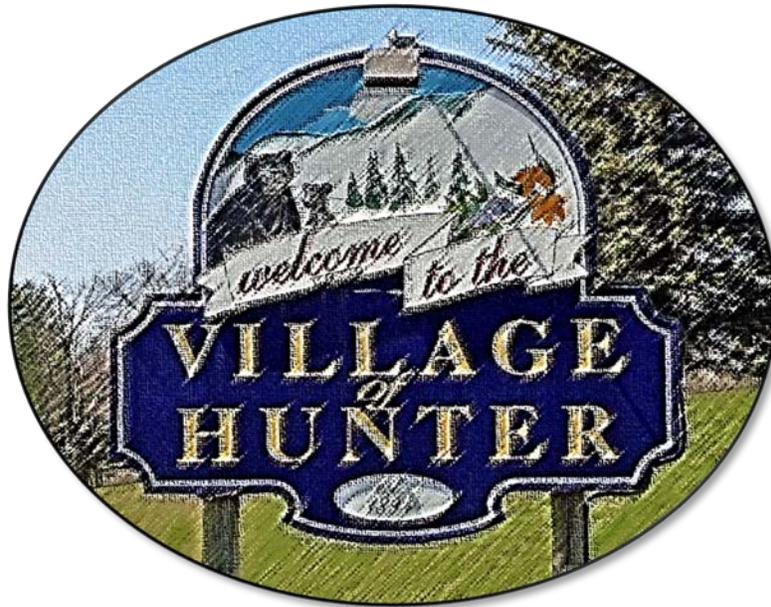


VILLAGE OF HUNTER ZONING LAW



LOCAL LAW #3 OF 2013

OF THE VILLAGE OF HUNTER
TOWN OF HUNTER, GREENE COUNTY, NEW YORK

ADOPTED OCTOBER 14, 2013

**VILLAGE OF HUNTER ZONING LAW
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ARTICLE 1 - INTRODUCTORY PROVISIONS

1.1 Short Title

This Local Law shall be known and may be cited as “The Village of Hunter Zoning Law, Greene County, New York.”

1.2 Authority

Enactment of this Local Law is pursuant to the enabling provisions of Articles 2 and 3 of the Municipal Home Rule Law and Article 16 of the Village Law and Article 27 of the Executive Law of the State of New York.

1.3 Legislative Purpose

The purpose of this Local Law is to promote the health, safety and general welfare of the community, to promote the rural character of the Village, to provide for a variety of housing opportunities and densities, and to protect the property values and aesthetics of the community. These goals are to be accomplished by regulating the height and size of buildings and other structures, the percentage of the lot that may be occupied, the size of the yards, courts and other open spaces, and the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes, to the extent permissible within the proper exercise of power delegated by the New York State Village Law.

It is the further purpose and objective of this Local Law to ensure the optimum overall conservation, protection, development and use of the scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Village.

Specifically, the intent is to:

1. Promote and effectuate the orderly physical development of the Village of Hunter in accordance with the Village of Hunter Comprehensive and Revitalization Land Use Plan.
2. Encourage the most appropriate use of land in the Village in order to conserve and enhance the value of property.
3. Regulate business development consistent with the character and environmental resources of the Village and to provide for adequate and suitably located commercial facilities.
4. Preserve the rural character and natural beauty of the community.
5. Facilitate the adequate provision of water and sewerage.

6. Minimize automobile congestion by promoting pedestrian-friendly development, safe and effective traffic circulation and adequate off-street parking.
7. Realize a development plan properly designed to conserve the use of land and to keep down the cost of municipal services.
8. Allow a mix of complimentary land uses that including housing, retail, offices, commercial services, and civic uses, to create economic and social vitality.
9. Encourage the use of green infrastructure practices to control stormwater runoff such as protecting natural areas, reducing impervious cover, and runoff reduction techniques to the maximum extent practicable.

ARTICLE 2 - DEFINITIONS

Except where specifically defined herein, all words used in this local law shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural, and words used in the plural shall include the singular. The word “shall” is always mandatory; the word “may” is permissive.

ABANDON - To cease, for more than two years and one day, the use and maintenance of land, buildings or structures which have been non-conforming uses.

ACCESSORY USE - A use of a structure, lot or portion thereof that is customarily incidental and subordinate to and does not change the character of a principal land use or development, including in the case of residential structures, professional, commercial and artisan activities carried on by the residents of such structures.

ACCESSORY STRUCTURE - Any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development and that customarily accompanies or is associated with such principal land use or development.

ADULT ENTERTAINMENT - An adult retail store, arcade, or movie theater, or cabaret with or without a liquor license, characterized by an emphasis on sexual activities, entertainment or goods.

ALTERATION - As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

AREA, BUILDING - The total of the areas measured on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

AREA, FLOOR - The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of the walls separating two buildings. Unheated porches, terraces, cellars, basements and enclosed off-street parking areas shall not be included in calculation of floor area.

AREA, LOT - The total area within the lot lines, excluding external streets.

AUCTION HALL - An establishment in which the public sale of goods to the person offering the highest price is conducted.

AUTOMOBILE REPAIR - The commercial repair, servicing, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, body and fender work, welding, painting, straightening, sanding and steam cleaning of vehicles.

BANK - An establishment where the primary purpose is for custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

BASEMENT - A story partly underground but having at least one half of its height above the average level of the adjoining ground. A “basement” shall be considered as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or is used for business or dwelling purposes.

BED AND BREAKFAST - A private dwelling in which at least one and not more than five rooms are offered for rent for transient occupancy, in which overnight lodging and meals are offered to such occupant.

BUFFER AREA - Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUILDING - Any structure intended for the housing, shelter or enclosure of persons, animals or property.

BUILDING HEIGHT - The maximum height to which a building or structure may be constructed, shall be measured from the lowest manipulated grade to the highest point of the structure. On structures that contain more than one ground floor elevation, the maximum height to which the building may be constructed, shall be measured from the lowest manipulated grade at each ground floor elevation to the highest point of the structure that is directly above that ground floor elevation. Limitations shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to barns, silos, monuments, transmission towers and similar structures.

BUILDING LINES - The building front line shall mean the line of that face of the building nearest the front line of the lot. This face includes sun parlors, covered porches and uncovered decks, whether enclosed or open, but does not include steps. Side and rear building lines shall be determined in a comparative manner. All yard setback requirements are measured to the building line.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated.

CAMPGROUND - Any area providing sites for the temporary parking or erection of occupied travel or pop-up trailers, motor homes, truck campers, tents, and all buildings and facilities pertaining thereto.

CAR WASH - A facility for washing automobiles, either manually or automatically.

CHILD CARE FACILITY - A facility that provides a program of care for children away from their home for more than three hours but less than 24 hours a day and is operated in accordance with all applicable New York State and federal rules, regulations and laws:

1. **CHILD DAY CARE CENTER:** A NYS licensed program or facility which is not a residence in which child day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation or otherwise, as regulated by New York State Social Services Law.
2. **FAMILY DAY CARE HOME:** A NYS registered program operated in a family home in which child day care is provided on a regular basis to three to six children (up to eight in special circumstances) for more than three hours per day per child, for compensation or otherwise, as regulated by New York State Social Services Law.
3. **GROUP FAMILY DAY CARE HOME:** A NYS licensed program operated in a family home in which child care is provided on a regular basis for seven to 12 children for more than three hours per day per child, for compensation or otherwise as regulated by New York State Social Services Law.

CHURCH/PLACE OF WORSHIP - A building used by groups to conduct organized religious services.

CLUB OR LODGE - A building or portion thereof or premises owned and/or operated by a corporation, association, person or persons for a social, educational or recreational activity, but not primarily for profit, or to render a service which is customarily carried on as a business.

CODE ENFORCEMENT OFFICER - The person appointed by the Hunter Village Board to administer and enforce this Local Law.

COMMERCIAL EXCAVATION - Any extraction from the land of more than 200 cubic yards in any one year period of sand, gravel, or topsoil for (1) the purpose of sale or use by persons other than the owner of the land, or (2) for the purpose of use by any municipality.

COMMERCIAL USE - Any use involving the sale, rental or distribution of goods, services or commodities, either retail or wholesale. Commercial uses include workplace, office, sales, eating and drinking establishments, lodging and entertainment functions, among others.

COMMON OPEN SPACE - An area of land within a site designated for development which is designed, intended and reserved for the users of the development. Common open space may include such complementary structures and facilities as are appropriate for the needs of the users of the development.

CONDOMINIUM - A multi-unit residential building in which the homeowner owns an individual unit and a proportionate share of all the common elements, including the land on which the building is located. Maintenance of the common elements is administered by a Homeowners Association or similar entity.

CONFERENCE CENTER - A structure or complex designed to host large gatherings of individuals or groups to promote and share common interests.

CONVENIENCE STORE - A commercial facility selling basic foods and household items. The intent of such a facility is to address transient or last minute needs, not supply a full complement of groceries and household supplies.

COVERAGE - That percentage of the plot or lot area covered by the combined area of all buildings or structures on the lot.

CULTURAL FACILITY - An establishment of an historic, educational or cultural interest which is not operated commercially.

DENSITY - The number of principal dwelling units per area of land.

DWELLING - A building designed or used as living quarters for one or more families. The term shall not be deemed to include hotels, boarding houses or other transient quarters. A community residence operated by or subject to licensure by the New York State Office of Mental Health or Office of Mental Retardation and Developmental Disabilities shall be classified as dwelling.

DWELLING, SINGLE FAMILY - A detached building containing one dwelling unit designed for occupancy by one family.

DWELLING, TWO FAMILY - A detached building containing two entirely separate dwelling units designed for occupancy by two families.

DWELLING, MULTIPLE FAMILY - A building or portion thereof containing three or more entirely separate dwelling units and designed for occupancy by three or more families living independently of each other.

DWELLING UNIT - A room or group of rooms providing complete housekeeping facilities for one family and occupied by a single-family unit.

EDUCATIONAL FACILITY/SCHOOL - An educational institution housing a curriculum, a physical plant consisting of adequate facilities and a qualified staff to carry out its objectives.

ENTERTAINMENT FACILITY - An establishment operated for the entertainment of the general public including but not limited to theaters, bowling alleys, movie theaters, dance halls, video arcades, skating rinks, batting cages and miniature golf courses. Entertainment facilities shall not include adult entertainment.

EXCAVATION - Any extraction from the land of sand, gravel, clay, shale, rock, topsoil or other natural mineral deposits.

FACADE - The face of a building.

FAMILY - One or more persons living together as a single housekeeping unit, whether or not related by blood, marriage or adoption, and maintaining a stable common household, as distinguished from a transient group occupying a boarding house, lodging house, club, or hotel.

FENCE - A structure or partition erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions or to separate two contiguous lots, but shall not include a building or growing plants or trees.

FUNERAL HOME - A structure used by a licensed mortician for burial preparation, funeral and related services.

GARAGE, PRIVATE - An enclosed space for the storage of one or more motor vehicles or other items, provided that no business, occupation or service is conducted for profit therein or space therein for more than three cars are leased to a non-resident of the premises.

GARDEN CENTER/NURSERY - A retail establishment specializing in the cultivation and/or sale of ornamental trees, shrubs and plants, and the sale of garden and landscape materials and equipment.

GASOLINE STATION - Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline, oil, or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment. A “gasoline station” may also include a convenience store as an integral part of the site.

GOLF COURSE - An area or course for playing golf, consisting of a least nine holes, except miniature golf, within which the playing area is not artificially illuminated.

GREEN INFRASTRUCTURE - Green infrastructure approaches infiltrate, evapotranspire or reuse stormwater, using soils and vegetation rather than hardscape collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, bioretention areas, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains.

GROUP CAMP - Any land or facility for seasonal housing and recreational, educational or business-related use by private or semi-private groups.

HOME OCCUPATION, CLASS I - Any professional service or business use, conducted entirely within a dwelling or accessory building and carried out by the inhabitants thereof, having no more than two non-resident employees, which is clearly incidental and secondary to the use of the premises for residential purposes and does not change its residential character, and which meets the standards set forth in Article 9 Section 3 of this Local Law.

HOME OCCUPATION, CLASS II - Any professional service or business use, conducted entirely within a principal dwelling or accessory building and carried out by the inhabitants thereof which serves more than 4 customers or patrons at any one time, or requires the use of toxic, explosive, flammable, combustible, corrosive, infectious, radioactive, or other restricted materials shall be considered a Class II occupation.

HOMEOWNERS ASSOCIATION - A contract agreed to by owners of homes in an area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space.

HOTEL/MOTEL - An establishment which provides overnight sleeping accommodations for transient guests and provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service. A “hotel” or “motel” may provide restaurants, meeting rooms, entertainment and recreational facilities and includes the term “inn”.

JUNKYARD - Any area for the dismantling, storage or sale as parts, scrap or salvage of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvage building materials, or other discarded materials. In addition, NYS General Municipal Law §136 defines a junkyard as a place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand Motor Vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from Motor Vehicles which, taken together, equal in bulk two or more such vehicles.

LAND USE ACTIVITY - Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of use of land or a structure. Land use activity shall explicitly include, but not be limited to, the following: new structures, expansions of existing structures, new uses, material changes in or expansions of existing uses, roads, fences, driveways and mining for the purpose of extracting soils or mineral deposits, and demolitions. Any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses or gardening shall be permitted land use activities in all districts.

LAUNDROMAT - A facility equipped with individual clothes washing and drying machines for use by retail customers.

