

**INCORPORATED VILLAGE OF HUNTINGTON BAY
Local Law No. 6 of the Year 2012**

A local law entitled, "Amendment to Village Code Regarding "Minimum Lot Area Requirements" and "Construction within Slope Lands; Permit; Fee."

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

The Code of the Village of Huntington Bay is hereby amended to revise Chapter 73 to read as follows:

Chapter 73

STEEP SLOPES

* * *

[Note: §73-4 shall be amended to read as follows.]

§ 73-4. Minimum lot area requirements [Adopted 4-18-1991 By L.L. No. 2-1991; Amended 2-10-1992 by L.L. No. 1-1992; 12-21-2001 by L.L. No. 11-2002; L.L. No. 6-2012]

The Board of Trustees shall not approve the partitioning or subdivision of any parcel of land into building lots unless each such lot shall contain the lot area required under §91-9 of the Code of the Village of Huntington Bay and shall contain both of the following:

A. Building envelope or alternative:

1. A potential building envelope ("the envelope") on a contiguous area of land within the lot of at least 5,000 square feet, which area does not include any slope lands. The envelope must include a twenty-foot perimeter work area surrounding all sides of the foundation; or
2. In the alternative, an existing single-family dwelling which complies with all other requirements of this Code.

B. A minimum of at least the lot area required under §91-9 of the Code after deducting from the area of the lot the land area for those portions of such lot which consist of slope lands, as follows:

1. For very steep slopes, the reduction factor shall be 0.75, i.e., 1.0 acre of very steep slope would equal 0.25 acre of calculable land area.
2. For steep slopes, the reduction factor shall be 0.50, i.e., 1.0 acre of steep slope would equal 0.5 acre of calculable land area; provided, however, that no lot shall be required to be larger than five acres.

[Note: §73-5 shall be amended to read as follows.]

§73-5. Construction within slope lands; permit; fee. [Adopted 4-18-1991 By L.L. No. 2-1991; Amended L.L6-2012]

No building development or the construction of other site improvements nor the excavation, filling or grading of any slope lands within a lot, nor the cutting of trees or the destruction of natural vegetation shall be permitted unless a special permit shall have been issued therefore by the Board of Trustees, except that the Building Inspector or Village Engineer may verbally approve the removal of dead, damaged or diseased trees or vegetation without any written application. Prior to taking such action, said Board shall determine that there is no other suitable alternative site within the lot available for the proposed use, improvement or development of such lot, that the activity proposed is the minimum activity necessary to make reasonable use of said land, that all feasible construction standards and precautions are or will be taken to assure that the resulting environmental hazard will be minimized, that such proposed action is otherwise in full compliance with all applicable requirements of the Village, town, county, state and federal agencies and that the purpose and intent of these regulations are satisfied to the maximum feasible degree as determined by said Board.

A. Application. Application for such permit shall be submitted to the Village Administrator in eight copies not less than 10 days prior to the meeting at which it is to be officially received by the Board of Trustees and shall include the following:

1. A topographic survey of the property showing:

- (a) Existing contours with vertical intervals of no more than two feet;
- (b) The location and extent of any slope lands as set forth in §73-3.
- (c) The location of any existing buildings, structures, driveways and utilities of the site.
- (d) Existing easements and rights-of-way; the present use of land and structures.
- (e) The specific type, size and location of trees with a diameter of 12 or more inches at a height three feet above ground level.
- (f) Any other existing features or characteristics of the site which may be of environmental, historical, archaeological or other significance.

(2) A plan for the proposed site development indicating building and driveway locations, parking areas, landscaping, grading, drainage, utilities and other planned site uses and improvements.

(3) Specific design measures proposed to mitigate the potential impact of the proposed site development upon the environmentally sensitive features of the property, both during and after construction.

(4) An application fee in the amount of \$1,000.00.

B. Procedure.

1. Upon receipt of a properly completed application, the Board of Trustees Shall refer it for review and report to the Village Engineer and other such experts as may be determined necessary or appropriate by said Board to assist in its review of the proposed application. In the event that the cost of such review exceeds the amount of the application fee, such additional cost shall be borne by the applicant up to an additional cost of \$1,000.00. A copy of the application shall also be referred to appropriate town, county and state

agencies whose approval may be required or whose recommendations may be sought.

2. Within 60 days of the date of the Board of Trustees meeting at which the properly completed application is officially received, said Board shall act to approve, approve with modifications or disapprove the special permit application.

C. Determination.

1. Prior to making a determination to approve any such application, either with or without modifications, the Board of Trustees shall first find that the proposed site development has been designed in such a way as to minimize any adverse environmental impacts to the maximum degree reasonably feasible through redesign, reduction in the size of the proposed project, the implementation of special environmental protection measures, permanent restrictions on the use and development of the property which may be established by deed restrictions, or a combination of the above. In so finding, the Board of Trustees shall further determine that the slope lands shall not be significantly impaired, that the proposed site design will provide safe building locations with proper access thereto, that important scenic and visual resources will be protected to the maximum extent feasible and that there will be no significant adverse impact upon any rare or endangered species of flora or fauna. The Board of Trustees shall attach such conditions to its approval as it may determine necessary to assure compliance with these standards and requirements.
2. In the event that the applicant fails to establish that the proposed used and development of the site, and the conditions which the applicant proposed in relation thereto, comply with these essential environmental standards, the Board shall disapprove said application, and the Building Inspector shall deny the issuance of any permits in relation thereto.

D. In addition to the above, the requirements of the State Environmental Quality Review Act shall also be applicable.

* * *

Severability.

If any part or provision of this Chapter 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 Chapter 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 Chapter or the remainder thereof had such invalid application or invalid provision been apparent.

Effective Date.

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