
BE IT ENACTED by the Town Board of the Town of Greenburgh as follows:

§ 1. Title.
§ 2. Legislative Findings
§ 3. Amendment to § 285-5
§ 4. Amendment to § 285-29.1B(5.2)
§ 5. Amendment to § 285-29.1E
§ 6. Amendment to § 285-48 (C)(4)
§ 7. Severability.
§ 8. Effective Date.


§ Section 2. Legislative Findings. The Town Board of the Town of Greenburgh finds it necessary to amend Chapter 285, entitled “Zoning,” of the Town Code of the Town of Greenburgh. In 2008, the Town Board initiated the revise of the 2003 Comprehensive Plan. As part of the revision to the 2003 Comprehensive Plan, a study of the Central Avenue Mixed Used Impact District was performed by the Town’s consultants and the result of the study was the 2011 “Central Park Avenue Market Positioning Analysis.” In this analysis of existing uses in the Central Avenue Mixed Use Impact District, there was not call for the elimination of gasoline service stations or private gas pumping stations on Central Park Avenue. Further, Central Park Avenue is one of three major vehicular corridors in the Town of Greenburgh. Gasoline service stations in these corridors promote safety for vehicular users of the corridor and provide a public convenience. In order to promote safety for the general public at pre-existing gasoline service stations and to allow for modification of the pre-existing gasoline service stations and private pumping stations, the Town Board finds it appropriate to allow gasoline service stations and private gas pumping stations as a special permit use in the Central Avenue Mixed-Use Impact District. All gasoline service stations and private gas pumping stations in existence on January 1, 2008, located in the Central Avenue Mixed-Use Impact District must may apply for a special permit use within 60180 days of the adoption of this law. Section 3. Amendment to § 285-5

§ 285-5 of the Greenburgh Town Code is hereby amended to read as follows (deleted text in strikeout; new text underlined):

PRIVATE GAS PUMPING STATION - Any area of land, including structures thereon, or any building or part thereof that is used for the dispensing of automotive fuel that is not sold to the general public.
Section 4. Amendment to § 285-29.1B(5.2)

§ 285-29.1B(5.2) of the Greenburgh Town Code is hereby amended to read as follows (deleted text in strikeout; new text underlined):

(5.2) Town Board special permit uses

(a) Type I: office uses. Clinic, dental or medical, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter.

(b) Type II: commercial uses. Gasoline service station and private gas pumping station, subject to the following:

[1] All gasoline service stations and private gas pumping stations in existence on January 1, 2008, located in the Central Avenue Mixed-Use Impact District must apply for a special use permit from the Town Board of the Town of Greenburgh within 60 days of the adoption of this law. If a property owner or entity chooses not to apply for the special permit within 180 days of the adoption of this law, then any gasoline service stations or private gas pumping stations in existence on January 1, 2008, located in the Central Avenue Mixed-Use Impact District, will remain a nonconforming use. No person or entity shall continue to maintain or operate a gasoline service station or private gas pumping station in the Central Avenue Mixed-Use Impact District without first having obtained, or have an application pending for, a special use permit from the Town Board of the Town of Greenburgh.


[a] Each special permit use shall be of such character, intensity, size and location that, in general, it will be in harmony with the orderly development of the Central Avenue Mixed-Use Impact District in which the property concerned is situated and will not be detrimental to the orderly development of adjacent districts.

[b] Each special permit use shall be harmonious with the district in which its location is sought, shall not create undue pedestrian or vehicular traffic hazards and shall not include any display of signs, noise, fumes or lights that will hinder normal development of the district or impair the use, enjoyment and value of adjacent land and buildings.

[c] Each special permit use shall be so located in order to be adequately serviced by transportation facilities, water supply, waste disposal, fire and police protection and similar services.

[a] Operation of a gasoline service station or private gas pumping station must satisfy the standards set forth in § 370-4 of the Town Code.

[b] The gasoline service station or private gas pumping station shall be suitably screened from adjoining residential districts and other neighboring uses, and provide landscaping amenities along the site’s frontage where feasible, with, including but not limited to either planted evergreen buffers of appropriate height, type, spacing and arrangement, shrubs and bushes, or fencing approved by the Commissioner of Community Development and Conservation. Should such vegetative screening become diseased, dying or dead, it shall be replaced within the next growing season.

[c] The gasoline service station or private gas pumping station shall have, or cause to have a sidewalk along its frontage with Central Park Avenue, subject to the approval of the New York State Department of Transportation.