LIGHT INDUSTRY - Any use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. The operation is conducted solely within a building or group of buildings and will not cause or result in:

- a. Dissemination of noise, vibration, odor, dust, smoke, observable gas or fumes or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted.
- b. Hazard of fire or explosion or other physical hazard to any person, building, or vegetation.
- c. A harmful discharge of waste materials.
- d. Unusual traffic hazards or congestion, due to the type of vehicles required.

LINE, STREET or RIGHT-OF-WAY-LINE - The dividing line between the street and the lot.

LOT - A portion or parcel of land considered as a unit devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

LOT AREA - The total area within the lot lines, excluding external streets.

LOT, CORNER - A lot abutting upon two or more streets at their intersection.

LOT, FRONT LINE - The lot line which abuts upon a street or highway right-of-way boundary, or shoreline if the principal structure faces such shoreline.

LOT, INTERIOR - A lot other than a corner lot.

LOT LINES - Any line dividing one lot from another.

LOT, REAR LINE - The lot line opposite and most distant from the front lot line.

LOT OF RECORD - Any lot which has been established as such by plat, survey, record or deed prior to the effective date of this Local Law, as shown in the records of the Village Assessor.

LOT, THROUGH - An interior lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH - The width of the lot measured at the line of the front face of the principal building.

MAXIMUM LOT COVERAGE - The maximum percentage of the lot area that may be covered by the combined area of all buildings or structures on the lot.

MEDICAL CLINIC - A facility in which one or more doctors trained in the healing arts, assisted by a staff, treat patients for a length of time that does not include overnight care.

MIXED USE - Areas with more than one land use either stacked (multi-level with residential above and commercial below) or integrated.

MOBILE OR MANUFACTURED HOME - A one-family dwelling on a permanent chassis, transportable in one or more sections, which is equipped for year-round occupancy and contains the same plumbing, heating and electrical systems as immobile housing. Any structure which is built on a permanent chassis is defined as a manufactured home under 24 CFR Pat 3280 and this local law.

MOBILE HOME COMMUNITY - A parcel of land which has been planned and improved for the placement of two or more mobile homes for non-transient use.

MODULAR HOME - A structure made of prefabricated sections manufactured at another location, transported to the site, and assembled on a foundation to form a permanent dwelling unit. Modular homes are indistinguishable in appearance from conventionally built homes and are constructed using similar materials and techniques. Modular homes differ from mobile homes in that they are not transportable after installation and do not have a permanent chassis or axle. For the purposes of this local law, modular homes shall be considered to be single family dwellings.

MOTOR VEHICLE - All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.

NON-CONFORMING LOT - Any lot lawfully of record on the effective date of this Local Law which does not meet the minimum lot area and/or lot width requirements of this Local Law for the land use district in which such lot is situated.

NON-CONFORMING STRUCTURE - Any structure which is lawfully in existence on the effective date of this Local Law but which is not in conformance with the location, or dimensional regulations for that land use district.

NON-CONFORMING USE - Any use which is lawfully in existence within a given land use district on the effective date of this Local Law which is not in conformance with the use regulations of the district in which such use is located.

OFFICE - A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include auxiliary services for office workers.

OPEN SPACE - Land not covered by buildings, pavement, open storage, mining operations, or any other use that visually obscures the natural or improved landscape, except for recreation facilities.

OPEN SPACE RECREATION - Any recreational activity particularly oriented to and utilizing the outdoor character of an area.

OWNER - The titleholder of record of real property or, if deceased, his/her estate.

PARK - A tract of land, designated and used by the public, for active and passive recreation.

PARKING SPACE - An off-street space available for the parking of one motor vehicle and having an area of not less than 162 square feet, exclusive of passageways.

PERMANENT FOUNDATION - Shall include footings below frost line.

PERSON - Any individual, corporation, partnership, association, trustee, the State and all political subdivisions of the State or any agency or instrumentality thereof.

PERSONAL SERVICE ESTABLISHMENT - A commercial operation, store, or other place of business catering to the personal needs of a customer, such as normally conducted by a beautician, dressmaker, or tailor.

PLANNED DEVELOPMENT DISTRICT - An area of land in which residential, commercial, industrial or mixed developments are accommodated in a preplanned environment under more flexible standards than would normally apply under these regulations in order to achieve economies of scale, creative architectural or planning concepts and open space preservation. Creation of a Planned Development District requires a zoning change by the Village Board.

PLAT - A map, plan or layout of the Village or a section or subdivision thereof, indicating the location and boundaries of individual properties and streets.

PRINCIPAL USE - The main or primary purpose for which land or a building is used, occupied or maintained. When more than one use is on a lot, the most intense use shall be considered the main or primary use.

PUBLIC FACILITY - Publicly owned or operated land, buildings, facilities and infrastructure used for the provision of government services including but not limited to water supply and distribution; sewage collection and treatment; stormwater drainage; fire and police protection; emergency services; parks and recreation; education and municipal services.

PUBLIC RIGHT-OF-WAY - A parcel of land in public ownership open to the public for vehicular or pedestrian access.

PUBLIC OR SEMI-PUBLIC BUILDING - Any component building of a college, school, hospital, library, place of worship, museum, research center, rehabilitation center or similar facility, or a municipal building.

PUBLIC UTILITY USE - A building, structure or lot used for or in connection with the transmission, distribution or regulation of public water, gas, electric, telephone, or other public utility service.

RECREATION FACILITY - A facility designed for indoor and/or outdoor recreational uses including athletic facilities, community rooms, support spaces, disc golf, hiking, snow shoeing, zip-lining, ropes courses, mountain biking and other non-motorized recreational activities.

RECONSTRUCTION - The remodeling, renovation or rebuilding of a building or structure.

RESTAURANT / BAR - A place where food and/or drink are prepared, served, and consumed, primarily within the principal building.

REPAIR SHOP - An establishment providing on-site repair and accessory sales for appliances, office machines, home electronic and mechanical equipment, tools and garden equipment. This classification does not include maintenance and repair of motor vehicles.

RETAIL STORE - A commercial facility designed for and primarily characterized by the direct on-premises sale of goods and services to the ultimate consumer, such as food markets, clothing stores and similar establishments.

SELF-SERVICE STORAGE FACILITY - A building or group of buildings consisting of individual, self-contained units that are leased or owned for the storage of business and household goods or wares.

SIGN - Pursuant to Local Law No. 2 of 2011, the Village of Hunter Sign Law, a sign shall mean:

1. Any material, structure, or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or in-doors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or, insignia used to advertise or promote the interests of any person business, or cause, when such is placed in view of the general public.
2. Any exterior device constructed, erected, affixed, or placed within the Village of Hunter upon any building, pole, mounting surface or structure, or upon any land, for the purpose of attracting public attention, including any device comprised of separate letters, which are affixed, mounted, or otherwise arranged for the purpose of attracting public attention.
3. Any such devise which is painted or affixed on glass or other window material, or located inside a building as part of a window display, or within four feet of any window and which is readily visible from a sidewalk, street, or other public place.
4. Any interior light or lights, or portion of window display, which flashes or emits intermittent light or light of varying intensity, and which is visible from any street, neighboring property, or public way.
5. Any leaflet, booklet, flyer, or advertising material permanently or temporarily affixed to or placed upon any vehicle, building, doorstep, doorknob, pole, or any other type of mounting surface, or any such material distributed by hand or any other mechanism, other than postal delivery.
6. Any poster, tethered balloon, anti-aircraft light, painting, leaflet, flyer, advertising paper, or other contraption or device whose placement is intended to attract public attention.

SKI CENTER FACILITY - A facility with trails or slopes of Alpine (downhill) and/or Nordic (cross-country) skiing and other outdoor recreational activities, including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance facilities, parking lots and other buildings and structures directly and customarily related thereto.

SLOPE - The degree of deviation of a surface from the horizontal, usually expressed in percent of degrees.

SOLID WASTES - Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding or crockery.

SPECIAL USE PERMIT - Authorization of a particular land use, permitted in specific zoning districts subject to special review and conditions imposed by the Planning Board, to assure that the use is in harmony with this law and will not adversely affect the surrounding neighborhood.

STABLE/RIDING ACADEMY - An establishment primarily engaged in providing horseback riding instruction, and/or boarding of horses, including customary accessory buildings and uses.

STORAGE YARD - The use of property for the storage, stockpiling or safekeeping of non-hazardous bulk materials, equipment and supplies for future use or sale.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STRUCTURE - Anything constructed or built which requires location in or on the ground or attachment to something having location in or on the ground. Structures include buildings, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc., but not uncovered paved areas or walkways.

TIMBER HARVESTING - Selective harvesting of trees following a forest management plan prepared under the direction of a New York State DEC Regional or Cooperating Forester.

TOWNHOUSE - A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof with open space on at least two sides. The owner of a townhouse owns the land on which it stands.

TRAVEL TRAILER OR RECREATIONAL VEHICLE (RV) - Any portable vehicle, including a tent camper or motor home, less than 300 square feet in size, which is designed to be transported on its own wheels and intended to be used for temporary living quarters for travel, recreational or vacation purposes. It may or may not include the accommodations and facilities customarily included in a mobile home. A recreational vehicle is not a single-family dwelling.

VETERINARY CLINIC - A facility providing health services and medical or surgical care to animals suffering from illness, disease, injury and other abnormal conditions, which may include laboratory and boarding facilities.

WAREHOUSE - A building used to temporarily store or hold products or articles for use in assembly or manufacturing or for future transfer of said product or article to another location.

WETLAND - Any land which is annually subject to periodic or continual inundation by water and supports characteristic wetland plants. NYSDEC regulates and protects wetlands that are at least 12.4 acres in size; the U.S. Army Corps of Engineers regulates smaller wetlands.

YARD, FRONT - The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front lot line.

YARD, REAR - The space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such rear lot line.

YARD, SIDE - The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.

ARTICLE 3 - ESTABLISHMENT OF DISTRICTS

3.1 Land Use Districts and Purposes

A. Land Use Districts

VBD	Village Business District
GBD	Gateway Business District
VRD	Village Residential District
RED1	Recreation-Entertainment District 1
RED2	Recreation-Entertainment District 2
WRD	Watershed Recreation District
PDD	Planned Development District

B. Purposes

1. Village Business District (VBD)

The purpose of the Village Business District is to accommodate higher density commercial and residential development in those areas of the Village of Hunter located adjacent to existing community facilities and services, and potentially capable of being served by public water and sewer infrastructure.

This district recognizes the downtown business core as a distinct social, cultural and business place with mixed land uses including high density commercial and residential. Uses should encourage the establishment of retail, professional services and institutions and other uses consistent with the needs of a village community. The district should also function for both residents and visitors recognizing that an important economic development strategy is to develop opportunities for recreational tourism.

2. Gateway Business District (GBD)

The purpose of Gateway Business District is to provide welcoming gateways to the Village along the Route 23A and 296 corridors, while providing for a mix of larger scale residential, commercial and institutional uses. Allowed uses should complement existing downtown businesses and service the residential community. Business uses should be compatible to nearby residences and fit into the character of the area to the greatest extent possible. Parking should be on the side, or in the rear of buildings and setbacks consistent with adjacent structures. Shared parking arrangements are encouraged. Home based businesses; multi-family homes and offices are also encouraged in this district.

The presence of existing or proposed public water and sewer facilities allows the capacity of the GBD district to accommodate a compatible mix of residences and businesses. It is the intention of this district to encourage new business development outside the Village Business District in a pattern that accommodates larger businesses that cannot locate in the downtown due to special constraints.

3. Village Residential District (VRD)

The Village Residential District is the largest land use district in the Village of Hunter. Residential uses and accessory structures are the primary uses of this zone.

The purpose of this district is to accommodate moderate residential growth and development in those areas of the Village of Hunter that are relatively free from physical constraints. The presence of public water and sewer facilities allows the district to accommodate more intensive development.

4. Recreation-Entertainment District 1 (RED1)

The purpose of the Recreation-Entertainment District 1 is to recognize the Hunter Mountain Ski Resort as a distinct tourist destination with mixed land uses at a higher density than found in the surrounding countryside. Adult entertainment uses shall be restricted to Recreation-Entertainment District 1.

5. Recreation-Entertainment District 2 (RED2)

The purpose of the Recreation-Entertainment District 2 is recognize the Hunter Mountain Ski Resort and its adjoining multifamily residential developments as a distinct tourist destination with land uses at a higher density than found in the surrounding countryside.

6. Watershed Recreation District (WRD)

The purpose of the Watershed Recreation District is to protect the Village of Hunter water supply springs and reservoir lands while providing opportunities for a variety of recreational activities and residential uses.

7. Planned Development District (PDD)

The purpose of the Planned Development District is to promote more creative and innovative design of mid-to-large scale developments than is permissible under traditional zoning regulations, while promoting conservation of open space and efficient use of land, resources, public services and infrastructure. A PDD is permitted in the GBD and RED1 zones.

3.2 Zoning Map

The locations and boundaries of each land use district listed as part of this Local Law are hereby established as shown on the map entitled “Zoning Map of the Village of Hunter.” Said map, together with all explanatory matter thereon and all amendments thereto, is hereby adopted and declared to be a part of this Local Law, and may be amended in the same manner as any other part of this Local Law. Said map shall be kept up to date and shall be located in the Village Clerk’s office for the use and benefit of the public.

