

REZONING PROCEDURE

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- (6) BROOME COUNTY 239LM**
- (7) SHORT ENVIRONMENTAL ASSESSMENT FORM –**
(long form maybe required, depending on project, go to NYSDEC web site to obtain this form)
- (8) 6 SET OF DRAWINGS/SITE PLAN**
- (9) \$200 FEE**
- (10) CHECKLIST**

Developer needs to provide items 1, 2, 7, 8, 9 to apply

Town to provide developer item 3

Town will submit item 6

Developer to mail item 4 (when notified of proper dates)

Developer to present items 3, 4, 5 at public hearing

pany the application filed with the administrative officer in accordance with the provisions of this section.

(Code 1966, § 44-IX-6)

Secs. 2-24—2-35. Reserved.

DIVISION 2. AMENDMENTS*

Sec. 24-36. Generally.

(a) The town board may, from time to time, on its own motion or on petition in accordance with the applicable provisions of the Municipal Home Rule Law, after public notice and hearing, amend, supplement, change, modify or repeal this chapter. The petitioner shall pay a fee of two hundred dollars (\$200.00).

(b) Notice of public hearing shall be published in the official newspaper of the town at least five (5) days before the date of public hearing. The notice shall contain an abstract of the local law, and when a parcel is being rezoned to a different classification, the tax map number of the parcel and such other additional information as may be appropriate.

(c) After adoption, the local law shall be filed with the secretary of state and published by the secretary of state in accordance with the Municipal Home Rule Law.

(d) At the time of the public hearing on any zoning which is in regard to rezoning of any premises within the town to any classification other than RA-1 one-family residence district, there must be presented to the town board an affidavit stating that, not earlier than twenty (20) days nor later than ten (10) days prior to such hearing, written notice of the proposed rezoning has been mailed to the owners of the property within five hundred (500) feet of the premises to be rezoned, as the names and addresses appear on the last completed assessment roll, and listing all the names of the persons to whom the notice was mailed. The affidavit must be presented by

*State law reference—Zoning amendments, Town Law, § 265.

the person seeking the rezoning, and if the rezoning is on the motion of the town board, such an affidavit must be presented by the town clerk. (Code 1966, § 44-XII-1(A)—(D); L.L. No. 4 of 1988, § 1; L.L. No. 8 of 1997, § 1)

Sec. 24-37. Information required on applications.

(a) In addition to any other information required by this chapter, all applications for a zoning change to RA-1 one-family residence district, RA-2 one and two-family residence district, RC multiple residence district, RR rural residence district, C-1 general shopping district, C-2 community businesses district, CD commercial development district, I industrial district, or ID industrial development district shall supply the town board six (6) paper prints of the rezoning application map. These prints shall be submitted with the petition for rezoning. The map shall indicate the following:

- (1) Boundary survey data.
- (2) Topographic contours.
- (3) Existing drainage features (e.g., culverts, marshes, ponds and streams).
- (4) Special site conditions (e.g., easements, power lines and structures).
- (5) Zoning district boundary (new and existing).
- (6) Relationship to the comprehensive plan for the area.
- (7) Proposed street and block layout, parking driveways and building locations with reference to surrounding properties and street patterns.
- (8) Proposed utilities and special district boundaries.
- (9) Proposed grades for site, including streets, utilities and drainage.
- (10) Key map; general location in town.

(b) Any of the above required information may be waived by the town board on petition of the applicant or on its own motion. (Code 1966, § 44-XII-1(E))

Sec. 24-38. Sewerage requirements for rezoning.

(a) No property shall be rezoned from RR rural residence district to any classification unless, either:

- (1) Public sewer has been extended across the frontage of the property along any existing or proposed street or proposed extension of any street; or
- (2) A performance bond is given to the town in amount determined by the town engineer to be sufficient to cover the cost of extending the public sewer across the frontage of the property along any existing or proposed street or proposed extension of any street; and the petition recites that the bond has been presented to the town pursuant to this section, and that a copy thereof is attached to the petition; or
- (3) The petition contains a covenant which states that pursuant to this section that the property will be subdivided and will be developed only in compliance with the town subdivision regulations and the requirements of the town planning board. No parcel or any part thereof which has been rezoned pursuant to this subsection shall be developed without compliance.

(b) Where the rezoning is pursuant to the requirements of paragraph (a)(2) or (a)(3) of this section, a copy of the petition and of any performance bond shall be filed or recorded in the county clerk's office to place prospective purchasers on notice of such bond or commitment. Upon the conveyance of any property rezoned pursuant to paragraph (a)(2) of this section, the grantee shall give a performance bond to the town in an amount as determined by the town engineer which bond shall be filed or recorded in the county clerk's office. Upon receipt of the bond the prior bond shall be returned to the person who posted it or exchanged for a new bond where a portion of the property is retained by the grantee.

(c) The town may require an increase in the amount of any performance bond given pursuant to this section at any time the town engineer

certifies that an increase is required. A copy of the new bond shall be recorded in the county clerk's office.

(d) Any performance bond given under this section shall be written by a company licensed by the state to engage in the business of writing such bonds and shall be in a form satisfactory to the town attorney.

(e) The town board, by a resolution stating the reasons therefor and approved by at least four (4) affirmative votes, may waive all or any part of the requirements of this section as to all or any part of any parcel.

(Code 1966, § 44-XII-2)

*Cross reference—Notice of public meetings, § 2-2.

State law reference—Board of appeals, Town Law, § 267.

