

# **Village of Grand View-On-Hudson**

## **Zoning Law**

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## **CHAPTER 1 - STATEMENT OF PURPOSE**

Under the authority granted by Section 7-700 of the Village Law of the State of New York, as amended, the Board of Trustees of the Village of Grand-View-On-Hudson hereby adapts this local law to promote the purposes set forth in Section 7-704 of the Village Law.

## **CHAPTER II - SHORT TITLE**

This local law shall be known and cited as the Zoning Law of the Village of Grand View-on-Hudson.

## **CHAPTER III - LEGISLATIVE INTENT**

- A. To promote the health, safety, and the general welfare of the community;
- B. To conserve the particular advantage of the character of the community and its peculiar suitability for one family residential use and the enduring values derived therefrom;
- C. To provide for the proper and orderly development of the community with a view to the conservation and perpetuation of the unique natural, historic and aesthetic environment of the community.
- D. These general goals include, among others, the following special purposes:
  - 1. To reduce hillside erosion, landslides, and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
  - 2. To preserve hillsides having unique aesthetic value to the public;
  - 3. To guide development in areas of outstanding natural beauty in order to protect, maintain, and enhance the natural features of such areas; and

4. To promote the most desirable of land and to guide future development in accordance with a comprehensive development plan, and to protect the neighborhood character of the district.

## CHAPTER IV - DEFINITIONS

**ACCESSORY BUILDING** (As amended by Local Law 1 of 2002) shall mean a building which is clearly incidental or subordinate to and customarily used in connection with the principal building and which is located on the same lot with such principal building except as provided in Paragraph H of Chapters VIII and IX. No dwelling shall be considered as accessory to any other dwelling. Any accessory building or structure shall be deemed to be part of the principal building or structure in applying the bulk requirements of this local law, except as otherwise provided.

Accessory buildings shall include but not be limited to private garages, private boathouses, greenhouses, storage sheds including garden sheds and tool sheds, children's' playhouses and structures that contain home businesses that do not require Special Permit pursuant to Section H of Chapter VI of this zoning law. In the case of a garage, space shall not be rented for more than two (2) vehicles, neither of which shall be a commercially licensed vehicle.

Accessory buildings shall not contain kitchen or kitchen facilities, bathroom or toilet facilities, sleeping rooms nor plumbing of any kind except for heat and a cold water line; accessory buildings shall not be used for dwelling purposes.

**ADJUSTED LOT AREA** shall consist of the sum of (a) the adjusted square footage of the portion of the lot whose average percent of slope is under 35%, plus (b) the adjusted square footage of the portion of the lot whose average percent of slope is 35% or more. These two figures, (a) and (b), shall be calculated in accordance with the sliding scale contained in Chapter VII-A. The adjusted lot area shall not include any land in a public way, road, sidewalk, access easement, or lands underwater.

**AREA, GROSS** shall mean the measure of land in a horizontal plane, uncorrected or unadjusted for legal encumbrances, surface conditions or slope.

**AVERAGE PERCENT OF SLOPE** - (As amended by Local Law 2 of 99) see Chapter VII.

**BASEMENT** shall mean that portion of a building that is wholly or partly below finished grade which has an interior height of six feet or more.

**BOARDER (or ROOMER)** shall mean an unrelated person (not a family member) occupying a room or rooms in a dwelling, without separated cooking facilities, and paying rent for such occupancy.

**BUFFER** shall mean an area of specified dimension extending between a property line and a required yard setback. The buffer shall not be used or otherwise encroached upon by any activities on the lot so that an undisturbed area is provided for adequate protection for soil and erosion control.

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**BUILDING** shall mean any structure having a roof, self-supporting or supported by columns or walls, which is permanently affixed to the ground, and intended for the shelter, housing, or enclosure of persons, animals, or chattels.

**CELLAR** (as amended by Local Law 2 of 2000) shall mean that portion of a building that is wholly or partly below finished grade which has an interior height of not more than six feet measured from the concrete floor to the lower surface of the structural ceiling beam. A cellar shall not contain cooking, sanitary or sleeping facilities.

**CONSTRUCTION** shall mean any form of improvement of property (other than plantings), and shall include more specifically but not be limited to parking areas, walls, fences and decks, sports areas and courts, swimming pools, breeze ways and shelters, pergolas, gazebos, and tool and storage sheds, docks and piers (construction of docks and piers shall also require compliance with the provisions of the Waterfront Local Law of the Village of Grand View) and similar improvements which affect the natural appearance of the premises.

**DWELLING** (as amended by Local Law 2 of 1999) (as amended by Local Law 1 of 2002) shall mean a building containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises.