3.3 Interpretation of Boundaries

Where uncertainty exists with respect to the boundary of any district as shown on the Village of Hunter Zoning Map, said district boundaries shall be deemed to follow tax parcel boundaries as they existed as of the date of the adoption of this local law.

ARTICLE 4 - USE, AREA AND COVERAGE REGULATIONS

4.1 Schedule of Use, Area and Coverage Regulations

The use, area and coverage regulations appear in Schedule 1 beginning on page 18 of this document. This schedule is supplemented, as appropriate, by other provisions of this Local Law.

4.2 Application of Regulations

Except as hereafter provided:

- A.** No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, demolished, reconstructed or enlarged except in conformance with the regulations herein specified for the district in which it is located.
- B.** No part of a yard or other open space required in connection with any building or use shall be included as part of a yard or other open space similarly required for another building or use.
- C.** No yard or lot existing at the time of the passage of this Local Law shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Local Law shall meet the minimum requirements set forth herein, unless granted an area variance by the Zoning Board of Appeals pursuant to Article 11 of this Zoning Law.
- D.** Nothing contained herein shall prohibit the use of a lot of record in legal existence as of the date of enactment of this Local Law even if such lot or lots do not meet the minimum area and coverage requirements. Further, nothing contained herein shall prohibit the use of an undeveloped lot in a subdivision, which is in legal existence as of the date of enactment of this Local Law.
- E.** Only those uses specifically identified as Permitted Uses and Special Permit Uses shall be permissible in their respective land use districts. All other uses are expressly prohibited unless granted a use variance by the Zoning Board of Appeals pursuant to Article 11 of this Zoning Law.

4.3 Building Permit

A building permit shall be obtained before the construction, relocation, or alteration of any structure as required by the New York State Building Code. No site preparation for any building shall begin unless and until a building permit has been issued.

4.4 Principal Buildings Per Lot

More than one principal building shall be permitted on a lot only if each building is located so that it would conform to all area, setback and coverage regulations in this Local Law and the Village of Hunter Subdivision Law, if a separate lot were created for each building.

4.5 Corner Lots

On a corner lot, each street frontage shall be deemed a front street line, and the required yard along each such lot line shall be a required front yard. The Code Enforcement Officer, in consultation with the owner, shall decide which of the remaining yards shall be the required side yard and the required rear yard.

4.6 Height Restriction

The height regulations of this law shall not apply to belfries, church spires, cupolas, chimneys, flagpoles, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried on the roof, or to ski lifts, transmission towers and cables and similar structures. Such features however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended.

4.7 Applicability of Other Regulations

The ability to undertake a land use activity pursuant to this Local Law does not repeal or eliminate the jurisdiction of other local, regional, state, or federal agencies including the United States Army Corps of Engineers, New York City Department of Environmental Protection, New York State Department of Environmental Conservation, and New York State Department of Health. Those undertaking land use activities are advised that approvals and/or permits may be required from said agencies.

**SCHEDULE 1
USE, AREA AND COVERAGE REGULATIONS**

VILLAGE BUSINESS DISTRICT (VBD)

The Village Business District is intended to provide for individual or small groups of retail and customer service establishments serving both local residents and the tourist trade. It calls for the orderly and attractive organization of businesses arranged as a distinctive place for conducting social, cultural and business events and activity. It blends mixed land uses including high density commercial and residential.

VILLAGE BUSINESS DISTRICT	Site Plan Review Required	Minimum lot size (sf)	Mean lot width (sf)	Setbacks			Max. Lot Coverage (%)	Max. Ht. (ft)	
				Front (ft)	Side* (ft)	Rear (ft)			
PERMITTED USES									
Single Family Dwelling		5,000	50	10	5	15	70	45	
Two Family Dwelling		10,000	50	10	5	15	70	45	
Dwelling (Attached / Above Business)		5,000	50	10	5	15	70	45	
Condominiums / Townhouses	X	40,000	150	25	15	15	60	45	
Customary accessory use or structure		-	-	10	5	15	-	15	
Garage, Private		5,000	50	10	5	15	70	25	
Home Occupation - Class I		-	-	-	-	-	-	-	
Auction Hall	X	20,000	100	10	5	15	70	30	
Bank	Without Drive-Thru	X	5,000	50	10	5	15	70	30
	With Drive-Thru	X	20,000	100	10	5	15	70	30
Bed and Breakfast	X	20,000	50	10	5	15	70	45	
Church / Place of Worship	X	40,000	100	10	5	15	70	45	
Club / Lodge	X	40,000	100	10	5	15	70	45	
Convenience Store	X	5,000	50	10	5	15	70	30	
Cultural Facility	5,000 SF or less	X	5,000	50	10	5	15	70	45
	Greater than 5,000 SF	X	10,000	100	10	5	15	70	45
Educational Facility / School	X	40,000	100	10	5	15	70	45	
Entertainment Facility	X	40,000	100	10	5	15	70	45	
Hotel/Motel	Less than 10 units	X	40,000	50	10	5	15	70	45
	10 units or more	X	80,000	50	10	5	15	70	45
Laundromat	X	5,000	50	10	5	15	70	30	
Medical Clinic	X	10,000	100	10	5	15	70	45	
Office	Private Office	X	5,000	50	10	5	15	70	45
	Office Complex	X	10,000	50	10	5	15	70	45
Personal Service Establishment	X	5,000	50	10	5	15	70	30	
Retail Store	X	5,000	50	10	5	15	70	30	
Restaurant / Bar	X	5,000	50	10	5	15	70	45	
SPECIAL PERMIT USES									
Automobile Repair, Sales, Service	X	10,000	100	10	10	15	70	30	
Funeral Home	X	10,000	100	10	5	15	70	30	
Gasoline Station	X	10,000	100	10	5	15	70	30	
Home Occupation - Class II	X	-	-	-	-	-	-	-	
Light Industry	X	10,000	100	10	10	15	70	30	
Public Facility	X	-	-	-	-	-	-	-	
Repair Shop	X	10,000	100	10	10	15	70	30	
Storage Yard	X	10,000	100	10	10	15	70	30	
Veterinary Clinic	X	10,000	100	10	10	15	70	30	

* Notwithstanding anything to the contrary contained herein, property owners in the Village Business District, with the consent and agreement of contiguous property owners, may build up to the side property line with no side setback, provided that both contiguous property owners are building up to the same property line simultaneously, provided that said construction shall not conflict with NYS Building codes.

GATEWAY BUSINESS DISTRICT (GBD)

This district is intended to support infill and redevelopment along existing commercial corridors. Market areas for uses in the 23A and 296 corridors are highly variable and emphasis should be given to automobile-dependent land uses and uses whose spatial needs cannot be met in the Village Business District. Shared parking arrangements and home businesses are encouraged.

GATEWAY BUSINESS DISTRICT		Site Plan Review Required	Minimum lot size (sf)	Mean lot width (sf)	Setbacks			Max. Lot Coverage (%)	Max. Ht. (ft)
					Front (ft)	Side (ft)	Rear (ft)		
PERMITTED USES									
Single Family Dwelling			5,000	50	25	10	15	60	45
Two Family Dwelling			10,000	50	25	10	15	60	45
Multiple Family Dwelling		X	10,000/Unit	100	25	10	15	60	45
Dwelling (Attached / Above Business)			5,000	50	25	10	15	60	45
Condominiums / Townhouses		X	40,000	150	25	15	15	60	45
Customary accessory use or structure			-	-	25	10	15	-	15
Garage, Private			5,000	50	25	10	15	60	25
Home Occupation - Class I			-	-	-	-	-	-	-
Auction Hall		X	20,000	100	25	10	15	60	30
Bank		X	20,000	100	25	10	15	60	30
Bed and Breakfast		X	20,000	100	25	10	15	60	45
Car Wash		X	20,000	100	25	10	15	60	30
Church / Place of Worship		X	40,000	100	25	10	15	60	45
Club / Lodge		X	40,000	100	75	50	50	60	45
Convenience Store		X	30,000	100	25	20	15	60	30
Cultural Facility		X	20,000	100	25	20	15	60	45
Child Day Care Center		X	10,000	100	25	10	15	60	45
Educational Facility		X	40,000	100	25	10	15	60	45
Entertainment Facility		X	40,000	100	25	10	15	60	45
Hotel/Motel	Less than 10 units	X	40,000	100	25	10	15	60	45
	10 units or more	X	80,000	100	25	10	15	60	45
Laundromat		X	10,000	100	25	10	15	60	30
Garden Center/Nursery		X	40,000	100	25	10	15	60	30
Medical Clinic		X	10,000	100	25	10	15	60	45
Office		X	10,000	100	25	10	15	60	45
Personal Service Establishment		X	10,000	100	25	10	15	60	45
Recreation Facility		X	40,000	100	25	10	15	60	45
Retail Store		X	10,000	100	25	10	15	60	30
Restaurant / Bar		X	10,000	100	25	20	15	60	45
Self Storage Facility		X	20,000	100	25	20	15	60	20
Warehouse		X	40,000	100	25	20	15	60	30
SPECIAL PERMIT USES									
Automobile Repair, Sale, Service		X	40,000	100	25	10	15	60	30
Campground/RV Park		X	5 acres	100	25	25	25	60	30
Commercial Excavation		X	-	100	25	25	25	60	-
Funeral Home		X	20,000	100	25	10	15	60	30
Gasoline Station		X	30,000	100	25	10	15	60	30
Home Occupation – Class II		X	-	-	-	-	-	-	-
Group Camp		X	5 acres	100	25	25	25	60	30
Light Industry		X	20,000	100	25	25	25	60	30
Public Facility		X	-	-	-	-	-	-	-
Repair Shop		X	10,000	100	25	25	25	60	30
Stable, Riding Academy		X	1 ac/horse	100	50	50	50	60	30
Storage Yard		X	20,000	100	25	25	25	60	30
Veterinary Clinic		X	10,000	100	25	10	15	60	30

**RECREATION - ENTERTAINMENT DISTRICT 1 (RED1) &
RECREATION - ENTERTAINMENT DISTRICT 2 (RED2)**

These districts are designed to recognize the Hunter Mountain Ski Resort and its adjoining multifamily residential developments as a distinct tourist destination with a diverse mix of land uses that complement the existing resort and allow the business to expand as the future market demands.

RECREATION - ENTERTAINMENT DISTRICTS 1 and 2	Site Plan Review Required	Minimum lot size (sf)	Mean lot width (sf)	Setbacks			Max. Lot Coverage (%)	Max. Ht. (ft)
				Front (ft)	Side (ft)	Rear (ft)		
PERMITTED USES								
Single Family Dwelling		10,000	100	25	15	15	40	45
Two Family Dwelling		20,000	100	25	15	15	40	45
Multiple Family Dwelling	X	8 Units/Ac	100	25	15	15	60	45
Condominiums / Townhouses	District 1	1 acre	150	25	15	15	60	100
	District 2	1 acre	150	25	15	15	60	65
Customary accessory use or structure		-	-	25	15	15	-	15
Bed and Breakfast	X	20,000	100	25	15	15	40	45
Campground	X	3 acres	150	25	15	15	40	45
Church / Place of Worship	X	1 acre	150	25	15	15	40	45
Conference Center	X	40,000	150	25	15	15	60	100
Cultural Facility	X	40,000	150	25	15	15	60	45
Child Day Care Center	X	10,000	100	25	15	15	40	45
Entertainment Facility	X	10,000	150	25	15	15	40	45
Golf Course	X	-	-	-	-	-	-	45
Hotel/Motel	X	80,000	150	25	15	15	60	100
Recreation Facility	X	10,000	150	25	15	15	40	45
Restaurant / Bar	X	10,000	100	25	20	15	60	45
Ski Center Facility	X	-	-	-	-	-	-	100
SPECIAL PERMIT USES								
Adult Entertainment (District 1 Only)	X	10,000	100	25	25	25	40	30
Public Facility	X	-	-	-	-	-	-	-
Stable, Riding Academy	X	1 ac/horse	100	50	50	50	40	30

WATERSHED RECREATION DISTRICT

This district is intended to protect the Village of Hunter water supply springs and reservoir lands while providing opportunities for a variety of recreational activities and residential uses.

WATERSHED RECREATION DISTRICT	Site Plan Review Required	Minimum lot size (sf)	Mean lot width (sf)	Setbacks			Max. Lot Coverage (%)	Max. Ht. (ft)
				Front (ft)	Side (ft)	Rear (ft)		
PERMITTED USES								
Single Family Dwelling	X	10,000	100	25	15	15	40	45
Two Family Dwelling	X	20,000	100	25	15	15	40	45
Multiple Family Dwelling	X	8 Units/Ac	100	25	15	15	60	45
Condominiums / Townhouses	X	1 acre	150	25	15	15	60	45
Customary accessory use or structure		-	-	25	15	15	-	15
Campground	X	3 acres	150	25	15	15	40	45
Cultural Facility	X	40,000	150	25	15	15	60	45
Golf Course	X	-	-	-	-	-	-	45
Hotel/Motel	X	80,000	150	25	15	15	60	45
Recreation Facility	X	10,000	150	25	15	15	40	45
Ski Center Facility	X	-	-	-	-	-	-	45

VILLAGE RESIDENTIAL DISTRICT (VRD)

This district is established to provide for primarily single-family living and excluding land uses that are not compatible with residential life. This district will accommodate moderate residential growth in areas free from physical constraints.