TOWN OF VESTAL REZONING APPLICATION

(1) NAME OF APPLICANT: _____

(2) MAILING ADDRESS: _____

(3) TELEPHONE NUMBER: _____

(4) PROPERTY ADDRESS: _____

(5) TAX MAP NUMBER: _____

(6) CURRENT ZONING: _____

(7) PROPOSED ZONING: _____

(8) REASON FOR CHANGE: _____

DATE

SIGNATURE

*Please note that the property assessment
will be reviewed upon completion of the
rezoning.

PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Vestal,
County of Broome and County of New York, bounded and described as
follows:

Broome County Tax Map Number(s): _____

Being the same premises conveyed to _____

by _____ by Deed dated _____

and recorded in the Broome County Clerk's Office on _____

in Liber _____ of Deeds at Page _____.

EXHIBIT B

(EXAMPLE LETTER TO BE SENT TO THE PROPERTY OWNERS REGARDING A REZONING)

Dear: Property owner,

Please be advised that a public hearing will be held by the Town Board of the

Town of Vestal on _____, 20__ at 6:00 PM to consider

the rezoning of premises owned by _____ and

located at _____, Broome County Tax

Map Number _____ from a _____

_____ Zoning classification to a _____

Zoning classification, for the purposes of _____

_____.

At the time of the hearing, all interested parties will be heard.

AFFIDAVIT OF MAILING

IN THE MATTER OF THE
SPECIAL PERMIT FOR TAX
MAP NUMBER _____

STATE OF NEW YORK)
) SS:
COUNTY OF BROOME)

I _____ residing at _____
being duly sworn, deposes and says: That on _____, 20__ I forwarded
to all property owners within five hundred (500) feet of the proposed parcel on which the special permit is
requested, being Tax Map _____ a letter
stating that a special permit was being requested for a _____.
Taking the names and addresses as they appear on the latest compiled assessment roll and their names and
addresses are more particularly set forth in Exhibit A, which is attached hereto as Exhibit A.

These letters were sent by me in a postage paid sealed envelope addressed to the residence as indicated above and
placed in an office of the Post Office under the exclusive care and custody of the United States Postal Service
within New York State.

Attached hereto as Exhibit B, is a copy of the form letter which was sent.

SIGNATURE

Sworn to before me this _____ day of _____, 20__.

Notary Public

239 REVIEW SUBMISSION FORM

Submitted to: Broome County Department of Planning and Economic Development Edwin L.
Crawford Building
Government Plaza - P.O. Box 1766
Binghamton, NY 13902

Project Name: _____

Date Submitted: _____

Pursuant to §239-1, -m and -n of General Municipal Law enclosed for your review and recommendation is the application for (check all applicable):

- Site Plan Review
- Area Variance
- Use Variance
- Special Use Permit
- Planned Development
- Rezoning (Map Adoption or Amendment)
- Zoning Text Change (Ordinance or Local Law Adoption or Amendment)
- Subdivision Review
- Other
- Comprehensive Plan Adoption or Amendment

The application qualifies for review because the project tax map parcel is located within 500 feet of the following (check all applicable):

- Municipal Boundary*
- State/County Road
- Farm located in Agricultural District
- State/County Park or Other Recreation Area
- State/County Drainage way/Watercourse
- State/County-owned land on which a public building or institution is located

Project Sponsor/Applicant: _____

Project Sponsor/Applicant Mailing Address: _____

Project Location: _____

Tax Map Number(s): _____

Municipality: _____ Zoning District: _____

Brief Project Description: _____

The following public hearings and/or meetings are scheduled by the following board(s) (check all applicable):

	Public Hearing Date/Time	Meeting Date/Time
<input type="checkbox"/> City/Town/Village Board	_____	_____
<input type="checkbox"/> Zoning Board of Appeals	_____	_____
<input type="checkbox"/> Planning Board	_____	_____
<input type="checkbox"/> Other	_____	_____

* Pursuant to General Municipal Law §239-nn, the legislative body or reviewing board of a municipality shall give notice of a public hearing for a proposed *Special Use Permit, Use Variance, Site Plan Review or Subdivision Review* to the Clerk of an adjacent municipality at least 10 days prior to the public hearing when the subject property is located within 500 feet of the adjacent municipality:

Notice has been given to the Clerk of the _____
on _____ Date Adjacent Municipality(s)

Application submitted by: _____

Signature

For office use only:

Date received: _____

Broome County Department of Planning and Economic Development will have 30 days from the date received to provide comments.

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.

Part 1 - Project and Sponsor Information				
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? 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.			NO	YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
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				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
b. Is the proposed action located in an archeological sensitive area?			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____			

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
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
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
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	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?		
11. Will the proposed action create a hazard to environmental resources or human health?		

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)

REZONING CHECKLIST

APPLICANT

- | | | |
|-------------------------|-------|--|
| Application | _____ | Provide at time of application |
| \$200.00 Fee | _____ | Provide at time of application |
| Property Description | _____ | Provide at time of application |
| SEQR Form | _____ | Provide at time of application |
| 6 Copies of Site Plan | _____ | Provide at time of application |
| • Sample of letter sent | _____ | Provide at time of Public Hearing |
| • List of properties | _____ | Provide at time of Public Hearing |
| • Affidavit of mailing | _____ | Provide at time of Public Hearing |

TOWN to provide the following:

- | | |
|----------------------|-------|
| Tax number list 500' | _____ |
| 239 L&M sent | _____ |
| Advertising date | _____ |
| Public hearing date | _____ |