receive prior to event

5. **For a fireworks display, or other event that would require the Fire Marshal to inspect prior to event, such as public festivals with tents and cooking, and similar events that impact public parking lots and fire lanes, (this would be determined by Building Department), applicant must contact Perinton Fire Marshal upon submitting application to the Town for either Board or Administrative approval to inspect location where fireworks will be discharged from, if applicable, and/or location where other special event will take place, and to what extent it will impact parking and fire lanes and all other fire and life safety concerns.** Fire Marshal to submit written report to Zoning Board clerk after inspection, which will be sent to Board and/or put in file. Once Special Permit is granted by Zoning Board of Appeals, or in-house, Perinton Fire Marshal to receive a copy of decision letter for his information.

For administrative approvals involving fire works displays, applicant shall notify immediate neighbors of the event. Applicant to provide to the Town a list of neighbors who have been notified, as well as a copy of the notification letter. This is not required for advertised applications at public meetings.

Map of location where fireworks will be discharged from, and map of property showing where parking will occur for all.

Proof of rental of Perinton Parks and Recreation Building (if applicable)

6. ~~\$50~~ to the Town of Perinton – application fee.

**STAFF INFORMATION:**

If administrative approval will be given – only the original application is required. Owner and applicant must sign application, if not same. Application # to be put on administrative approval form and given to Zoning Officer with the completed application and other paperwork received. Once all necessary items are received, application will either be approved or denied and signed by Director of Building Dept. and Zoning Officer. Once a decision has been made, paperwork is then given to Zoning Board clerk who will send out a decision letter to applicant.

If applicant must go to the Zoning Board of Appeals, original plus 11 copies are required. Owner and applicant must sign application, if not same. Process will follow normal guidelines for any Zoning Board application.

**INSTRUCTIONS FOR CUSTOMARY HOME OCCUPATIONS  
SPECIAL PERMIT  
ADMINISTRATIVE APPROVAL OR BOARD APPROVAL**

Applicant to fill out Special Permit application in full. The following information should be written/explained in application – if applicable, and applicant should be prepared to discuss with the Board:

Type of business

Hours of operation

Days of operation

Amount of space used in home for business in comparison to square footage of home

Employees - ?

Signage - ?

Advertising - ?

UPS/Fed Ex., etc. deliveries to home? – If so, how many per week.

18-wheeler delivery?

Customers/clients to home - ? If so, how many per week. Are appointments scheduled?

Parking for employees/customers/clients - ?

\$90 to the Town of Perinton – application fee, collected at time of application.

**STAFF INFORMATION:**

If administrative approval will be given – only the original application is required. Owner and applicant must sign application, if not same. Application # to be put on administrative approval form and given to Zoning Officer with the completed application and other paperwork received. Once all necessary items are received, application will either be approved or denied and signed by Director of Building Dept. and Zoning Officer. Once a decision has been made, paperwork is then given to Zoning Board clerk who will send out a decision letter to applicant.

If applicant must go to the Zoning Board of Appeals, original plus 11 copies are required. Owner and applicant must sign application, if not same. Process will follow normal guidelines for any Zoning Board application.

Advise applicant that the various members of the ZBA will come out to the property (outside) to see what impact, if any, this request will have on the neighborhood. Applicant does not need to be home.

Advise applicant to post sign 10 days prior to meeting at the front property line. (if corner lot – give two signs)

Advise applicant that they may wish to consider discussing their request with their neighbors who may be impacted by this request. If possible, the applicant could ask neighbor(s) to put in writing that they have no objection to the request, or perhaps neighbor(s) could attend meeting to speak in support of the request.

Advise applicant that the Fire Marshal will be in contact with them to schedule an inspection of the property. Clerk to give copy of application to Fire Marshal with request form attached. Fire Marshal to submit report to ZBA clerk.