VILLAGE RESIDENTIAL DISTRICT	Site Plan Review Required	Minimum lot size (sf)	Mean lot width (sf)	Setbacks			Max. Lot Coverage (%)	Max. Ht. (ft)
				Front (ft)	Side (ft)	Rear (ft)		
PERMITTED USES								
Single Family Dwelling		20,000	75	20	20	25	40	45
Two Family Dwelling		20,000	75	20	20	25	40	45
Multiple Family Dwelling	X	10,000/Unit	75	25	20	25	60	45
Condominiums / Townhouses	X	5 acres	150	25	40	40	60	45
Customary accessory use or structure		-	-	20	20	25	-	15
Home Occupation - Class I		-	-	-	-	-	-	45
Garage, Private		10,000	75	20	20	25	40	25
SPECIAL PERMIT USES								
Mobile Home Community	X	5 acres	-	50	50	50	-	25
Public Facility	X	-	-	-	-	-	-	-
Home Occupation - Class II	X	2 acres	-	-	-	-	-	45

ARTICLE 5 - NONCONFORMING USES AND STRUCTURES

5.1 Applicability

The following provisions shall apply to all buildings, structures and uses lawfully existing on the effective date of this Article. They shall also apply to all buildings and uses that may become nonconforming by reason of any subsequent amendment to this Article and the Zoning Map and to all conforming buildings housing nonconforming uses.

5.2 Provisions

A. Existing Nonconforming Uses and Structures

The lawful use of any building, structure, or land existing at the time of the enactment of this Local Law may be continued although such use does not conform to the provisions of this Local Law. This provision is deemed to include mobile home communities, which may continue to operate under the conditions of lawfully issued permits.

B. Unsafe Structures

Any structure or portion of that structure declared unsafe by a proper authority may be restored to a safe condition.

C. Restoration

Any building damaged by fire or other causes may be repaired or rebuilt for the same, but not a different, nonconforming use. Buildings which are not conforming as to setback, and which are destroyed shall be rebuilt to meet the front yard setback for the district in which it is located if the lot's dimensions permit. If, due to the lot's dimensions, the front yard setback cannot be met, the new building may be rebuilt in the same place as the building damaged by fire or other causes.

D. Alterations

A nonconforming building used for a nonconforming use shall not be structurally altered during its life to an extent exceeding in aggregate cost the replacement value of the building unless said building is changed to a conforming use.

E. Displacement

No nonconforming use shall be extended to displace a conforming use.

F. Abandonment

If the active operation of a nonconforming use is discontinued for a period of two years, regardless of any intent to resume said use, any future use shall conform to the regulations of the zoning district in which it is located.

G. Special Lot Regulations

Notwithstanding the limitations imposed by any other provision of this Local Law, any substandard lot which exists at the time of enactment of this Local Law can be built upon. The minimum setback requirements shall be reduced in proportion to the size of the lot as compared to the minimum size required for the district. However, not withstanding anything to the contrary, no minimum setback shall be less than 10 feet.

ARTICLE 6 - SITE PLAN REVIEW

6.1 Intent

The intent of the Site Plan Review process is to ensure the orderly and safe arrangement, layout, and design of a proposed project.

6.2 Authorization to Approve or Disapprove Site Plans

A. Authority

In accordance with New York State Village Law §7-725-a the Village of Hunter Planning Board is hereby authorized to review and approve, approve with qualifications or modifications, or disapprove plans for new land use activities within the Village as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this Local Law.

B. Conditions

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon approval of said site plan, any such conditions must be met prior to issuance of permits by the Code Enforcement Officer.

C. Waivers

The Planning Board shall have the authority to waive any requirements for the approval, approval with modifications or disapproval of site plans submitted for review. This waiver may be exercised in the event that such requirements are found not to be requisite in the interest of the public health, safety or general welfare, or inappropriate to a particular site plan.

6.3 Applicability

All land use activities within the Village, other than single-family or two-family dwellings and related accessory uses, Class I Home Occupations, and typical agricultural uses shall require Site Plan Review and approval by the Planning Board, prior to issuance of a building permit or certificate of use or occupancy.

No clearing, grading or tree removal may be undertaken in excess of 1 acre of land without Site Plan Approval from the Planning Board with the exception of the harvesting of Christmas trees; the clearing of land for rights-of-way for utilities; reasonable site clearing preparatory to construction for which a building permit has been issued; the clearing and maintenance of land for agricultural purposes; the harvesting of trees and firewood for the personal use of the property owner; and selective timber harvesting following a forest management plan prepared under the direction of a New York State DEC Regional or Cooperating Forester.

6.4 Procedure

The review of site plans is divided into three phases: Concept Plan Conference, Preliminary Site Plan Review, and Final Site Plan Review.

A. Concept Plan Conference

The prospective developer shall contact the Planning Board to schedule a concept plan conference at the next regularly scheduled Planning Board meeting. The purpose of the conference is to give the Planning Board and Applicant an opportunity to discuss the project before the Applicant commits significant outlays of time and money, to identify the site's natural and man-made features which may present assets and liabilities for layout of the proposed buildings and improvements, and to ensure that Village development goals are recognized as they apply to the site in question.

At the conference the Applicant shall provide the Planning Board with basic data regarding the proposal. At a minimum, the Applicant shall provide:

- A resource analysis map showing the important existing natural and man-made features in and around the site including but not limited to roadways, watercourses, contiguous properties and all improvements thereon. This is an initial step to identify natural features such as streams, waterbodies, wetlands, steep slopes, floodzones, wooded and other sensitive areas.
- A conceptual sketch plan showing the major features of the proposal.

B. Preliminary Application for Site Plan Review

1. Seven copies of a preliminary site plan application shall be made in writing to the Planning Board. Scale of the site plan shall be one inch equals 50 feet, or in the case of large lots, as appropriate for the lot size and approved by the Planning Board. The preliminary application shall be accompanied by a fee as determined by the Village Board and posted in the Village Hall.

The application shall be accompanied by the information listed below as determined necessary by the Planning Board. The Planning Board may require any or all of the following items, as it determines appropriate for the nature and scale of the proposed project. The presubmission conference may be used to determine the application requirements. A licensed professional engineer, architect or land surveyor shall prepare the preliminary site plan, unless waived by the Planning Board.

- Title of drawing, date, north arrow, scale, name and address of Applicant, and person responsible for the preparation of such drawing;
- Boundaries of the property plotted to scale;

- Existing water courses, wetlands, FEMA floodplains, landscaping and vegetative cover;
- Grading and drainage plan showing existing and proposed contours with intervals of five feet or less;
- Description of methods used for controlling stormwater runoff from the site.

If a Full Stormwater Pollution Prevention Plan (SWPPP) is required by NYS Department of Environmental Conservation and/or the NYC Department of Environmental Protection, the SWPPP must include a description of each post-construction stormwater management practice, including documentation of the five step planning process for runoff reduction using green infrastructure as outlined in the NYS Stormwater Management Design Manual, most current version or its successor, using the practices shown in Appendix A of this local law.

- Location, use and height of all existing and proposed buildings including those on contiguous properties.
- All existing and proposed means of vehicular ingress and egress to and from the site and onto public streets;
- Design and construction materials of all parking and truck loading areas;
- Provision for pedestrian access;
- Location of outdoor storage, if any;
- Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- Description of the method of sewage disposal and location, design and construction materials of such facilities;
- Description of the method of securing water and location, design and construction materials of such facilities;
- Location of fire and other emergency zones, including the location of fire hydrants;
- Location, size, design and construction materials of all proposed signage;
- The proposed location, direction, power and hours of operation of proposed outdoor lighting;
- Designation of the amount of building area proposed for each use;

- Landscaping plan and planting schedule;
 - Location and proposed development of all buffer areas, including indication of existing vegetative cover;
 - Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any required County, State or Federal permits; and
 - Completed Part 1 of the Short or Long Environmental Assessment Short Form, as required by the Planning Board.
2. In reviewing site plans, the Planning Board shall give consideration to the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood in particular. More specifically, the Planning Board shall ensure:
- The adequacy and arrangement of access and circulation including, but not limited to, road widths, grade, alignment, sight distance, location, surfaces, traffic control, walkway, and pedestrian convenience;
 - The compatibility of buildings, lights and signs in terms of location, arrangement, size and design;
 - The adequacy of stormwater and drainage facilities in preventing flooding, erosion, and improper obstruction of drainage ways;
 - The adequacy of water supply and sewage disposal facilities;
 - The adequacy, type and arrangement of trees, shrubs and other landscaping;
 - The retention of existing trees, wooded areas, watercourses and other natural features to the maximum extent possible. The Planning Board may require that structures and improvements be located in less sensitive areas. Sensitive areas consist of streams, watercourses, waterbodies, floodzones, wetlands and adjacent buffer areas, steep slopes, erodible soils, and areas that are wooded or have large trees.
 - The protection of adjacent or neighboring properties against noise, glare, dust, air pollution, unsightliness or other objectionable features;
 - The adequacy of fire lanes and other emergency zones and the provisions of fire hydrants;
 - The adequacy of exterior storage and parking and loading areas and their screening at all seasons of the year from the view of adjacent residential lots and streets.

C. Consultants

The Planning Board shall consult with those officials or consultants it believes necessary to provide a sound review of the proposal. The Board may charge a fee to the project Applicant for the cost of such review provided that the fee charged reflects the actual cost of the assistance to the Planning Board.

D. Referral to the County Planning Board

Prior to taking action on the preliminary site plan application, if applicable, the Planning Board shall refer a copy of the application to the Greene County Planning Board for its review in accordance with Section 239m of the General Municipal Law. No action shall be taken by the Planning Board on such application until an advisory recommendation has been received from the County Planning Board or 30 calendar days have lapsed since the County Planning Board received such full statements. Applicable referrals include any site plan within 500 feet of:

- the boundary of any city, village, or town;
- any existing or proposed county or state park or other recreation area;
- the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
- the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; and
- the existing or proposed boundary of any county or state owned land on which a public building or institution is situated.

E. Compliance with the State Environmental Quality Review Act

The Planning Board shall comply with the requirements of the State Environmental Quality Review Act (SEQRA) in reviewing the proposal. If the time schedule for SEQRA is different, the schedule should be modified for SEQRA for projects that are subject to an Environmental Impact Statement.

F. Public Hearing

Within 62 days of the receipt of a completed application for preliminary site plan review, the Planning Board may hold a public hearing on the preliminary site plan if it determines such action would be in the public interest. Said hearing shall be advertised in a newspaper of general circulation in the Village at least five days before such hearing. The Applicant shall mail notice of such hearing by certified mail, return receipt requested, to all contiguous land owners, owners across the street/roadway or driveway, and any others the Planning Board may deem appropriate, at least 10 days prior to the Public Hearing. The Applicant shall submit proof of such mailing to the Planning Board prior to the Public Hearing.

G. Planning Board Action on Preliminary Site Plan Application

Within 62 days of the public hearing, or 62 days of receipt of an application if no public hearing is held, the Planning Board shall approve, disapprove or approve with modifications the preliminary site plan application. The Planning Board's action shall be in the form of a written statement to the Applicant.

The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan application, of which conformance with said modifications shall be considered a condition of approval. If the preliminary site plan application is disapproved, the Planning Board's statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and submission to the Planning Board after it has been revised or redesigned.

6.5 Planning Board Review of Final Site Plan Application

After receiving approval, with or without modifications, of the preliminary site plan application, the Applicant shall submit a final site plan to the Planning Board for approval. The final site plan shall conform substantially to the approved preliminary site plan and shall include any modifications that were required as a result of the preliminary site plan review. A licensed professional engineer, architect or land surveyor shall prepare the final site plan, unless waived by the Planning Board. Seven copies of the final site plan application are required. In addition, a CD containing a digital copy of the site plan in PDF format is required.

Within 62 days of the receipt of the final site plan application, the Planning Board shall approve or disapprove the final site plan application.

Upon approval of the final site plan, the Planning Board shall endorse its approval on four copies of the final site plan and shall forward one copy to the Code Enforcement Officer and provide one copy to the Applicant. Upon disapproval of a final site plan, the Planning Board shall notify the Applicant in writing of its decision and its reasons for disapproval.

6.6 Waiver of Final Site Plan Application

If the preliminary site plan is approved without modifications, the Planning Board may waive the final site plan application.

6.7 Performance Guarantee

No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The amount and sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Village Attorney, the Code Enforcement Officer, other local officials or its designated consultants.

6.8 Appeal of Board Decision

Any person aggrieved by a decision of the Planning Board may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision by such board in the office of the Village Clerk.

6.9 Expiration of Site Plan Approval

A. Site Plan Requiring a Building Permit

Site Plan Approval for a site that requires a building permit shall expire one year from the date of the signing of the approval by the Chairman of the Planning Board. No work of any sort shall be commenced on a site until a building permit is issued, if one is required for any part of an approved Site Plan. If no building permit has been issued by the Village of Hunter prior to the expiration of the Site Plan Approval, the applicant may file a written request for a one year, one time extension. Upon determination that the Applicant shows good cause, the Planning Board may extend the expiration date of the approval for a maximum period of one additional year. The approval shall expire if no building permit is issued within the extended period. No building permit may be issued after the expiration of Site Plan Approval.

B. Site Plan not Requiring a Building Permit

Site Plan Approval for a site plan or alteration for which no building permit is required shall expire one year from the date of the signing of the approval by the Chairman of the Planning Board unless construction or alteration pursuant to the site plan has commenced and is continuously occurring on the site. However, prior to the expiration of the Site Plan Approval, the Applicant may file a written request for a one year extension. Upon determination that the Applicant shows good cause, the Planning Board may extend the expiration date of the approval for a maximum period of one additional year. Only one such extension shall be granted.

