

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Draft: 9-9-19

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of WAPPINGER

Local Law No. _____ of the year 2019

A local law entitled "A Local Law for the Purpose of Amending Chapter 240, Zoning, of the
Town Code by Adding 'Liquid Propane Storage Facilities' as a New Special Permit
Use in the Highway Business (HB) and Airport Industry (AI) Zoning Districts."

Be it enacted by the TOWN BOARD of the

Town of WAPPINGER as follows:

TEXT COMMENCES ON NEXT PAGE

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW No. ____ OF THE YEAR 2019

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

Section 1: Title

This Local Law shall be known and cited as “Local Law No. ____ of 2019, for the Purpose of Amending Chapter 240, Zoning, of the Town Code by Adding ‘Liquid Propane Storage Facilities’ as a New Special Permit Use in the Highway Business (HB) and Airport Industry (AI) Zoning Districts.”

Section 2: Legislative Intent

The Town Board believes that it is reasonable and appropriate to update and amend Chapter 240, Zoning, of the Town Code with respect to the addition of ‘Liquid Propane Storage Facilities’ as a new Special Permit Use in the Highway Business and Airport Industry zoning districts. This local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents.

Section 3: Amendments to the Text of Chapter 240, Zoning

1. **Under the heading “Warehouse and Storage” in the Schedule of Use Regulations – Nonresidential Districts referenced in Section 240-37, the following Special Permit Use shall be added in the Highway Business and Airport Industry zoning districts:**

Liquid propane storage facilities (§ 240-81.9)

2. **A new Section 240-81.9 shall be added and shall read as follows:**

§ 240-81.9. Liquid propane storage facilities.

- A. The minimum lot area for this use shall be 5 acres.
- B. The lot on which the facility is located shall not have vehicular access to NYS Route 9.
- C. The minimum setback between the tanks and all side and rear property lines, and between the tanks and any on-site building(s) shall be 75 feet. The minimum front yard setback for the tanks and for any on-site building(s) shall be 100 feet. The minimum distance between tanks shall be 10 feet but the distance must also

comply with the National Fire Protection Association 58 Edition 2014 Code separation requirements.

- D. All tanks shall be located above ground and shall be designed to American Society of Mechanical Engineers standards. The tanks shall be surrounded by bollards which are no more than 6 feet from bollard to bollard. Further, the construction and operation of the facility shall follow the National Fire Protection Association 58 Edition 2014 Code for Liquefied Petroleum Gas or the current equivalent, as well as all other applicable state and federal requirements.
- E. All personnel at the site shall have successfully completed a Certified Employee Training Program for the propane industry.
- F. The facility shall be completely enclosed by a 6-foot high security fence with locked gates at all access points.
- G. Site lighting shall conform to the standards in this chapter and may include lower-level overnight security lighting as deemed appropriate by the Planning Board.
- H. There shall be no retail sale of product on the premises.
- I. There shall be no outdoor storage of equipment or materials on the site.
- J. The use shall be screened from adjoining streets and properties to the extent deemed appropriate by the Planning Board.
- K. The owner of the facility shall be obligated to provide annual training to local emergency services personnel relative to appropriate responses by said personnel in case of an emergency at the site.

Section 4: Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Town of Wappinger as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5: Numbering for Codification

It is the intention of the Town of Wappinger and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Wappinger; that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for

codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 6: **Separability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Wappinger that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section 7: **Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by the Municipal Home Rule Law.

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