**EASTERLY SIDE OF RIVER ROAD** (as amended by Local Law 2 of 1999) shall be defined as the point at which the road surface of River Road intersects with the easterly curb adjacent to River Road. The point of intersection is commonly referred to as the "gutter".

**FAMILY** (as amended by Local Law 2 of 1999) shall mean any number of persons living together as a single housekeeping unit, sharing the real property, buildings and other improvements, fixtures, furniture, appliances and food as a single housekeeping unit, making payments for the use thereof as a single unit.

**FAMILY DAYCARE HOMES** (as amended by Local Law 2 of 1999) shall be defined as a use accessory to the principal residential use of the dwelling unit wherein a resident of the dwelling unit provides care for not more than six (6) children for more than five (5) hours per week and less than twenty-four (24) hours per day, provided said resident has obtained a certificate to operate such facility pursuant to the provisions of Section 390 of the Social Services Law and Part 417 to Title 18 of the New York Code of Rules and Regulations and provided that the premises complies with health and safety requirements as determined by the Building Inspector of the Village of Grand View-On-Hudson.

**FLOOR AREA** shall be the sum of the gross horizontal areas of every floor of a building, measured from the exterior faces of exterior walls, and shall include basement space, attic space over which there is structural headroom of seven and one-half feet or more, roofed porches, breeze ways, interior balconies or mezzanines, penthouses and any roofed-over space such as a garage or carport. Floor area does not include cellar space, terraces, unroofed open porches, and unroofed steps.

**FLOOR AREA RATIO** is the floor area in square feet of all buildings on a lot, divided by the adjusted lot area in square feet

**FRONTAGE** shall mean the horizontal distance measured along the full length of a street line abutting the lot.

**GRADE, PERCENT OF**, shall be defined as the number of feet of rise per one hundred feet of run.

**GROUP FAMILY DAYCARE HOMES** (as amended by Local Law 2 of 1999) shall be defined as a use accessory to the principal residential use of the dwelling unit wherein a resident of the dwelling unit provides care for not more than ten (10) children for less than twenty-four (24) hours per day, provided said resident has obtained a certificate to operate such facility pursuant to the provisions of Section 390 of the Social Services Law and Part 418 of Title 18 of the New York Code of Rules and Regulations, and provided that the premises complies with health and safety requirements as determined by the Building Inspector of the Village of Grand View-On-Hudson.

**HEIGHT** shall be measured vertically from the mean elevation of the natural ground level along the side of the building with the lowest natural grade to the highest point of the roof, including chimneys.

**HOME OCCUPATION** (as amended by Local Law 2 of 1999) (as amended by Local Law 1 of 2002) shall be defined as a profession or other occupation not otherwise permitted in the district which is conducted as an accessory use on a residential lot by one or more members of the family residing in the dwelling and which conforms to the following additional restrictions:

- 1) the profession or occupation shall be carried on wholly within the principal building and shall occupy not more than twenty-five (25%) percent of the total floor area of the dwelling, not to exceed 500 square feet;
- 2) the profession or occupation shall not be operated between the hours of 10:00 P.M. and 8:00 A.M.;
- 3) there shall be no exterior display, storage of stock-in-trade, materials, equipment or other exterior indication of such profession or occupation nor variation from the residential character of the building, lot or neighborhood, except that a sign not to exceed one square foot in area shall be permitted, which sign shall only contain the name and address of the profession or occupation;
- 4) not more than two (2) persons other than the actual residents of the dwelling unit shall be employed or provide services in connection with the Home Occupation;

- 5) the Home Occupation shall not be permitted in an accessory building or garage, attached or detached from the principal building. A Home Occupation includes but is not limited to an art studio, dressmaking, secretarial services, teacher, physician, dentist, author, lawyer, accountant, engineer, architect or similar use but shall not include animal hospital, repair service, barber shop, beauty parlor, dance school. Commercial food preparation, restaurant, tea room, tavern, transient accommodations, retail sales, contractor's storage yard, funeral home, auto rental or livery service, nursery school or daycare center, massage service, or similar use;
- 6) a business, profession or occupation that does not require visitation by any person other than the residents of the principal building on the lot and that does not require a stock in trade is not a HOME OCCUPATION as defined herein. Such use may be conducted in a principal or accessory building as of right without a Special Permit. There shall be no exterior evidence of such business, profession or occupation.

**LANDS UNDERWATER** shall mean lands that are so shown on the United States Geological Survey (USGS) Map of the Village or where such lands are within the channel lines of the classified stream as shown on the Rockland County Drainage Agency Official Map. In addition, soils classified as muck soils by the United States Soil Conservation Service based on field investigations shall be deemed "land underwater".

