

**INCORPORATED VILLAGE OF HUNTINGTON BAY
Local Law No. 9 of the Year 2012**

A local law entitled, "Amendment to Legislative Purpose of Zoning Chapter"; "Amendment to Remove Planning Board from Definitions and Usage in Zoning Chapter"; "Amendment to Replace Planning Board with Board of Trustees as Board responsible for Site Plan Review and Approval in Zoning Code"

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 91 to read as follows:

Chapter 91

ZONING

ARTICLE I

* * *

[Note: §91-1.B. shall be amended to read as follows.]

§ 91-1. Legislative intent and purpose. [Added 9-14-1972; amended 2-9-2009 by L.L. No. 1-2009; Amended By L.L. No. 9-2012]

1. Legislative intent (remains the same.)
2. Purpose. The purposes of this chapter are: to lessen congestion in the streets; to secure safety from fire, flooding, panic or other disasters; to provide adequate light and air; to prevent the overbuilding of land to avoid undue concentration of population; to protect and preserve waterfront areas; and to facilitate the adequate provision of water supply and sewage disposal. In making any determination pursuant to this chapter, the Zoning Board of Appeals and the Village Board of Trustees shall observe such purposes or any or all of them as may be appropriate to promote the legislative intent of this chapter.

[Note: §91-2.B. shall be revised as follows.]

Delete the term and definition: "PLANNING BOARD-The Planning Board of the Incorporated Village of Huntington Bay"

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ARTICLE III

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[Note: §91-11.E.(1), §91-11.E.(4)(b) and §91-11.E(4)(b)[3] shall be amended to read as follows.]

§ 91-11. E. Site plan review. [Amended 10-16-2006 by L.L. No. 6-2006; amended 8-11-2009 by L.L. No. 5-2009; Amended By L.L. No. 9-2012]

§91-11.E.(1) Applicability. Uses and construction requiring site plan approval by the Board of Trustees. Site plan approval shall be required for all permitted principal uses, special uses, accessory uses and nonresidential uses:

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§91-11.E.(4)(b) In reviewing site plan applications, the Board of Trustees shall give consideration to, but shall not be limited by, the following factors, among others:

* * *

§91-11.E(4)(b)[3] That all existing trees over eight inches in diameter, measured three feet above the base of the trunk, shall be retained to the maximum extent possible. The Board of Trustees 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.

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.