

**October 7, 2020**

**GML#97.02-01-24.000  
Town of Cortlandville  
Site Plan Approval & Aquifer  
Protection District Special  
Permit  
Cortland Travel Holding Inc.**

**TO: Cortland County Planning Board**

**FROM: Cortland County Planning Department**

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**This application for site plan approval and an aquifer protection district special permit is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-m because the property is located within 500 ft. of U.S. Route 11 & Interstate Route 81.**

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**GENERAL INFORMATION**

**Date Received:** September 30, 2007

**Applicant:** Cortland Travel Holding Inc.  
2227 Scranton Carbondale Highway  
Scranton, PA 18508

**Status of Applicant:** Owners

**Requested Action:** site plan approval & aquifer protection district special permit

**Purpose:** to install a 9,400 gallon below ground storage tank for a non-petroleum based material at an existing fuel station

**Location:** east side of U. S. Route 11, immediately south of Interstate Route 81, exit #10

**Size:** 3.6± acres

**Existing Zoning:** B-3 (Planned Commercial Business)

**Existing Land Use:** Exit 10 Travel Plaza

**Surrounding Zoning:** B-3 (Planned Commercial Business) & I-2 (General Industrial)

**Surrounding Land Uses:** N – Interstate Route 81, Exit #10  
S – residential  
E – Interstate Route 81  
W – Suit-Kote Corporation

**Existing Regulations:** Code of the Town of Cortlandville  
Chapter 178 Zoning  
Article VIII-A Planned Commercial Business B-3 District  
Section 178-36.8. Permitted structures and uses subject to  
site plan approval  
A. Permitted uses subject to site plan approval  
shall be as follows  
(2)  
(4)  
Article X - Aquifer Protection District  
Section 178-46. Special permits  
Article XIII – Site Plan Approval  
Section 178-72. Planning Board review of site plan

**ANALYSIS -**

The applicant is requesting site plan approval and an aquifer protection district special permit to install a 9,400 gallon below ground storage tank for a non-petroleum based material at an existing travel plaza. The property is located on the east side of U.S. Route 11, immediately south of Interstate Route 81 Exit #10, and is zoned B-3 (Planned Commercial Business).

This is the seventh time that an application for this property has been before the County Planning Board for review. In May 1987, the Board reviewed a bulk variance request to replace and add a number of signs on the site. The Board recommended approval for some of the signs and denial for others. In July 1993, the Board recommended denial of the applicants request to add a third 10,000 gallon fuel storage tank and dike as it was in violation of Article 8A.4 (2) of the Town’s Aquifer Protection District. It was also subsequently denied by the Town. In September 1994, the site was destroyed by fire. In March 1995, the Board recommended approval to construct and operate a gasoline retail operation and restaurant at the site contingent upon the following:

1. The applicant demonstrates that one (or both) of the water supply wells meets drinking water standards in compliance with the requirements of the Cortland County Health Department.
2. That a pump test demonstrates that one (or both) of the water supply wells can sustain the necessary yield while maintaining water quality.
3. That a number of pumps in the gasoline island be reduced from four to three if

the well currently serving the facility is utilized to protect the well from traffic.

4. That pending negative results with the existing wells, and alternative water supply can be found which meets water quality and quantity requirements.

The Town subsequently approved the application with the above conditions and the following conditions:

1. Three (3) no parking signs to be located along the southern edge of pavement.
2. An 8' solid wooden fence of substantial construction to be installed along the back yard properties of Vandeburg, Paro, and Harter to the east.
3. Three (3), five (5) minute idling signs shall be placed in different, full view, locations on the property.
4. The propane tanks are to be moved 10' from the proposed site.
5. Parking for only ten (10) tractor trailers.

In August 1995, the Board recommended denial of a bulk variance request to place a number of signs at the site. The Town subsequently approved some of the signs and denied others.

In June 1998, the Board recommended approval of an application for a conditional permit and aquifer protection district special permit to add a fourth 10,000 gallon diked above ground fuel tank to the site contingent upon the following:

1. The applicant receiving the necessary County Health Department approvals prior to construction.
2. The distance between the residences and petroleum storage tanks being in accordance with the National Fire Protection Association Codes.
3. A negative declaration of environmental impact under SEQR.

In June 2007, the Board recommended approval of an application for a conditional permit and aquifer protection district special permit to add a 10,000 gallon above ground fuel tank at the existing fuel station contingent upon the following:

1. The applicant receiving the necessary County Health Department approvals prior to construction.
2. The distance between the residences and petroleum storage tanks being in accordance with the National Fire Protection Association Codes.
3. A negative declaration of environmental impact under SEQR.

**The applicant is now requesting site plan approval and an aquifer protection district special permit to install a 9,400 gallon below ground storage tank for a non-petroleum based material at the existing fuel station.**

**The Coordinated Review Committee (CRC) reviewed this proposal and addressed the following issues. Gasoline service facilities are permitted in shopping centers in the B-3 District subject to the issuance of a special permit. Site plan approval is also required for accessory uses (the below ground storage tank) to permitted uses in the B-3 District. The proposed storage tank would be buried at the rear of the property adjacent to the tractor trailer fueling island. The tank would be used to store diesel exhaust fluid (DEF). DEF is a mixture of 2/3 deionized water and 1/3 urea. Newer diesel vehicles have a DEF tank that is filled separately from the fuel tank. DEF is sprayed into diesel exhaust gases to convert these gases to nitrogen and water in the catalytic converter to reduce the amount of air pollution created by a diesel engine by approximately 90%. DEF is a biodegradable, non-toxic, non-hazardous, non-flammable and non-explosive material. The applicant is proposing to install the tank below ground to keep the DEF at a consistent temperature as temperature fluctuations can deteriorate DEF. The proposed tank and piping will be double-walled and monitored electronically for leak detection of the inner wall of the tank. While the tank would be storing a material that is biodegradable, non-toxic, non-hazardous, non-flammable and non-explosive; it is still recommended that the applicant contact the NYS Department of Environmental Conservation (DEC) and obtain approval of any DEC requirements for the underground storage tank.**

**This proposal is considered an Unlisted Action under SEQR. The applicant has completed Part I of a Short Environmental Assessment Form. The Town should complete Parts II & III to determine if any significant adverse environmental impact may result from the proposed development.**

**RECOMMENDATION -**

**The staff recommends approving this application for a conditional permit and aquifer protection district special permit contingent upon the following:**

- 1. That the applicant contact the NYS Department of Environmental Conservation (DEC) and obtain approval of any DEC requirements for the underground storage tank.**
- 2. Compliance with SEQR regulations..**

**Prepared by:**

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**Daniel S. Dineen  
Director of Planning**

**cc: Coordinated Review Committee**