PROPOSED LOCAL LAW NO. 4 OF THE YEAR 2026
OF THE TOWN OF ROSE

A local law to amend the Zoning Law of the Town of Rose, Wayne County, New York.

Be it enacted by the Town Board of the Town of Rose as follows:

SECTION 1. TITLE AND SCOPE

This local law shall be known as "A LOCAL LAW TO AMEND THE TOWN OF ROSE ZONING LAW TO MODIFY SECTION 607 PERTAINING TO MOTOR VEHICLE FILLING STATIONS."

SECTION 2. PURPOSE.

(a) Authority. This Local Law is adopted pursuant to Town Law § 261 and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of Rose in a fashion that is consistent with the Comprehensive Plan of the Town of Rose, adopted November 2024 (the "Comprehensive Plan"). This Local Law regulates the use of buildings and structures and the development and use of land within the Town of Rose.

(b) To these ends, this local law and the Section that it amends is designed to:
   1. Enhance and regulate the orderly growth, development and redevelopment of the Town in accordance with the Future Land Use Considerations provided in the Comprehensive Plan; and
   2. Protect and manage the character of the Town.
   3. Protect public health and safety.

SECTION 3. CHANGES TO SECTION 607 -SPECIAL CONDITIONS FOR MOTOR VEHICLE FILLING STATIONS

The current Section 607 of the Zoning Law of the Town of Rose is hereby modified and amended to delete the current Section 607(C) prohibiting the use of above ground storage tanks at filling stations and adding new Sections 607(C), (D), (E) and (F) to acknowledge and regulate the preferred use of above-ground storage tanks for new petroleum storage tanks at Motor Vehicle Filling Stations by the New York State Department of Conservation and to prevent localized impacts from traffic and the storage of flammable fuel products by avoiding clustering of Motor Vehicle Filling Stations:

C. Above ground storage tanks shall be installed set back from adjacent property lines at least the minimum distance required by New York State Fire Code and New York State Department of Environmental Conservation regulations.

D. All gasoline storage tanks (above ground and below ground) shall comply with New York State Regulations.

E. Above ground storage tanks shall have views minimized from adjacent properties and the public right of way to the maximum extent practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.

F. Motor vehicle filling stations may not be located within a 500 foot linear distance of another motor vehicle filling station on the same roadway. Such measurement shall be taken as the shortest distance between the closest property line between the existing motor vehicle filling station and the proposed motor vehicle filling station.

SECTION 5. EFFECTIVE DATE.

This local law shall be effective thirty (30) days after its filing with the Office of the Secretary of State.