

Local Law 3 of 2025

Amending Local Law 6 of 2024, Amendment made to Chapter 140, Zoning, Due to Errors and Omissions

Presented, Local Law 3 of 2025, Amending Local Law 6 of 2024, Be it enacted by the Town Board of the Town of Rochester as follows:

Section 1. Pursuant to, and in accordance with, the provisions of the New York State Municipal Home Rule Law and the NYS General Municipal Law, Article 18, §808, the Town of Rochester Town Board amends Local Law 6 of 2024, amending Chapter 140, Zoning. Chapter 140, Zoning of the code of the Town of Rochester shall be amended as follows due to errors and omissions discovered during the publishing of the code.

Section 2: Amendment

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Section 4: Amendment

§ 140-3 Word usage shall be amended as follows

CONVENIENCE MARKET

A one-story, retail store containing less than 5,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It may also include ~~the sale of gasoline and/or~~ a car wash but shall not include the repair or service of vehicles or the sale of gasoline.

Section 5: Amendment

§ 140-5.1. Overlay districts shall be amended as follows:

- A. **(AP) Aquifer Protection Overlay District.** There is hereby created a special zoning district identified as AP District on the Zoning Map. This district shall be an overlay zone, within which the normal provisions of the zoning districts as mapped on the Zoning Map shall apply, except that no development shall be permitted which does not comply with the following standards:
- 1) Impervious surface area for proposed uses and activities located outside the B Business Development, H Hamlet, and I Industrial shall not exceed 15% of lot area.
 - 2) The following uses and activities shall be prohibited uses partially or wholly within the Aquifer Protection Overlay District:
 - a. Hazardous waste treatment, handling, storage, or disposal facilities.
 - b. Landfills, dumps, or other solid waste management facilities.
 - c. Radioactive materials treatment, handling, storage, or disposal facilities.
 - d. Regulated medical waste storage, treatment, disposal, or destruction facilities.
 - e. Vehicle and electronic disassembly facilities
 - f. Asphalt, concrete, or coal tar plants.
 - g. Chemical and biological testing or research laboratories.

- h. Junkyards, salvage yards or impoundment yards.
 - i. Chemical or petroleum product manufacturing **and/or bulk storage and sales, including the sale and distribution from fuel pumps** (e.g., gasoline filling station).
 - j. Wood preserving or treating facilities.
 - k. Tanneries
 - l. Clearing cutting of wooded areas greater than one acre
- 3) The following uses and activities, when proposed partially or wholly within the Aquifer Protection Overlay District, shall be designated as Type I actions under SEQRA. A hydrogeological study shall be required and mitigation including reduction in intensity or denial of use as necessary shall be made to protect the water supply.
- a. any residential uses, including subdivisions with projected on-site groundwater withdrawals and/or on-site sewage disposal flows using over 2,000 gallons per day or more during any single thirty-day period.
 - b. any commercial, mixed use, or industrial use or activity with projected on-site groundwater withdrawals and/or on-site sewage disposal flows over 1,000 gallons per day or more during any single thirty-day period.
- 4) Any use, activity, or proposed development project (regardless of its classification on the Schedule of District Uses) within the AP Overlay district and subject to site plan review by the Town of Rochester Planning Board may be required to conduct a hydrogeological study upon Planning Board review.
- 5) Filling, excavating and earthmoving activities shall be minimized to the extent practicable.
- 6) The following additional information shall be provided for a proposed nonresidential new use or activity located partially or wholly within the Aquifer Protection Overlay District:
- a. A location map of the proposed use or activity in relation to the Aquifer Protection Overlay District boundaries.

- b. A map and report detailing the proposed conveyance, storage, distribution, generation, use or treatment of any wastes (except sewage) or hazardous substances.

Section 2. Severability

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part or provision or application.

Section 3. Effective Date

This local law shall become **effective upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.**