

## ARTICLE XI

### Conditional Use Approval

1. Approval by Planning Board required; conditions.

The uses listed in Article III, Section 2, Use Table, Column C, are conditional uses permitted only upon approval by the Planning Board in accordance with the procedures and standards herein. After approval, such uses shall be deemed permitted uses in the districts wherein located, subject to any conditions attached thereto.

2. Applications.

Application for conditional use approval pursuant to this local law shall be on forms prescribed by the Planning Board. Such application shall accompany the application for preliminary or final site development plan approval. The preliminary or final site development plan and conditional use application may be processed concurrently in accordance with Article IX, Section 3, et seq. Fees for conditional use application shall be in accordance with the Standard Schedule of Fees of the Village of Chestnut Ridge.

3. Timetable and public hearing.

Within ninety (90) days of receipt of a complete application in proper form, together with the final site development

plan, the Planning Board shall approve establishment of such uses upon determining compliance with conditions required by this local law and, where appropriate, modify the nature or extent of the proposed use and development of the project to be consistent with this local law or, on negative findings fully set forth in the record, shall deny such use. The Planning Board shall provide for public notice and hearing on any application for conditional use. Such hearing shall be scheduled within forty-five (45) days of the receipt of all required materials in proper form and the Board shall decide the matter within forty-five (45) days after the close of the hearing, subject to the provisions of SEQRA or required permits. The time periods herein may be extended by mutual consent of the Board and applicant.

4. Application procedures.

An applicant for a conditional use shall, simultaneously with the filing of such application, file an application for site development plan approval together with appropriate plans, drawings and fee for site development plan review with the Clerk to the Planning Board. Thereafter and before any consideration or review of the application for such conditional use, the Clerk may refer said application to the staff or consultants to the Planning Board to review the application for purposes of preliminary site development

plan review and in light of the general considerations and specific standards herein. Thereafter, the Clerk shall transmit any recommendations to the Planning Board within thirty (30) days. Following the granting of such conditional use, the application shall be considered by the Planning Board for final site development plan approval.

5. Decisions.

The Planning Board shall cause to be filed with the Clerk to the Planning Board, the Village Clerk and Building Inspector the decision of the Planning Board and a copy thereof to be mailed to the applicant. Conditional use approval shall be deemed to be indefinite authorization unless otherwise specified in the approval thereof but, in any case, shall expire within twelve (12) months of the date of approval unless a building permit has been issued for the conditional use.

Such period may be extended on separate application to the Planning Board.

6. Appeals.

Any person aggrieved by any decision of the Planning Board may apply to the Supreme Court of the State of New York for

review by a proceeding under Article 78 of the Civil Practice Law and Rules, within thirty (30) days after the filing of a decision in the office of the Village Clerk.