ARTICLE 7 - SPECIAL USE PERMITS

7.1 Purpose

It is the policy of the Village of Hunter to allow a variety of land uses, provided that such uses do not adversely affect neighboring properties, the natural environment or the character of the Village. Many of the uses listed in Schedule 1 are therefore permitted only upon issuance of a Special Permit, in order to ensure that these uses are appropriate to their surroundings. It is the intent of this Section to use Special Permits to control the impact of certain uses upon areas where they may be incompatible unless conditioned in a manner suitable to a particular location.

7.2 Procedure

All Special Permits require Site Plan Review, therefore the procedure for a Special Permit shall be the same as specified for a Site Plan Review. Site Plan and Special Permit Review shall be conducted jointly to save time, effort and repetition of information.

7.3 Standards Applicable to all Special Permits

Before granting a Special Permit the Planning Board shall be satisfied that all of the following conditions have been met:

- A. The proposed development is compatible with nearby properties and will not discourage the appropriate development and use of adjacent properties or impair their value.
- B. Traffic generated by the proposed development can be adequately and safely served by the existing and proposed roads and will not cause undue congestion or create a traffic hazard.
- C. The proposed development will not adversely affect community character or appearance.
- D. The proposed development is appropriately located and can be adequately served by necessary community facilities, including police, fire and emergency vehicles.
- E. Operation of any Special Permit use shall be no more objectionable to nearby properties by reason of dust, odor, noise, fumes, vibration, excessive lighting, or water pollution than would be the operation of any permitted use.
- F. The proposed use complies with the goals and objectives of the Comprehensive Plan.

7.4 Conditions

The Planning Board, in granting Special Permits, shall impose such conditions, safeguards and restrictions upon the proposed development as may be deemed necessary in the public interest. Conditions may include, but are not limited to, the following:

- A. Hours of operation
- B. Access to the subject property
- C. Protection of surface and groundwater
- D. Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners.
- E. Adequate sewer and water supplies.
- F. Sound limitations as needed to ensure peaceful enjoyment of neighbors.
- G. The location, size, height, design of buildings, walls, fences, landscaping and buffer.
- H. Covenants or homeowners' association for maintenance of applicable restrictions.
- I. Timing or phasing of development.
- J. Underground Utilities
- K. Control of smoke, dust and odor.
- L. Bonding as required to ensure that standards are met and the plan implemented.

ARTICLE 8 - PLANNED DEVELOPMENT DISTRICT

1. Purpose:

The purpose of the Planned Development District (PDD) is to promote more creative and innovative design of mid-to-large scale developments than is permissible under traditional zoning regulations, while promoting conservation of open space and efficient use of land, resources, public services and infrastructure, consistent with the goals and objectives of the Village Comprehensive Plan.

2. Objectives:

In order to realize the purpose of this section, a Planned Development District shall achieve the following objectives:

- A. Innovation in land use variety and design, in the layout and types of new structures and in their integration with existing structures;
- B. Increased efficiency in the use of land, energy, community services, transportation and utility networks;
- C. Preservation of natural resources, trees, natural topographic and ecological features;
- D. More usable open space and recreation areas;
- E. Provision of a variety of housing opportunities and improved residential environments and/or enhanced business and employment opportunities;
- F. A development pattern in harmony with the existing community and the goals and objectives of the Comprehensive Plan.

3. General Requirements

A. Permitted Uses. Uses within an area designated as a Planned Development District are to be determined by the provisions of this section as well as the conditions of the approval of each Planned Development project.

- 1. Mixed-use planned developments may include a variety of residential, commercial, business and recreational uses. Housing types may include single family homes, duplexes, townhouses, condominiums and apartments. Commercial uses may include retail and service establishments that compliment the other PDD uses, high technology, assembly, professional offices and commercial recreation.
- 2. Commercial planned developments may include commercial and business uses of a variety of types, such as research and development facilities, high technology assembly, professional offices, commercial recreation facilities, and retail and service establishments that compliment the other commercial uses.

3. Residential planned developments may incorporate a variety of housing types including single family homes, duplexes, townhouses, condominiums and apartments.

B. Minimum Area. The minimum area for a Planned Development District shall be no less than 20 contiguous acres of land.

C. Setbacks. A minimum 50' setback must be provided from the outer boundaries of the planned development to any structure. The Village Board may determine that a larger setback is required.

D. Ownership. The tract of land under application for consideration as a planned development may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners or their agent(s) of all property included in the project. In the case of multiple ownership the approved plan shall be binding upon all property owners, and such owners shall provide written certification of such binding agreements.

E. Location. The planned development is permitted in the Gateway Business District and Recreation-Entertainment District 1 if the applicant can demonstrate the characteristics of the area will meet the purpose and objectives of this section.

F. Density. Because land is used more efficiently in a planned development, improved environmental quality can be produced with greater density than is usually permitted in traditional zoning districts. The Village Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects. The determination of land use intensity or dwelling unit density shall be thoroughly documented, including all facts, opinions and judgments justifying the selection.

G. Open Space Requirements

1. Common open space totaling not less than 30% of the total Planned Development District shall be provided in perpetuity. Of this amount, at least half shall be useable space for active or passive community recreation. The entire tract shall be considered in determining the required amount of open space.

2. The following facilities or improvements may be located on open space land: stormwater systems, common septic and water systems, bike paths, walking trails and other common community recreation facilities which do not involve buildings, such as tennis courts, swimming pools and playgrounds. Parking areas, roads, and other impervious surfaces, shall not be included in the open space calculation.

3. The proposed development design shall strictly minimize disturbance of environmentally sensitive areas.

4. A recreation fee in lieu of land may be imposed to accommodate the foreseeable recreational needs of the residents of the proposed development, should the Planning

Board determine that the open space lands set aside will not provide adequately for their recreational needs.

5. The preferred way of protecting open space is for the applicant to provide deed covenants and restrictions acceptable to the Village Attorney. Conservation easements will also be considered if transferred to a conservation organization or a homeowners' association. However, regardless of how open space is permanently preserved, it is required that the Village be granted third party enforcement rights to enforce the terms of all restrictions, easements or other legally binding instruments providing for open space. Such provisions shall include that the Village shall be entitled to reimbursement for all costs, expenses and attorneys fees incurred in connection with such enforcement, to be collected from the party against whom enforcement is sought.
6. Unless otherwise agreed to by the Village Board, the cost and responsibility for maintaining common open space and facilities shall be borne by the homeowners' association, conservation organization or private owner(s). The Village Board shall have the authority to require a bond or other security measure to ensure proper maintenance of open space and facilities located in the PDD.

H. Building Design Standards. All buildings shall be an integral part of the layout and design of the entire development. Individual buildings shall generally be related to each other in design, massing, materials, placement, and connections so as to create a visually and physically integrated development.

I. Landscaping Design Standards. The development shall have a coordinated landscape design for the entire site. Wherever possible, existing trees shall be conserved and integrated into the overall landscape design. Landscaping shall include shrubs, ground cover and street trees. Street trees shall be provided along all streets and pedestrian walkways. Parking lots shall be landscaped and screened.

J. Circulation Design Standards. Roads, pedestrian walkways and/or sidewalks shall be designed as an integral part of the overall site design and shall be connected to the sidewalk network if it exists.

4. Procedure:

Planned Development Districts provides a flexible mechanism by which different land uses within an area are planned, reviewed and developed as a unit. The formation of a PDD is a change in zone and is to be accomplished by the Village Board through legislative action as provided in this Local Law and under New York State law. The procedure for obtaining a change in zoning district to a Planned Development District shall be as follows:

A. Application. The owner of the land (or agent thereof) shall apply in writing to the Village Board for a change in zoning district to a Planned Development District. At a minimum, the application for creation of a PDD shall include:

1. A Project Narrative that includes an analysis of how the proposed development meets the purpose and objectives of a Planned Development District as described in this section. The project narrative must also address the potential impacts of the project on adjacent properties, the immediate neighborhood and the Village in general (traffic generation, aesthetics, property values, population, schools, community services, utilities, etc.)
2. A Preliminary Development Plan that shows:
 - a. Survey showing existing features of the property, including contours at five foot intervals, buildings, structures, trees, groupings of trees or shrubs, street utilities, rights-of-way and land use.
 - b. Vicinity map showing property lines and land use and ownership within 1,000 feet of the site, drawn to a scale of one inch equals 500 feet or larger.
 - c. Proposed site plan showing building locations, land use, open space, traffic circulation, parking, pedestrian walks, landscaping and utilities.
 - d. Proposed construction sequence for buildings, parking, utilities and landscaping.
 - e. Preliminary architectural drawings for buildings, elevations, and summary of building type, floor area, number of stories and material.
 - f. Preliminary engineering plans, including street improvements, drainage systems and utilities.
3. Supplementary documentation including:
 - a. A site analysis diagram to include such information as soils analysis; location of significant vegetation, water bodies and wetlands; desirable and objectionable views and vistas; sources of noise, odors and other objectionable emissions; existing buildings and structures; existing rights-of-way and easements; and location of existing utilities and infrastructure.
 - b. Analysis of other building projects under construction or planned within the project area, and their effect on the proposed project.
 - c. A circulation and traffic analysis to include trip generation analysis, internal circulation, ingress and egress points, sight distance and traffic control measures, existing and planned parking, availability of public transportation, impact on level of service of existing highways and proposed on-site and off-site improvements.
 - d. If the development is to be staged, a clear plan of how the staging is to proceed. In any case, the preliminary development plan shall show the complete project.
 - e. Evidence demonstrating the competence of the applicant to carry out the plan, both physically and financially.

4. A completed Full Environmental Assessment Form, Part 1 and adequate supplemental information for a SEQR determination to be made.

B. Village Board Review. The Village Board will review the application, and shall forward the application, preliminary development plan, supplementary information and environmental assessment form to the Village Planning Board for review and recommendation.

C. Planning Board Review. The Planning Board shall review the application with the owner to determine if it meets the purpose and objectives of a Planned Development District and the standards of this chapter. The Planning Board may require changes to the preliminary development plan that are deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the Village. The Planning Board shall consider the following in its review of the proposed Planned Development District:

1. If the proposal conforms to the goals and objectives of the Comprehensive Plan.
2. If the proposed development meets the purpose and objectives of a Planned Development District as described in this section.
3. The need for the proposed land use in the proposed location.
4. The existing character of the neighborhood in which the uses will be located.
5. The pedestrian circulation and open space in relation to structures.
6. The traffic circulation features within the site and the amount, location and access to automobile parking areas; and the impact of the proposal on existing transportation systems.
7. The adequacy of the proposed public/private utilities, including water supply, sewage treatment and stormwater drainage facilities.
8. The height and bulk of buildings and their relation to other structures in the vicinity.
9. The proposed location, type and size of display signs, driveways and/or loading zones and landscaping.
10. The adequacy of existing public services to support the proposed development.
11. The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general
12. Such other matters as the Planning Board may consider pertinent.

D. Planning Board Findings. Upon completion of its review the Planning Board shall prepare and submit a report to the Village Board, recommending either adoption, adoption with modification, or rejection of the requested rezoning and stating the reasons for such recommendation. The Planning Board may recommend adoption of a Planned Development District provided that:

1. The uses proposed are compatible with surrounding uses, and will have a beneficial effect on the community, which could not be achieved under another zoning district.
2. The proposed zoning change is in conformance with the purpose and objectives of a Planned Development District, and with the general intent of this Zoning Law and the Comprehensive Plan.
3. Existing and proposed streets are suitable and adequate to carry anticipated traffic within, and in the vicinity of the proposed development.
4. Existing and proposed utilities are adequate for the proposed development.
5. Each phase of the proposed development, as it is intended to be built, contains the required utilities, parking, open space, recreational facilities and landscaping necessary for creating and sustaining a desirable and stable environment.

E. County Planning Board Review. In accordance with §239-M of General Municipal Law, the Village Board shall forward a full statement of the proposed zoning amendment for the Planned Development District to the County Planning Board for review if required. The full statement shall include the Application, Preliminary Development Plan, Full Environmental Assessment Form, and all supplementary documentation.

F. Public Hearing. Following receipt and review of the Planning Board report and recommendations, the Village Board shall conduct a public hearing on the proposed zoning amendment for the Planned Development District. Notice of public hearing shall be published in a newspaper of general circulation at least ten calendar days in advance of the hearing. The proposed zoning amendment and preliminary plan should be made available for public review at the office of the Village Clerk. In addition, the applicant shall be required to mail notice of the public hearing to all landowners whose property is located within 500 feet of the Planned Development District at least two weeks prior to the date of said hearing. Notification shall be made by certified mail, return receipt requested, and proof of such mailing shall be present to the Board at the public hearing.

G. Village Board Action. Upon completion of the SEQR process, the Village Board shall act to adopt, adopt with modifications or reject the requested zoning amendment. If the County Planning Board's recommendation is to disapprove the proposal or for substantial modification thereof, the Village Board shall not act contrary to such recommendation, except by vote of a super-majority of the members thereof, and after adoption of a resolution fully setting forth the reason for such contrary action.

H. Zoning Map Amendment. If the Village Board approves the Planned Development District, the Zoning Map shall be so notated. The Village Board may attach to its zoning approval any additional conditions or requirements it feels are necessary to fully protect the public health, safety and welfare of the community. Such conditions and requirements may include but are not limited to density and intensity of land use, mixture of land uses, visual and acoustical screening, schedule of construction and occupancy, pedestrian and vehicular circulation systems, parking and snow removal, recreation and open space, protection of natural and/or historical features.

