

LOCAL LAW FILING

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12241

(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.

Town of Pompey-----

Local Law No.----- of the year 2009

A local law to amend the "Schedule Limiting the Use of Buildings and Land" referenced in Section 165-7 of Chapter 165 Zoning of the Code of the Town of Pompey, New York and to add Section 165-40. Special Permits.

Be it enacted by the Town Board of the Town of Pompey as follows:

1. Section 165-7 is amended as follows: The Schedule limiting the use of buildings and land included at the end of Chapter 165 is amended to reflect that in District HC the use of "retail, personal or office service" shall require "TSP" (Permitted by Town Board special permit) in addition to existing "SP" requirements.

2. Add "Section 165-40. Special Permits." Under these regulations, special uses are considered to be uses which may be appropriate in the district in which they are located, but which possess special characteristics which may pose land use problems or difficulties if controlled only by the district regulations applicable to permitted uses. Accordingly, such uses are further controlled by a procedure which requires special consideration and additional regulations for such use in order to mitigate any such problems or difficulties and minimize the impact upon the district. Each use warrants consideration as an individual case in the district and on the specific lot on which it is proposed to be located. Granting of a special permit for a special use in a zoning district shall be based on its own unique facts and circumstances and shall not establish any precedent for granting of a special permit for the use or any other special permit use on any other lot in the district or in other districts. The Town Board shall have the authority to grant special permits for any of the uses listed in Section 165-7 with the designation "TSP" in such cases where it finds adequate evidence that the proposed special permit is duly authorized under the provisions of this chapter, that the application falls within the terms of the specific provisions allowing for special permits, and that the proposed use complies with all other requirements of this chapter.

- (A) Required plan. A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit, and such plan shall show the location of all buildings, parking area, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information as may be required for this submission of a site plan under this chapter, and as may be otherwise necessary to determine if the proposed special use meets the requirements of this chapter.
- (B) General requirements and standards applicable to all special permits. The Town Board shall, among other things, require that any proposed use and location comply with the following standards:
- [1] Compliance. The proposed use complies with the applicable intent and regulations of this chapter, including those applicable to the specific zoning district in which it is located. The proposed use complies with other applicable Town, county, state and/or federal regulations.
  - [2] Conformance to Town's land use plans. The proposed use is located on a site and in an area of the Town which is consistent with the long-term development objectives for the area. The proposed use is appropriately located with respect to the existing pattern of streets and other facilities, including but not limited to water, sanitary lines and drainage systems and will not adversely affect the functioning of these facilities nor impede any planned improvements.
  - [3] Scale of development. The scale and design of the proposed use is physically and visually compatible with the conditions of the site and surrounding properties.
  - [4] Vehicular and pedestrian circulation. The nature and design of the proposed use is such that there is safe and efficient vehicular and pedestrian movement within the site and in relationship to any streets serving the site. In making this determination, consideration shall be given, but not limited to, the following:
    - [a] Location and adequacy of parking and loading facilities.
    - [b] Pedestrian rights-of-way.
    - [c] Traffic regulatory devices.
    - [d] Location, number and design of points of ingress and egress.
    - [e] Accessibility by emergency vehicles, with particular emphasis on access to structures and provision for turning and free movement.
    - [f] Provision for snow storage.
    - [g] Age and mobility of all persons for whose benefit the use is intended.

- [h] Speed limits upon and general character of public highways in proximity and providing access to the subject site.
- [5] Environmental resources. The proposed use is located, designed and operated in a manner that avoids or minimizes any disturbance of significant natural or cultural resources. The proposed use is located and designed in a manner that is consistent with the site's soil capabilities to accommodate the use. The proposed use is to be developed in conformance with any applicable state or federal requirements regulating significant environmental resources. The proposed use provides drainage systems conforming to any area-wide drainage plans and controls stormwater runoff consistent with Town and other regulations.
- [6] Aesthetics. The proposed use includes use of building materials, screening and landscaping treatments of parking, drainage and storage areas that are consistent with existing development and any aesthetic standards developed by the Town, and which minimize any adverse visual effects on surrounding properties or public rights-of-way. Lighting and signage for the proposed use is appropriate in size, color and placement for the site and character of the surrounding area and has no significant adverse impact on surrounding properties.
- [7] Emissions. The emissions of any noise, smoke, heat or odor from the proposed use is within limits established by this chapter, if any, and is minimized and directed away from surrounding properties, and any mechanical elements associated with these emissions are installed and maintained in accordance with applicable health and safety codes and are adequately screened from view.
- [8] The physical characteristics, topograph and other features of the lot and the scale and physical design and other features of any new or existing buildings to be occupied by the use are suitable and adaptable for the proposed use without any modifications which would change the established character of the street or neighborhood setting.
- [9] The nature and intensity of operations of the use will not be more objectionable to surrounding properties than those of an expressly permitted use in the district.
- [10] The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes.
- [11] The use and the proposed design of building and other structure and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including but not limited to traffic congestion and hazards, untimely scheduling of activities, removal of trees and other established

natural features, and excessive stormwater runoff, noise, nuisance, odors, glare of vibration.

- {12} The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community.
- {13} Any other factors which the Town Board considers relevant.

3. This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

**(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2009 of the Town of Pompey was duly passed by the Town Board on \_\_\_\_\_, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the above paragraph.

Ann Christmas, Town Clerk

*(Seal)*

Date: \_\_\_\_\_

STATE OF NEW YORK  
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Town Attorney