

Proposed Local Law Number 2024-3

A local law to amend the Code of the Village of Scotia, New York relating to Moratorium on Gasoline Service Stations

Be it enacted as by the Board of Trustees of the Village of Scotia as follows:

Section 1. Purpose and Intent

This local law is adopted pursuant to the Municipal Home Rule law and general police powers. The purpose of this law is to protect the health, safety and welfare of the residents of the Village of Scotia and to maintain the status quo of gasoline service stations within the Village until thorough review and potential amendment of current applicable laws. This local law will allow the Board of Trustees a reasonable time and opportunity to review the current and potential future impact of gasoline service stations in the Village.

This local law is intended to temporarily prohibit the creation, change or expansion of gasoline service stations in the Village of Scotia for a period of 12 months, pending the necessary study, review and development of local laws addressing gasoline service stations.

Section 2. Legislative Findings

The Village of Scotia Board of Trustees finds that in recent years there has been considerable development and redevelopment of gasoline service stations in the Village. The current zoning laws addressing gasoline service stations were adopted in 1969 and the local law for the general review of special use permits that gasoline services stations are subject to has not been updated since 1975. Since that time the size, nature and needs of gasoline service stations have changed significantly and the Village laws pertaining to this use have not. Members of the Board of Trustees as well as residents and comments from the Envision Scotia Plan have expressed concerns about the impact and appropriateness of gasoline service stations on surrounding properties both residential and nonresidential and on the Village as a whole including but not limited to impact on pedestrian and vehicular traffic.

As a recently designated Brownfields Opportunity Area (BOA) the Village expects to have available to it professional resources to assist with planning issues such as review gasoline service station development in the Village. The Village seeks to review and make changes as may be necessarily to assure the further development or redevelopment of gasoline services stations in a manner that are in the best interest of the Village as a whole and its residents and to promote its health, safety and welfare.

Section 3. Moratorium Imposed

For a 12 month period following the effective date of this local law, no board, body or official of the Village shall accept for review, continue to review, hold a hearing upon, make a decision upon, or issue any permit or approval upon any application involving new gasoline service stations or redevelopment, expansion or change of existing gasoline service stations. No person, corporation or other entity shall undertake any site preparation, with respect to any application that is subject to this moratorium. All statutory or locally adopted time periods or deadlines for making decisions or approvals are hereby suspended and stayed while this local law is in effect.

Section 4. Waiver

The Board of Trustees may but is not obligated to authorize by Resolution of the Board an extraordinary hardship waiver process of this moratorium if it subsequently determines that a waiver process is in necessary and in the best interests of the Village.

Section 5. Partial invalidity

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 6. Effective Date

This local law shall be effective immediately