I. Site Plan Approval. The law adopted by the Village Board will specify the applicant's obligation to secure site plan and/or subdivision approval from the Planning Board. Within six months of the Village Board approval of the Zoning Map amendment and Preliminary Development Plan, the applicant shall file for Site Plan Review in accordance with the procedures of Article 6 of this Zoning Law. The Planning Board shall examine the site plans for substantial compliance with the Preliminary Development Plan and any conditions or modifications requested by the Village Board. The Planning Board may approve, deny, or approve with conditions the Site Plan Application.

J. Changes in Site Plans following Zoning Map Amendment.

1. Minor changes. Inconsequential changes in location, siting, and height of buildings and structures may be authorized by the Planning Board if required by engineering or other unforeseen circumstances.
2. Other changes. Any amendments to the use of property, any rearrangement of lots, blocks and building tracts, any changes in common open spaces and all other changes to the Preliminary Development Plan must be approved by the Village Board and Planning Board.

K. Timely Commencement of Project. If after two years from the date of approval of a Planned Development District site work and construction has not begun, the approval given under the terms of this article is revoked and the land returned to the classification which it held prior to any action consummated pursuant to the provisions of this article. However, the applicant may, for valid reasons, request an extension of time from the Village Board.

L. Phased Construction of Planned Development. The applicant may phase construction of the planned development over a period of up to five years. The plan must be specific with regard to phasing and timetable. Further, the construction and provisions of all the common open spaces and public and recreation facilities, which are shown on the final site plan, must proceed at the same rate as the construction of dwelling units. The Code Enforcement Officer shall examine the rate of construction and may revoke the building permit and recommend to the Village Board revocation of the Planned Development Amendment, if he finds that the rate of construction of dwelling units is greater than the rate at which common open space has been provided.

M. Fees. The applicant shall reimburse the Village for all engineering, legal and other professional fees incurred in review of the development project. The Village Board shall require payment by the applicant of an amount equal to the estimated cost of such professional fees to be held in escrow by the Village, which estimated cost shall be paid prior to the Village incurring any professional costs. At the conclusion of the review, any excess funds in the escrow account will be promptly refunded to the applicant.

ARTICLE 9 - SUPPLEMENTARY REGULATIONS

The following supplementary regulations are applicable to all land use districts within the Village of Hunter.

9.1 Off-Street Parking

1. The Planning Board shall determine the amount of parking spaces required and the design of all off-street parking upon consideration of the project's location, type and size.
2. All parking lots shall have a continuous landscape treatment along roads and along neighboring properties. The Planning Board shall have the flexibility to decide the appropriate level of landscaping for individual applications.
3. Shared parking arrangements are encouraged where feasible.

9.2 Signs

All signs erected, altered, relocated, maintained or otherwise used within the Village of Hunter must comply with the regulations in Local Law No. 2 of 2011, the Village of Hunter Sign Law, unless specifically exempted in Section 8 of said Local Law.

A Sign Permit Application must be submitted to the Planning Board at least two weeks before their next regularly scheduled meeting, for review and approval.

9.3 Home Occupations

A. Purpose and Intent

The conduct of home occupations may be permitted under the provisions of this Section. It is the intent of this section to:

1. Ensure the compatibility of home occupations with other uses permitted in the Town;
2. Maintain and preserve the rural character of residential neighborhoods and areas;
3. Assure that facilities and services designed for residential neighborhoods and areas are not misused for inappropriate commercial purposes; and
4. Provide peace, quiet, and domestic tranquility within all residential neighborhoods or areas, and guarantee to all residents freedom from excessive noise and traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas.

B. List of Home Occupations

1. Class I Home Occupations are permitted by right and shall not require Site Plan Review provided that they are carried on in a manner which complies with the standards in Subsections A and C of this Section. Class I Home Occupations include but are not limited to the following uses:

Consulting services such as architectural, landscape architectural, planning, engineering, interior design, financial planning services, attorney; art restoration; art studio; baby-sitting; data processing; family day care and group family day care; dentist, dental technician*; drafting and graphic services; dressmaking, sewing, tailoring, flower arranging and basketry; instrument lessons and training; nurse practitioner*; single licensed medical practitioner; licensed massage therapist, tutoring; typing and word processing; writing, computer programming.

2. Class II Home Occupations include home occupations which serve more than 4 customers or patrons at any one time or require the use of toxic, explosive, flammable, combustible, corrosive, infectious, or other restricted materials. Class II Home Occupations shall require Site Plan Review and a Special Use Permit.

*Any Home Occupation requiring the use of radioactive materials (i.e. x-rays) shall register with the building inspector.

C. Criteria and Standards

1. A home occupation shall be incidental and secondary to the lot's residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units, and does not alter the character of the residential district. A home occupation may be conducted within the primary dwelling or within an accessory building.
2. No more than 25% of the floor area of the dwelling unit, may be used in connection with a home occupation. In no event shall the home occupation utilize more than 500 square feet of the floor area of the dwelling unit.
3. The home occupation is to be conducted only by members of the family residing in or maintaining the dwelling unit plus no more than two non-resident assistants or employees at any one time.
4. A home occupation, including studios or rooms for instruction, shall provide adequate off-street parking for the intended customers or clients.
5. There shall be no exterior storage of materials, equipment, or other supplies to be used in conjunction with a home occupation.

6. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, heat or excessive vehicular traffic. A home occupation as provided by this Local Law shall be completely contained within the principal or accessory building. Processes that are hazardous to public health, safety, or welfare are prohibited
7. The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit or on the premises thereof, shall not be greater than the impact of one home occupation.
8. A single sign stating name and occupation, and not exceeding two square feet in total is permitted. A Sign Permit is required and application must be made to the Planning Board for review and approval of any proposed sign.

9.4 Mobile Homes

- A. All mobile homes, as defined by this local law, placed in the Village of Hunter following the effective date of this Local Law shall be placed in mobile home communities.
- B. All mobile homes shall be constructed and installed in compliance with all New York State laws and regulations and shall bear the Manufacturer's and Installer's warranty seals required as required.
- C. All mobile homes shall bear the seal designating conformance to the design and construction requirements of the U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, 24 CFR Part 3280.
- D. The mobile home shall be provided with anchors or tie-downs at least at the four corners, attached to a concrete footing installed below the frost line or embedded in concrete runners or a concrete slab or a suitable substitute in conformance with the New York State Uniform Fire Prevention and Building Code.
- E. No additions shall be made to a mobile home except a canopy and/or porch, open on three sides, or an addition made by the mobile home manufacturer and/or built in conformance with the New York State Uniform Fire Prevention and Building Code. Any additions must have a finished exterior appearance.
- F. The mobile home shall be provided with skirting or screening securely fastened around the perimeter extending to the ground. Such skirts shall be made of masonry or a permanent material similar to that sheathing the mobile home, provide adequate ventilation, have a finished exterior appearance and be capable of withstanding extreme weather conditions over extended periods of time. It shall be installed within four months from the date of issuance of the occupancy permit for the mobile home.

9.5 Mobile Home Community

- A. Any lot on which two or more mobile homes are located shall be considered a Mobile Home Community and is subject to the requirements of Site Plan Review.
- B. The minimum lot area for a mobile home community shall be at least five acres. The dwelling unit density of the entire site shall not exceed four dwelling units per acre of land, with a minimum of 10,000 square feet per mobile home site.
- C. Each mobile home lot must have suitable connections to a central sewage disposal system and water supply system. All water supply and sewage disposal systems must be approved by the New York State Department of Health.
- D. Each mobile home lot must have an electrical power source. All electrical wiring and fixtures shall be installed and maintained in accordance with the regulations of the New York State Uniform Fire Prevention and Building Code and the local utility company. Whenever possible electrical transmission and other utility lines shall be placed below ground. Fuel tanks, where used, shall be placed at the rear of the mobile home at least five feet from any exit, and shall have a safety shut-off at the tank.
- E. All mobile homes and other structures shall be set back at least 50 feet from the right-of-way line of any public road or property line and 25 feet from any internal access road.
- F. No mobile home shall be less than 30 feet from any other mobile home. Porches, carports, decks and additions shall not intrude into this 30 feet.
- G. All mobile homes shall have vehicular access to the interior road system only, not to an existing exterior street. Interior roads must be built to Village Road specifications.
- H. Two off-street parking spaces, containing at least 162 square feet per space, must be provided for each mobile home lot.
- I. All entrances and exits, internal access streets and public spaces shall be adequately illuminated.
- J. Recreation Area: A minimum open space area for recreation shall be provided at a ratio of 100 square feet for each dwelling unit. This area may be suitable for active play or passive recreation purposes and may not include parking areas.
- K. Screening: There shall be suitable landscaping, shrubbery, trees, and screening. The entire mobile home park shall be screened by a 10 foot strip of evergreen growth at least eight feet in height except that where exits and entrances are provided, said screening shall not be placed so as to obstruct normal and safe vision at the intersection. Such screening should not be more than three and one-half feet in height and so maintained within the triangular area formed by the intersecting street line and a point 30 feet distant from the point of intersection as measured along the street line.

- The Village Planning Board may approve alternate screening methods such as evergreen shrubs and trees and earth mounds provided that proper screening is accomplished.
- L. The operator of a mobile home community shall keep a register in which there shall be noted the name and permanent address of every mobile home within the park, the registration number of same, the date it was admitted and the date of its removal.
 - M. Each mobile home shall have a sign on the lot identifying the mobile home owner and lot number.
 - N. Garbage and refuse shall be collected and removed from the premises at least once a week. All refuse shall be stored in flytight, watertight, rodent-proof containers.
 - O. A public telephone shall be provided for each mobile home community, and fire extinguishers, approved by the local fire district officers, shall be furnished so that no mobile home is more than 15 feet from any such extinguisher.
 - P. The outside burning of garbage, trash, or rubbish is prohibited.

9.6 Commercial Excavation

A. Excavation Exempt from State Jurisdiction

The regulations below shall apply to operations including the loading, hauling and/or processing of sand, gravel, soil, shale, topsoil, stone, and all or any aggregate material native to the site. These regulations shall apply when said material is in excess of 400 tons or 200 cubic yards, whichever is less, but less than 1,000 tons or 750 cubic yards, whichever is less, within 12 successive calendar months. Non-commercial mining performed on agricultural lands for agricultural purposes and non-commercial mining performed on subdivision lands for the purpose of said subdivision, which mined material shall remain on-site, shall be exempt from the following provisions.

1. Slopes caused by excavation shall, upon completion, not exceed 30%;
2. Depth of excavation shall be no closer than five feet to the mean high groundwater level measured annually;
3. Stockpiled materials shall not exceed 30 feet in height;
4. The hours of operation shall be as determined by the Planning Board. The decision shall be based on potential impacts on nearby land uses;
5. The routing of transport shall be as determined by the Planning Board. Said decision shall take into account impacts on roads, public rights-of-ways, natural or man-made barriers to restrict access, dust control measures, ingress/egress, affected land uses, and any other factors deemed worthy of consideration;

6. A time schedule for completion of either the entire operation or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval. No renewal of the special use permit shall be granted until the permit holder shall have complied with all provisions of the reclamation plan (see below);
7. An operations plan, including the number and type of trucks and other machinery to be used on the site shall be submitted for approval;
8. A progressive restoration and rehabilitation/reclamation plan showing both existing contours and proposed final contours after operations are completed at two foot intervals shall be submitted for approval. Such restoration and rehabilitation/reclamation plan shall include sowing and planting and proper vegetation so as to prevent erosion, unsightliness and nuisance impact on neighboring properties, groundwater resources and aquifers;
9. A buffer area of not less than 100 feet shall be established between the operation and the nearest property line; and a buffer area of not less than 100 feet from the nearest road shall be established. The entry into the excavated area shall be curved so as to prevent a direct view from the public right-of-way;
10. The required Special Use Permit, including renewals, shall be restricted to a disturbed area not to exceed five acres, and to a time period not to exceed six years in total, at which time all reclamation activities shall have been completed.

B. Excavation Under State Jurisdiction

The regulations below shall apply to those operations including the loading, hauling, and/or processing of sand, gravel, soil, shale, topsoil, stone, all or any aggregate material native to the site. When said material is in excess of 1,000 tons or 750 cubic yards, whichever is less, in 12 successive calendar months, or, greater than 100 cubic yards from or adjacent to any body of water.

1. All applicable provisions of the New York Mined Land Reclamation Law and other applicable state and federal regulations shall be fully complied with;
2. Ingress to and egress from the site which involves locally controlled roads shall be such that vehicles associated with the operation can enter and exit safely without undue disturbance to adjacent land uses;
3. The routing of mineral transport vehicles over locally controlled roads shall cause as little damage as practicable to the road surface and create as little disturbance as is possible to adjacent land uses;
4. The Village has the authority to enforce New York State Department of Environmental Conservation (DEC) requirements as they pertain to setbacks from property boundaries and public rights-of-way; natural and manmade barriers to

restrict access if required, dust control, hours of operation, and other DEC conditional requirements;

5. The Village has the authority to enforce New York State Department of Environmental Conservation requirements as they pertain to reclamation.

