

# VEHICLE SERVICE STATION SPECIAL PERMIT

**PERMIT FEE: \$50.00 PAYABLE TO THE TOWN OF VESTAL**

CONTENTS: include Sec 24-385 Vehicle Service Stations along with:

- (1) SPECIAL PERMIT APPLICATION – need at time of application
- (2) EXHIBIT A – list of Property Owners – Town to supply
- (3) EXHIBIT B – LETTER TO BE SENT- applicant to mail when given dates (use regular postage)
- (4) EXHIBIT C – Consent – Not Contacted Personally (if needed)
- (5) AFFIDAVIT OF MAILING – to be provided at time of public hearing
- (6) PETITION - to be provided at time of public hearing
- (7) BROOME COUNTY 239 L&M – Town to mail out
- (8) SHORT ENVIRONMENTAL ASSESSMENT FORM
- (9) SPILL PREVENTION PLAN – need at time of application

Need at time of application are items 1, 8 and 9 along with \$50.00 check

Town will provide items 2 and 7

At time of public Hearing applicant to provide copy of 3, 4 and the originals of 5 and 6

1/2014

Gary/blank forms/vehicle service station

**Sec. 24-385. Vehicle service stations.**

The following provisions apply to vehicle service stations:

- (1) Any person, as of December 18, 1961, operating a wrecker-commercial garage, a wrecker garage or a commercial garage may continue to do so without obtaining a special permit. Any such person or any person claiming a nonconforming use to operate such business may, by providing sufficient proof of such prior operation or of such nonconforming use, obtain a certificate of prior use from the administrative officer. Any such person denied a certificate of prior use from the administrative officer may appeal such denial before the zoning board of appeals which may issue such certificate if such right to such certificate is established. Any such business which is discontinued for one (1) year shall not be resumed by any person without the issuance of a permit.
- (2) Applicants for a permit to operate a vehicle service station shall submit the following:
  - a. Name, address and telephone number of the applicant.
  - b. A map showing the location of the premises for which such permit is sought, and the existing or proposed location of structures upon such premises.
  - c. The name of the person who will operate the vehicle service station if the permit is granted.
  - d. Such other information as the town board shall request in order to have all facts before it prior to making a decision.
- (3) Upon the receipt of the application and any necessary supplementary information, the town board shall set a date for a public hearing in regard to the granting of the permit, and a notice of such public hearing shall be published in the town newspaper no earlier than twenty (20) days and no later than ten (10) days before the date of the public hearing.
- (4) At the time of the public hearing, the applicant must present to the town board an affidavit certifying that written notice of the public hearing was given by the applicant to all owners of real property, as shown on the latest completed assessment roll, within five hundred (500) feet of the premises for which a permit is sought. The notice must be given no earlier than twenty (20) days and no less than ten (10) days before the date of the public hearing.
- (5) At the time of the public hearing, the applicant must present to the town board a statement from fifty (50) percent of the owners of real property, as shown on the latest completed assessment roll, within five hundred (500) feet of the subject premises, that such owners are in favor of the granting of such permit to the applicant. The statement must be subscribed and sworn to by a notary public.
- (6) No permit shall be granted for the operation of a vehicle service station unless the following basic requirements are complied with:
  - a. No vehicle service station building shall be located within two hundred fifty (250) feet of any lot or parcel occupied by a school, hospital, library, church or nursing home. The measurement shall be from the closest lot line of the school, hospital, library, church or nursing home to the closest point of the vehicle service station building. In addition, there shall be at least one hundred fifty (150) feet measured from the closest lot line to the closest lot line.
  - b. Pumps, lubricating or other devices shall be located at least twenty (20) feet from any street or highway right-of-way.
  - c. All fuel oil or similar substance shall be stored at least thirty-five (35) feet distant from any street or lot line. Underground gasoline tanks shall be located at least twenty (20) feet from any street or highway right-of-way.

- d. No vehicle service station shall be located within one hundred (100) feet of a residence district, except that this provision shall not apply when all the properties residentially zoned within one hundred (100) feet shall approve said special permit, and at least two-thirds (213) of the property owners are in favor of granting said special permit.
  - e. No vehicle service station shall be located on any lot of an area less than twenty-two thousand five hundred (22,500) square feet and a contiguous street frontage of not less than one hundred fifty (150) feet.
  - f. The parking of trucks as an accessory use shall not be permitted except those used exclusively for the conduct of the vehicle service station business.
  - g. No rental devices or equipment shall be placed on the premises with the exception of merchandising equipment for the sale of soft drinks, candy and tobacco products, which shall be placed on the interior of the building only.
  - h. No junk vehicle shall be stored outside. Disabled vehicles may be stored outside for a period of up to ten (10) days, and in no event more than four (4) at a time, except that the town board may grant a license to store junk vehicles and additional disabled vehicles for longer periods of time on the property pursuant to section 15-27 and pursuant to such other requirements as the town board may deem appropriate to protect neighboring private and public property, including public rights-of-way.
  - i. There shall be no outside storage of supplies, tires, drums, parts, etc.
  - j. There shall be no sales of or rentals of fertilizer, U-hauls, trailers or trucks on the premises.
- (7) In addition to meeting the aforementioned requirements, before a permit can be issued, the town board must find that the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be injured thereby, and that the granting of such permit is in the best interest of the community and its inhabitants.
- (8) No building permit shall be issued pursuant to any special permit heretofore issued by the zoning board of appeals.
- (9) Section 24-65 does not apply to this section.