[4] Conditions. Upon finding that the general and specific standards set forth above have been fully met, the Town Board may grant a special permit for a gasoline service station or private gas pumping station. In so doing, the Town Board may impose any conditions that it deems necessary to accomplish the reasonable application of such standards.

[5] Town Board special permit procedure for gasoline service station or a private gas pumping stations:

[a] Application for a special permit. All applications for a special use permit for a gasoline service station or private gas pumping station shall be submitted to the Department of Community Development and Conservation, in writing.

[i] The application shall include but not be limited to the following: the name and location of the station; the name and address of the lot owner; the name and address of the agent or manager who will operate the station; the name and address of the oil company which supplies the greatest percentage of petroleum products to the station; the number and type of petroleum fuel storage tanks; a detailed description of the types of business the station will transact; and the auxiliary fire-fighting apparatus available. A layout plan shall also be submitted indicating the location and type of the general landscaping, evergreen screening, fencing, architectural treatment, egress and ingress, curbing, sidewalks, retaining walls and lighting provided so as to minimize its impact upon the immediate area. The application shall also include a site plan of the lot showing the location of the principal and accessory buildings, fuel pumps, tire racks, paved areas, yard signs and fuel storage tanks.
In the event that site plan approval is required pursuant Article VIII of this chapter, the special permit application shall include a site plan containing all matters required by Article VIII hereof.

Public hearing required.

Unless extended by mutual consent of the applicant and Town Board, a public hearing on an initial application for a special permit for a gasoline service station shall be scheduled and conducted by the Town Board within 62 days after certification to the Town Board by the Commissioner of Community Development and Conservation of receipt of a complete application. To the extent possible, such public hearing shall take place at the same time as any other public hearing required to be held by the Town Board in regard to the gasoline service station or private gas pumping Station.

Notice of such public hearing shall be published in the official newspaper of the Town and mailed by the applicant to property owners within 500 feet of the perimeter of the subject property at least 10 days prior to such public hearing. Proof of such mailing shall be provided to the Town Clerk not less than five days before the public hearing is held. The cost of such notice shall be borne by the applicant.

Action by the Town Board.

Unless extended by mutual consent of the applicant and Town Board, within 62 days of the date on which a public hearing is closed the Town Board shall, by resolution, act to approve, disapprove or approve with conditions said application and shall specify what conditions, if any, are being imposed. If a negative vote is not cast by a majority of all members of the Board is not attained, on a motion within 62 days of the date on which a public hearing is closed, the special permit is deemed granted.

All Town Board actions on applications for special permits for gasoline service stations and private gas pumping stations shall be recorded on forms prescribed by the Town Board, shall fully set forth the vote and findings of the Town Board, and the materials upon which its action is based, and shall be filed in the office of the Town Clerk.

Gasoline Service Station or a Private Gas Pumping Station Renewal of Permit

After being granted a special use permit from the Town Board, no person or entity shall thereafter continue to maintain or operate a gasoline service station or private gas pumping station without renewing the annual gasoline service station operating permit from the
Building Inspector. Permits shall be renewed pursuant to the provisions of § 370-4 of the Town Code.

[iii] All annual gasoline service station or a private gas pumping station operating permits shall expire on December 31st of every year.

Section 5. Amendment to § 285-29.1E

§ 285-29.1E of the Greenburgh Town Code is hereby amended to read as follows (deleted text in strikeout; new text underlined):

E. Prohibited uses. Any use not specifically set forth as a permitted use herein is prohibited, including but not limited to an automobile sales lot, motor vehicle salesroom, public garage, gasoline station, car washing establishment, tire store or repair auto parts store with installation, service or repair facilities on the premises, and any other use involving the sale, leasing or repair of automobiles, motel, hotel, automobile court, tourist home, rooming house, furnished room house, boardinghouse, game room or amusement arcade, storage, warehousing or wholesale establishment and the outdoor storage of maintenance, cleaning and snow-removal vehicles.

Section 6. Amendment to §285-48 (C)(4):

§ 285-48(C)(4) of the Greenburgh Town Code is hereby amended to read as follows (deleted text in strikeout; new text underlined):

4. Central Avenue Mixed-Use Impact District. This subsection shall not apply to special permit uses within the CA Mixed-Use Impact District. Such special permits shall be issued by the Planning Board and Town Board pursuant to the provisions of Section 285-29.1 hereof.

Section 7. Severability: If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Effective Date: This Local Law shall take effect immediately upon filing with the Secretary of State.

Revised January 11, 2012