9.7 Gasoline Stations

- A. A gasoline station lot and/or fuel storage tank shall not be located within 500 feet of any municipal water wells or other municipal water supply source. All fuel storage tanks shall comply with all federal and state regulations and documentation must be provided to show compliance;
- B. No gasoline or oil pump, no oiling or greasing mechanism and no other storage or service appliance installed in conjunction with any gasoline station or public garage shall be within 25 feet from any curb line and 50 feet from any property line;
- C. Entrance and exit driveways shall have an unrestricted width of not less than 18 feet nor more than 30 feet, nor be located closer than 10 feet to any side or rear lot line;
- D. No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;
- E. No access drive shall be within 200 feet of and on the same side of the street as a school, public library, theater, church or place of worship, or other public gathering place, park, playground or fire station designed for occupancy by more than 50 persons, unless a street with a right-of-way of not less than 50 feet lies between such gasoline station and such building or use;
- F. All major repair work, storage of materials, supplies, and parts shall be located within a structure completely enclosed on all sides, not to be construed as meaning that the doors on any repair shop must be kept closed at all times.

9.8 Junkyard

A junkyard with a valid license or certificate of approval, in existence prior to the effect date of this local law, shall be considered a pre-existing nonconforming use. All other junkyards are prohibited. Pursuant to NYS General Municipal Law (GML) §136, if an existing junkyard is operating without the required license or certificate of approval or is otherwise not in compliance, the Code Enforcement Officer has the authority to enforce the provisions of GML §136.

ARTICLE 10 - ADMINISTRATION AND ENFORCEMENT

10.1 General Information

The Code Enforcement Officer, appointed by the Village Board of the Village of Hunter, shall administer and enforce all provisions of this Local Law except where otherwise herein specifically required.

- A.** Wherever any permit is required herein, the same shall be applied for and shall be issued from the Code Enforcement Officer in accordance with the requirements of this Local Law and other applicable regulations governing building construction and the issuance of building permits in the Village of Hunter.
- B.** The Code Enforcement Officer shall give reasonable written notice to the owner(s) of his/her intent to examine or inspect any building or property and shall enter only with the permission of the owner. At time of entry, the Code Enforcement Officer shall have the right to enter and inspect, or cause to be entered and inspected, any building or property for the purpose of carrying out his or her duties. The Code Enforcement Officer shall also determine the compliance with the provisions of this Local Law.

10.2 Powers and Duties of Code Enforcement Officer

A. Issuance of Building Permits

1. Until the Code Enforcement Officer has issued a building permit stating that the proposed structure and use comply with all applicable provisions of this law, no building or structure shall be erected, altered, reconstructed or enlarged and no excavation for any building shall be begun.
2. All building permit applications shall include a plot plan or an approved site plan drawn to scale and accurately dimensioned. The plan shall include the location of all existing and proposed structures on the lot, and other information that may be required by the Code Enforcement Officer to determine compliance with this Local Law and other applicable regulations. The required fee, which shall be determined by the Village Board and posted in the Village Hall, shall accompany the application.
3. The Code Enforcement Officer shall make a determination, based upon submitted material and any relevant facts, which may come to his/her attention, whether such application complies with all relevant provisions of this Local Law. Based upon the Code Enforcement Officer's determination, the building permit shall be issued or refused. He/she shall provide the Applicant, for any permit, which is refused, with a written notice thereof, and reasons for such refusal and instructions on how his/her refusal may be appealed.

4. A building permit shall expire one year from the date of issue if the permitted action is not substantially started.
5. Temporary building permits may be issued upon the approval of the Code Enforcement Officer for a period not to exceed one year for temporary uses and structures incidental to a construction project. Such temporary building permit shall be conditioned upon agreement by the Applicant to remove any non-conforming uses or structures upon expiration of the permit.

B. Issuance of Certificates of Occupancy

1. Except as otherwise specifically provided by this Local Law, no use shall be established or land or structure occupied or otherwise used until the Code Enforcement Officer has issued a Certificate of Occupancy stating that the use, land and structure comply with all applicable provisions of this Local Law.
2. More particularly, no Certificate of Occupancy shall be issued for any use of a building or of land requiring special use permit or site plan approval by the Planning Board unless and until such special use permit or site plan approval has been granted by the Planning Board. Every Certificate of Occupancy for which a special use permit or site plan approval has been granted, or in connection with which a variance has been granted by the Board of Appeals, shall contain a detailed statement of any conditions to which the same is subject and include, by attachment, a copy of such Planning Board or Board of Appeals decision.
3. In the case the Code Enforcement Officer refuses to issue a Certificate of Occupancy, his/her reasons shall be stated in writing on the application and a copy shall be returned to the Applicant.

C. Issuance of Notices of Violation

When a violation appears to exist of any provision of this Local Law, or of any rule or regulation adopted pursuant thereto, the Code Enforcement Officer shall serve a written notice upon the appropriate person responsible for such alleged violation. Such notice shall inform the recipient of the following:

- the nature and specific details of such violation;
- the date of compliance by which the violation must be remedied or removed, which period shall not exceed 20 days from the date of notice;
- if the person served fails to comply within the prescribed period of time, the Code Enforcement Officer shall issue an appearance ticket stating the date and time to appear before the Village Justice, or any other Court having appropriate jurisdiction, notify the person and bring the matter to the attention of the appropriate Justice. The appropriate Justice shall take the action deemed appropriate.

D. Issuance of Stop Work Orders

Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure or any use of land is occurring either in violation of the provisions of this Local Law, not in conformity with any application made, permit granted or other approval issued hereunder or in an unsafe or dangerous manner, the Code Enforcement Officer shall promptly notify the appropriate person responsible to suspend work on any such building or structure or the use of any such land. Such persons shall forthwith suspend such activity until such time that the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work or use may be resumed and may be served upon the person to whom it is directed. The order or notice shall either be delivered personally or posted upon a conspicuous portion of the building under construction or premises in use and an additional copy of the same shall be sent by certified mail.

E. Taking of Emergency Action

If, in the opinion of the Code Enforcement Officer, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety or welfare of occupants of a building, or to other persons, the Code Enforcement Officer shall direct that such violation be immediately remedied or shall take direct action on his own initiative to abate the hazard or danger. Any costs incurred by such action shall be paid for by the owner, occupant or person responsible for the violation. The Code Enforcement Officer shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken. The Code Enforcement Officer is furthermore authorized to institute a suit, if necessary, against the person liable for such expenses or place a lien against property, in order to recover said costs.

10.3 Penalties for Offenses

A. Civil Penalties

Violation of any provision or requirement of this Local Law or violation of any statement, plan, application, permit or certificate approved under the provisions of this Local Law shall be considered an offense.

1. Conviction of a first offense is punishable by a fine of not more than \$350 and/or imprisonment for not more than six months.
2. Conviction of a second offense, committed within a five year period of the first, is punishable by a fine of not less than \$350 nor more than \$700 and/or imprisonment for not more than six months.
3. Conviction of a third or subsequent offense, committed within a five year period of the first, is punishable by a fine of not less than \$700 nor more than one \$1,000 and/or imprisonment for not more than six months.

The owner, general agent or contractor of a building premises, or part thereof, where such a violation has been committed or does exist and any agent, contractor, architect, builder, corporation or other person who commits, takes part in or assists in such violation shall be liable for such an offense. All such penalties shall be collectible by and in the name of the Village. Each week that any such violation continues after notification that such violation exists shall constitute a separate offense. Such notice shall be given in writing by the Code Enforcement Officer and shall be served by certified mail or personal service.

B. Court Action

The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceedings in a court of competent jurisdiction to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or to restrain by injunction, correct or abate a violation or to furthermore prevent the illegal occupancy of any building, land or premises.

C. Enforcement Costs

All costs associated with the enforcement of specific violation(s) shall be borne by the violator. If said costs cannot be paid, a lien may be placed on the violator's property.

ARTICLE 11 - ZONING BOARD OF APPEALS

11.1 Creation, Appointment, Organization and Removal

The Village Board shall appoint a Zoning Board of Appeals pursuant to Section 267 of Village Law. Said Board shall consist of three members, to serve for staggered three year terms. The chairperson of the Board shall be one of the three members and shall be designated as such annually by the Village Board. Vacancies shall be filled for such unexpired term only. The Board shall elect a Vice-Chairman from its membership, and shall establish rules for the conduct of the officers. The Village Board shall appoint a secretary, and be in charge of any/all personnel and employment decisions.

The following actions are cause for removal of any member by the Village Board:

1. three consecutive unexcused absences;
2. violation of the code of ethics;
3. misconduct.

11.2 Powers and Duties

The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this Local Law which are specified as follows:

A. Rules of Procedure

The Zoning Board of Appeals shall have the power to make, adopt and promulgate such written rules of procedure, bylaws and forms as may be provided for in Section (to be created) of the Village Law, for the proper execution of its duties. Such rules, bylaws and forms shall not be in conflict with, or have the effect of waiving, any provisions of this Local Law or any law of the Village of Hunter.

B. Interpretive Powers

The Zoning Board of Appeals shall have the power to hear and decide on questions where it is alleged there is an error in any order, requirement, decision or determination made by the Code Enforcement Officer involving the interpretation of any provision of this Local Law. Also involving a request by an administrative official, board or agency of the Village, to decide any of the following questions:

- determination of the meaning of any portion of the text of this Local Law or of any conditions or requirements specified or made under the provisions of this Local Law; or
- determination of the exact location of any district boundary shown on the Zoning Map.

C. Variances

1. Area Variances

The Zoning Board of Appeals shall have the power, upon appeal from a decision or determination of the Code Enforcement Officer, to vary or modify yard requirements, setback lines, lot coverage, frontage requirements, height requirements and density regulations.

- a. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
 - (i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (ii) whether the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an area variance;
 - (iii) whether the requested area variance is substantial;
 - (iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - (v) whether the alleged difficulty was self-created, which shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - (vi) Notwithstanding anything to the contrary contained herein, no variances shall issue which will be in conflict with the language of the Declarations, Covenants and/or Deed Restrictions existing at the time of said variance application.
- b. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

2. Use Variances

The Zoning Board of Appeals shall have the power, upon appeal from a decision or determination of the Code Enforcement Officer, to vary the use requirements of this Local Law.

- a. No use variance shall be granted by the Zoning Board of Appeals without a showing by the Applicant that applicable land use restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the Applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the land use regulations for the particular district where the property is located:
 - (i) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (iii) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (iv) that the alleged hardship has not been self-created.
- b. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the Applicant. At the same time, the Zoning Board of Appeals shall preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Imposition of Conditions

The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Local Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

11.3 Procedures

A. Meetings and Voting Requirements

Meetings shall be held at the call of the Chairman or at such other times as the Board of Appeals may determine. A quorum shall consist of three members. In order to reverse a decision of the Code Enforcement Officer or to authorize a variance, an affirmative vote

of at least three members shall be required. A vote of a majority plus one of all members shall be required if the action taken by the Zoning Board of Appeals is contrary to an advisory recommendation received from the Greene County Planning Board under the provisions of Section 239 of the General Municipal Law. The Board shall keep accurate minutes of its proceedings, documenting fully all findings and showing the vote of each member upon each question. All meetings of the Board of Appeals shall be open to the public.

B. Appeals

1. All appeals shall be filed within 60 days of the action appealed from and shall be accompanied by the applicable fee in accordance with the fee schedule established by the Village Board and posted in the Village Hall. Every appeal or request shall refer to the specific provision of this Local Law. Appeals shall also set forth either the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that such variance should be granted.
2. All appeals and requests made to the Board shall be in writing, on forms prescribed by the Board and furnished by the Code Enforcement Officer.
3. The application shall contain a plot plan of the real property to be affected indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon, and all yard dimensions and adjacent property owners.
4. More specifically, each application for an area or use variance shall be accompanied by a site plan a scale of one inch equals 50 feet. The site plan shall show the size and placement of the lot, including Tax Map reference numbers, (Section, Block, Lot), surrounding land use, design and location of proposed buildings, driveways, parking areas, landscaping and screening, proposed drainage and utility systems, existing and proposed contours of the land, and any other information deemed necessary by the Zoning Board of Appeals.
5. The Zoning Board of Appeals has the right to waive any of the aforementioned application requirements which it feels are inapplicable.

C. Public Notice and Hearing

The Board shall fix a reasonable time and place for a public hearing on any such appeal or request of which hearing date the appellant shall be given notice and at which hearing he shall appear in person or by agent. Additionally, notice shall be provided as follows:

1. Said hearing shall be advertised in a newspaper of general circulation in the Village at least five days before the hearing.

2. The Applicant shall mail notice of such hearing by certified mail, return receipt requested, to all contiguous land owners, owners across the street/roadway or driveway, and any others the Zoning Board of Appeals may deem appropriate, at least 10 days prior to the Public Hearing. The Applicant shall submit proof of such mailing to the Board prior to the Public Hearing.

D. Required Referral

A full statement of any appeal that meets the referral requirements of Section 239-m of the General Municipal Law shall also be referred not less than 10 days prior to the public hearing to the Greene County Planning Board. No action shall be taken by the Board of Appeals on such appeal until an advisory recommendation has been received from said Board or 30 calendar days have elapsed since the Board received such full statement.

E. Decisions

Every decision of the Board of Appeals on an appeal or request shall be made within 62 days of the close of the hearing by the Board. The decision shall be recorded in accordance with standard forms adopted by the Board, shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision shall be by resolution of the Board, with each such decision being filed in the Office of the Village Clerk within five business days thereof. The Board shall also notify the Code Enforcement Officer, the Secretary of the Planning Board and any affected municipality given notice of hearing of its decision in each case. If applicable, a report on the action taken shall also be filed within seven calendar days of said action with the Greene County Planning Board.

