

INCORPORATED VILLAGE OF HUNTINGTON BAY

LOCAL LAW NO. 5 OF THE YEAR 2006

A local law entitled, "Amendment to Village Code Relating to Site Plan Review."

Be it enacted by the Board of Trustees of the Incorporated Village of Huntington Bay:

The Code of the Village of Huntington Bay is hereby amended to revise Chapter 91-11.E. to read as follows:

Chapter 91-11.E.

SITE PLAN STANDARDS

Introduction

Authorization.

In accordance with New York State Village Law § 7-725-a, the Village is authorized to review and approve, approve with modifications, or disapprove, all site plans as set forth in this Chapter.

Legislative Intent and Purpose.

The Board of Trustees hereby finds that reasonable supervision and control over the layout and design of sites within the Village is necessary to provide for the community health, safety and general welfare. Site plan review must be effected in order to maintain and preserve the ambiance and character of the Village, and to obviate, or at least substantially mitigate any negative effects a particular site plan proposal could or would engender.

It is the purpose of this local law to prevent these and other harmful effects and thus to promote the health, safety, and general welfare of the community.

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**[Note: Existing Code § 91-11.E.(1) and (2) shall be deleted.
New Code § 91-11.E. shall be added and is to include the following text.]**

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§ 91-11E. Site Plan Review.

Introduction.

(1) Applicability:

(A) Uses and Construction Requiring Site Plan Approval by Planning Board. Site plan approval shall be required for all permitted principal, special uses, accessory uses, and non-residential uses:

(a) Waterfront Preservation District. All proposals for development in the Waterfront Preservation District require site plan review. The visual impact of proposed development shall be minimized in terms of views from the site and adjacent roads to Huntington Bay and from Huntington Bay to the site. Analysis shall consider the materials used, the massing of buildings, the scale of development, the view of the water from residences upland of the site and the use of landscaping and natural growth. The possible intrusion of new development on the visual setting of the existing dwellings and/or historic structures on nearby properties shall also be evaluated, as well as the possible impact on wetlands. Site design and construction management shall be undertaken in a manner so as to prevent adverse effects from erosion, siltation and flooding.

(b) Village-wide. All proposals for development elsewhere in the Village require site plan review for construction of a new building and/or enclosed structure in excess of eighty (80) square feet or for the alteration or reconstruction of an existing building or enclosed structure when such alteration or reconstruction involves in excess of twenty percent (20%) of the Floor Area square footage of the buildings or enclosed structures.

(2) Required Elements:

The elements to be included on site plans shall consist of, but are not limited to, the following, where appropriate, parking, means of access, screening, signs (to the extent permitted elsewhere in the code), landscaping, location and dimensions of buildings, adjacent land uses and owners, physical features meant to protect adjacent land uses, existing and proposed drainage structures.

(3) Information to be submitted:

(A) Each application for a building permit subject to site plan review shall be submitted to a Village Building Inspector on the prescribed form, together with the appropriate fees. In addition to the information required to be submitted therewith under any other local law, such application shall be accompanied by the following:

(a) Three copies of the site plan addressing the relevant criteria.

(b) A survey showing the applicant's entire property and any adjacent streets, rights-of-way, if any, or easements. The survey shall depict all existing structures and improvements on the property, including but not limited to buildings, retaining walls, driveways, decks, drainage structures etc. The survey shall include topographic information and locate all trees of greater than 8 inch caliber measured 3 ft above surrounding grade. The survey must have been dated and issued within (1) year of the date of application.

(c) Proof of ownership of the property.

(d) Copies of covenant or deed restrictions applicable to or intended to cover the site.

(e) Copies of any legal instruments covering any streets, rights-of-way, if any, or easements.

(f) A topographic map.

(g) Village of Huntington Bay environmental assessment form.

(B) The Village may waive, in its discretion, the submission of any of the foregoing requirements in the case of an application for a building permit covering alterations or additions to existing structures. All such plans and drawings must bear the signature and seal of an architect or professional engineer licensed by or qualified to practice in the State of New York.

4) General Considerations:

(A) In reviewing site plans, consideration shall be given to the public health, safety and welfare and to the comfort and convenience of the public in general, of the residents of the community at large and of the immediate neighborhood in particular.

(B) In reviewing site plan applications, the Planning Board shall give consideration to, but shall not be limited by, the following factors, among others:

(a) That all proposed vehicular and pedestrian accessways are adequate in width, grade, alignment and visibility; are not located too near street corners and other similar design and safety considerations.

(b) That sites are reasonably screened from the view of adjacent and/or nearby parcels and streets and that the general landscaping and general character of the site is such as to enhance the character of the Village and local community and is in character with the neighborhood. The site plan shall include an analysis of existing and proposed additional landscape improvements to comply with the intent of this section.

(c) That all existing trees over eight (8) inches in diameter, measured three (3) feet above the base of the trunk, shall be retained to the maximum extent possible. The Planning Board may require an applicant to submit a plan showing all such existing trees and/or all existing vegetation. If review pursuant to this section is required, no land clearing shall be conducted except pursuant to the approved site plan and not until the site plan approval has been filed and a building permit issued by the Building Inspector. The site plan shall identify all steep slope areas within the property. The site plan shall include an analysis of compliance with the Village Steep Slope ordinance.

(d) That all outdoor lighting is of such nature and design and arranged so as to preclude the diffusion of glare onto adjoining properties and streets.

(e) That building facades are compatible with the surrounding area.

(f) That the drainage system and layout proposal will afford an adequate solution to any reasonably anticipated drainage problems. The site plan shall provide information regarding the capacity of the existing stormwater drainage facilities on the site. The applicant shall provide sufficient drainage to comply with the Village Code. In cases where renovation or expansion of an existing building is proposed the site plan shall provide sufficient drainage volume to accommodate all renovated structures and new structures. In the event that the applicant is renovating/expanding more than 50% of the building, the floor area of the entire building shall be considered in the drainage computation. The site plan shall include provisions for control of erosion during the construction process and after construction is complete. The erosion controls proposed shall be consistent with New York State Department of Environmental Conservation criteria.

(g) That the general health, safety and welfare of the Village and the local community is not negatively affected by the proposed site plan.

(h) That the proposed site plan will provide development in harmony with, and which will have a positive influence upon, the community.

(5) Considerations relating to Waterfront Preservation District:

The visual impact of proposed development shall be minimized in terms of views from the site and adjacent roads to Huntington Bay and from Huntington Bay to the site. Analysis shall consider the materials used, the massing of buildings, the scale of development, the view of the water from residences upland of the site and the use of landscaping and natural growth. The possible intrusion of new development on the visual setting of the existing dwellings and/or historic structures on nearby properties shall also be evaluated, as well as the possible impact on wetlands. Site design and construction management shall be undertaken in a manner so as to prevent adverse effects from erosion, siltation and flooding. All site plans must be prepared by a New York State Licensed Professional Engineer, Architect, or Landscape Architect.

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Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Board of Trustees of the Incorporated Village of Huntington Bay hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State of New York.