(Code 1966, § 44-XI-10; L.L. No.2 of 2001, § 1, 11-14-01)

# TOWN OF VESTAL VEHICLE SERVICE STATION SPECIAL USE PERMIT APPLICATION

(1) NAME OF APPLICANT: \_\_\_\_\_

(2) MAILING ADDRESS: \_\_\_\_\_

\_\_\_\_\_

(3) TELEPHONE NUMBER: \_\_\_\_\_

(4) PROPERTY ADDRESS: \_\_\_\_\_

(5) TAX MAP NUMBER: \_\_\_\_\_

(6) DESCRIPTION OF TYPE  
OF SPECIAL USE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

**EXHIBIT A**

**LIST OF PROPERTY OWNERS**

The following is a list of property owners that are within five hundred (500) feet of the property which is being proposed to be rezoned. The owners names and addresses are as they appear in the last compiled tax assessment roll.

PROPERTY OWNER'S NAME

PROPERTY OWNER'S ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



**EXHIBIT B**

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

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

a special permit on the premises owned by \_\_\_\_\_ and

located at \_\_\_\_\_, Broome County Tax

Map Number \_\_\_\_\_

for the purposes of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

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

**EXHIBIT C**

CONSENT BY PROPERTY OWNER WHO CANNOT BE CONTACTED PERSONALLY:

APPLICANT: \_\_\_\_\_ PHONE # \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DESCRIPTION OF PROPOSED USE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME OF OPERATOR, IF NOT APPLICANT: \_\_\_\_\_

PROPOSED LOCATION: Tax No.: \_\_\_\_\_

Street Address: \_\_\_\_\_

I, the undersigned owner of a property within 500 feet of the subject premises, am in favor of granting the special permit to the applicant.

\_\_\_\_\_

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Notary Public



**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

**SPECIAL USE PERMIT**

# PETITION

Section 24-385 of the code of the Town of Vestal, New York concerning Special Use Permits from the Town Board provide that at the time of the public hearing the applicant must present to the Town Board a statement from fifty percent (50%) of the owners of real property as shown on the latest completed assessment roll, within five hundred (500) feet of the subject premises, that such owners are in favor of granting such permit to the applicant. Such statement must be subscribed and sworn to by a notary public.

APPLICANT: \_\_\_\_\_ PHONE # \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DESCRIPTION OF PROPOSED USE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

NAME OF OPERATOR (IF NOT APPLICANT) \_\_\_\_\_

PROPOSED LOCATION: TAX MAP # \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

The undersigned are property owners within five hundred (500) feet of Broome County Tax Map Number \_\_\_\_\_ and are in favor of granting the permits for the described use.

NAME	ADDRESS	APPROVAL (YES/NO)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

# SPECIAL USE PERMIT PETITION (continued)

NAME	ADDRESS	APPROVAL (YES/NO)
------	---------	-------------------


SUBSCRIBED AND SWORN TO  
BEFORE ME THIS \_\_\_\_\_ DAY OF  
\_\_\_\_ 20 \_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
SUBSCRIBING WITNESS

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):

- |  |  |
|--|--|
| <input type="checkbox"/> Site Plan Review    | <input type="checkbox"/> Rezoning (Map Adoption or Amendment)                              |
| <input type="checkbox"/> Area Variance       | <input type="checkbox"/> Zoning Text Change (Ordinance or Local Law Adoption or Amendment) |
| <input type="checkbox"/> Use Variance        | <input type="checkbox"/> Comprehensive Plan Adoption or Amendment                          |
| <input type="checkbox"/> Special Use Permit  | <input type="checkbox"/> Subdivision Review  |
| <input type="checkbox"/> Planned Development | <input type="checkbox"/> Other   |

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

- |  |   |
|--|---|
| <input type="checkbox"/> Municipal Boundary*                   | <input type="checkbox"/> State/County Park or Other Recreation Area                                   |
| <input type="checkbox"/> State/County Road                     | <input type="checkbox"/> State/County Drainage way/Watercourse  |
| <input type="checkbox"/> Farm located in Agricultural District | <input type="checkbox"/> 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.

REVISED: 7/2007

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  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	

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
<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?		
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)



# Spill Prevention Plan

The plan should include and address the following:

Description of facility, including:

- Owners name and address
- Nature of facility's activities
- General types of chemicals used and hazardous wastes produced

Site Plan showing locations of:

- Any chemical storage areas and/or fueling stations
- Vehicle/equipment washing or maintenance areas
- Any aboveground tanks used for liquid storage
- Waste disposal areas, both inside and outside
- Storage areas for finished products
- Storm drains in and around facility
- Any surface water bodies on or next to site
- Any devices to stop spills from leaving the site

Notification procedures used in event of a spill, including phone numbers of key personnel and appropriate agencies (i.e. NYSDEC Spill hotline and relevant local emergency contacts)

MSDS (material safety data sheets) information for employees and emergency personnel

Specific instructions regarding cleanup procedures. Cleanup should begin immediately

Using spill containment and clean up kits, appropriate for the types and quantity of chemicals or goods stored at the facility.

Contact information of an emergency spill cleanup contractor for large or difficult spills.

A designated person who has overall responsibility for spill response and implementation.

This plan needs to be update periodically.