F. Attachment of Conditions

In all cases where the Board of Appeals grants a variance from the strict application of the requirements of this Local Law, it shall be the duty of such Board to attach such conditions and safeguards as may be required in order that the result of its action shall be as nearly as possible in accordance with the spirit and intent of this Local Law.

G. Effect of Appeal

Unless the Code Enforcement Officer finds there to be an imminent peril to either life or property, an appeal stops all work related to the action which is the subject of the appeal, by either the Village or appellant.

H. Expiration of Approval

Unless construction or use is commenced and diligently pursued within one calendar year from the date of the granting of a variance, such variance shall become null and void without further hearing by the Board of Appeals.

11.4 Compliance with State Environmental Quality Review Act

The Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act (SEQRA). If the time schedule for SEQRA is different, the schedule should be modified for SEQRA for projects that are subject to an Environmental Impact Statement.

11.5 Appeals

Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Laws and Regulations of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within 30 days after the filing of the Board's decision in the office of the Village Clerk.

ARTICLE 12 - AMENDMENTS

12.1 Initiation of Amendments

This Local Law, or any part thereof, including the Zoning Map indicating district boundaries, may from time to time be amended, changed, modified or repealed by the Village Board. Such amendment may be initiated by a motion of the Village Board, upon petition by the landowners, or upon recommendation of the Planning Board.

12.2 Referral of Amendments to Village and Greene County Planning Board

- A. All proposed amendments, supplements or changes originating by petition, or by motion of the Village Board, shall be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within 60 days after receiving such referral. Failure of the Planning Board to report within the required time may be deemed to be approval of the proposed amendment.
- B. Said proposed amendment, supplements, or changes should be referred to the Greene County Planning Board as provided for under Article 12-B §239-M of the General Municipal Law.

12.3 Hearing on Proposed Amendment

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. The notice of hearing shall be published in the official newspaper at least 10 days prior to the hearing. Written notice shall also be provided to municipalities and entities within 500 feet of the affected property, as specified under NYS Village Law §7-706.

12.4 Adoption of Amendment

After the public hearing, a simple majority vote of the members of the Village Board shall be required to amend the Zoning Law. If a Protest Petition to the proposed amendment is filed as specified under NYS Village Law §7-708, the approval of at least two-thirds of the members of a three member Village Board is required for adoption.

12.5 Filing of Amendment

Every zoning law and amendment thereto shall be entered in the minutes of the Village Board and a copy, summary or abstract thereof shall be published once in the official newspaper. Such minutes shall describe and refer to any map adopted in connection with the amendment. The amended zoning law and map shall be posted conspicuously in the office of the Village Clerk.

ARTICLE 13 – MISCELLANEOUS PROVISIONS

13.1 Construction of Provisions

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions or those imposing the higher standards shall govern.

13.2 Existing Violations

No site plan or special use permit shall be approved, no building permit or Certificate of Occupancy issued or variance granted under this Local Law for premises upon which there is an existing violation of this Local Law or any related Village regulation governing either building construction or the use of land and structures within the Village of Hunter. This limitation does not, however, prohibit such an approval, issuance or grant with respect to a legal nonconforming use or legal non-complying structure.

13.3 Annexed Lands

Zoning of lands applying for annexation into the Village of Hunter shall be determined by resolution of the Village Board of Trustees upon timely submission of Annexation Application to the Village of Hunter, which shall include a requested zoning district, and shall be subject to all necessary municipal approvals of said annexation petition.

13.4 Severability

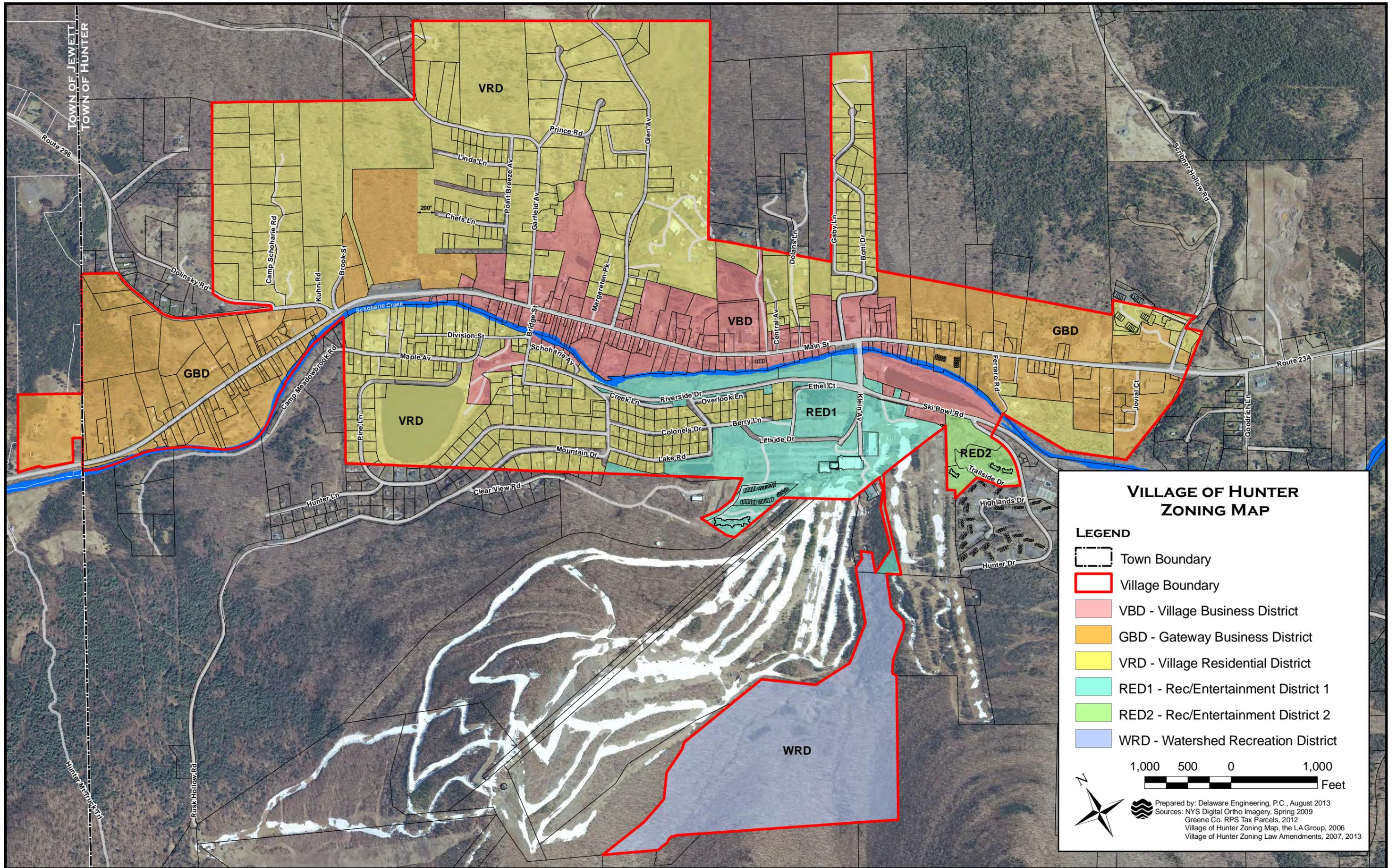
Should any Section or provision of this Local Law be decided by the courts to be unconstitutional or otherwise invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the Section or provision declared to be unconstitutional or invalid.

13.5 Supersession

The Zoning Law of the Village of Hunter, Local Law #2 of 2007, together with all subsequent changes and amendments thereto, is hereby comprehensively revised and superseded by this Local Law.

13.6 Effective Date

This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of Section 27 of the Municipal Rule Law.



APPENDIX A

Recommended Green Infrastructure Techniques for Stormwater Management *(from New York State Stormwater Design Manual, Chapter 3, 2010)*

Table 3.1 - Green Infrastructure Planning General Categories and Specific Practices

GROUP	PRACTICE	DESCRIPTION
Preservation of Natural Resources	Preservation of Undisturbed Areas	Delineate and place into permanent conservation easement undisturbed forests, native vegetated areas, riparian corridors, wetlands, and natural terrain.
	Preservation of Buffers	Define, delineate and place in permanent conservation easement naturally vegetated buffers along perennial streams, rivers, shorelines and wetlands.
	Reduction of Clearing and Grading	Limit clearing and grading to the minimum amount needed for roads, driveways, foundations, utilities and stormwater management facilities.
	Locating Development in Less Sensitive Areas	Avoid sensitive resource areas such as floodplains, steep slopes, erodible soils, wetlands, mature forests and critical habitats by locating development to fit the terrain in areas that will create the least impact.
	Open Space Design	Use clustering, conservation design or open space design to reduce impervious cover, preserve more open space and protect water resources.
	Soil Restoration	Restore the original properties and porosity of the soil by deep till and amendment with compost to reduce the generation of runoff and enhance the runoff reduction performance of practices such as downspout disconnections, grass channels, filter strips, and tree clusters.
Reduction of Impervious Cover	Roadway Reduction	Minimize roadway widths and lengths to reduce site impervious area
	Sidewalk Reduction	Minimize sidewalk lengths and widths to reduce site impervious area
	Driveway Reduction	Minimize driveway lengths and widths to reduce site impervious area
	Cul-de-sac Reduction	Minimize the number of cul-de-sacs and incorporate landscaped areas to reduce their impervious cover.
	Building Footprint Reduction	Reduce the impervious footprint of residences and commercial buildings by using alternate or taller buildings while maintaining the same floor to area ratio.
	Parking Reduction	Reduce imperviousness on parking lots by eliminating unneeded spaces, providing compact car spaces and efficient parking lanes, minimizing stall dimensions, using porous pavement surfaces in overflow parking areas, and using multi-storied parking decks where appropriate.

Table 3.2 - Green Infrastructure Techniques Acceptable for Runoff Reduction

GROUP	PRACTICE	DESCRIPTION
Runoff Reduction Techniques	Conservation of natural areas	Retain the pre-development hydrologic and water quality characteristics of undisturbed natural areas, stream and wetland buffers by restoring and/or permanently conserving these areas on a site.
	Sheetflow to riparian buffers or filter strips	Undisturbed natural areas such as forested conservation areas and stream buffers or vegetated filter strips and riparian buffers can be used to treat and control stormwater runoff from some areas of a development project.
	Vegetated open swale	The natural drainage paths, or properly designed vegetated channels, can be used instead of constructing underground storm sewers or concrete open channels to increase time of concentration, reduce the peak discharge, and provide infiltration.
	Tree planting / tree box	Plant or conserve trees to reduce stormwater runoff, increase nutrient uptake, and provide bank stabilization. Trees can be used for applications such as landscaping, stormwater management practice areas, conservation areas and erosion and sediment control.
	Disconnection of rooftop runoff	Direct runoff from residential rooftop areas and upland overland runoff flow to designated pervious areas to reduce runoff volumes and rates.
	Stream daylighting for redevelopment projects	Stream Daylight previously-culverted/piped streams to restore natural habitats, better attenuate runoff by increasing the storage size, promoting infiltration, and help reduce pollutant loads.
	Rain garden	Manage and treat small volumes of stormwater runoff using a conditioned planting soil bed and planting materials to filter runoff stored within a shallow depression.
	Green roof	Capture runoff by a layer of vegetation and soil installed on top of a conventional flat or sloped roof. The rooftop vegetation allows evaporation and evapotranspiration processes to reduce volume and discharge rate of runoff entering conveyance system.
	Stormwater planter	Small landscaped stormwater treatment devices that can be designed as infiltration or filtering practices. Stormwater planters use soil infiltration and biogeochemical processes to decrease stormwater quantity and improve water quality.
	Rain tank/Cistern	Capture and store stormwater runoff to be used for irrigation systems or filtered and reused for non-contact activities.
	Porous Pavement	Pervious types of pavements that provide an alternative to conventional paved surfaces, designed to infiltrate rainfall through the surface, thereby reducing stormwater runoff from a site and providing some pollutant uptake in the underlying soils.

Table 3.3 – Stormwater Management Practices Acceptable for Water Quality

GROUP	PRACTICE		DESCRIPTION
Pond	P-1	Micropool Extended Detention Pond	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	P-2	Wet Pond	Pond that provides storage for the entire water quality volume in the permanent pool.
	P-3	Wet Extended Detention Pond	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	P-4	Multiple Pond System	A group of ponds that collectively treat the water quality volume.
	P-5	Pocket Pond	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on ground water to maintain a permanent pool.
Wetland	W-1	Shallow Wetland	A wetland that provides water quality treatment entirely in a wet shallow marsh.
	W-2	Extended Detention Wetland	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	W-3	Pond/ Wetland System	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	W-4	Pocket Wetland	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	I-1	Infiltration Trench	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	I-2	Infiltration Basin	An infiltration practice that stores the water quality volume in a shallow depression, before it is infiltrated it into the ground.
	I-3	Dry Well	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	F-1	Surface Sand Filter	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	F-2	Underground Sand Filter	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	F-3	Perimeter Sand Filter	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	F-4	Organic Filter	A filtering practice that uses an organic medium such as compost in the filter, in the place of sand.
	F-5	Bioretention	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	O-1	Dry Swale	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	O-2	Wet Swale	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.