**LOT** shall mean a designated parcel, tract or area of land established by subdivision or other governmental action.

**LOT AREA** shall mean the total horizontal area included within the property lines of a lot, except that the area shall be adjusted as otherwise specified in this local law, Chapter VII.

**LOT LINE or PROPERTY LINE** shall mean any boundary of a lot other than a street or right-of-way line.

**NON-CONFORMING AS TO BULK** shall mean the status of a building or structure that is conforming in use but does not conform to the lot dimension or area, yard dimension, height, building coverage, floor area ratio, off-street parking, slope requirement or other dimensional requirements of this local law, and which conformed to such dimensional requirement of the zoning law in effect at the time such building or structure was established.

**NONCONFORMING USE** shall mean a use of building, structure, or land that does not conform to the use regulations of this local law, which use was lawful under the zoning law in effect at the time the use was established.

**OWNER** shall mean the owner of record of the lot on which the buildings or construction for which approval is sought are to be located.

**OWNER OF RECORD** in the absence of proof to the contrary, shall be the owner whose name appears on the current Village tax rolls.

**PRINCIPAL BUILDING** shall mean a separate dwelling for one family.

**PROPERTY LINE** (as amended by Local Law 2 of 1999) shall mean the line separating lots of different owners or adjoining lots under the same ownership if the same appear as separate lots on the Village tax roll. The easterly property line of lots abutting the Hudson River shall be the mean high water mark of those lots.

**RESIDENTIAL BUILDING** - See DWELLING.

**RIGHT-OF-WAY LINE** shall mean the line dividing the property from the lane, road, walk, sidewalk, or Village Park to which the public has free access or which is in common use. All setbacks shall exclude all portions of such lanes, roads, walks or sidewalks in public use and shall start from the line which abuts or runs along the designated street line.

**STRUCTURE** shall mean a combination of materials constructed, assembled or erected on, above or below the ground or attached to something having location on, above or below the ground, including but not limited to buildings, fences, tanks, towers and swimming pools.



## CHAPTER V - ESTABLISHMENT OF ZONES

A. There shall be two residential districts within the Village and no other districts. These are Zone A (R-22) and Zone B (R-10).

1. Zone A (R-22) (as amended by Local Law 2 of 1999) shall comprise the entire area westerly from River Road to the westerly boundary of the Village, extending from the southerly to the northerly boundaries of the Village.

2. Zone B (R-10) shall comprise the area between River Road and the mean high water mark of the Hudson River, extending from the southerly to the northerly limits of the Village.

## CHAPTER VI - GENERAL PROVISIONS

A. No building or structure shall be erected, constructed, moved, altered, rebuilt, or enlarged, nor shall any land, water, or building be used or adapted for uses other than as hereinafter specifically authorized.

A.1. In addition to the provisions of Local Law 1 of 1981 as amended and the Provisions of Local Law 4 of 1988, no modification, change or alteration of any land, including, without limitation, change of land contour, removal of trees and/or shrubs or any other foliage may be undertaken by the applicant prior to approval of applicant's building plans by the Zoning Administrator, evidenced by the issuance of a building permit, all pursuant to Chapter XII herein. (as amended by Local Law 1 of 1991)

B. There shall be no commercial or business district with the Village.

C. There shall be no use, alteration, or enlargement of any existing structure nor the construction of any other building for use or occupancy by more than one family.

D. All construction shall be subject to and must comply with all requirements of the New York State Building code, this Local Law, all local laws and rules, regulations and requirements of the Village, as amended from time to time.

E. Only those uses listed for each zone as being permitted shall be permitted. Any use not specifically listed as being permitted shall be deemed to be prohibited.

F. Every principal building hereafter erected shall be located on a lot as herein defined and there shall be not more than one principal building on a lot.

G. No principal building or structure shall be (a) used, or (b) erected or altered which when so erected or so altered, is intended, designed or arranged to be used other than for a separate dwelling for one family, except as otherwise specified in this local law.

H. A business, profession or activity that does not require visitation by any person other than the residents of the principal building on the lot and that does not require a stock in trade may be conducted in a principal or accessory building as of right without a Special Permit. There shall be no exterior evidence of such business, profession or occupation. (as amended by Local Law 1 of 1999) (as amended by Local Law 1 of 2002)

No other business, profession or occupation shall be conducted in an accessory building. A Home Occupation, as defined in Chapter IV hereof, shall be conducted in a principal building only, subject to Special permit.

Any appliances or equipment required for a business, profession, occupation or Home Occupation which is permitted by this Section, shall be operated in such a manner that they do not produce and emit, beyond the boundaries of the

premises on which the use is located, dust, glare, hazard, heat, light, noise, nuisance, odor, radiation, radio or TV interference, smoke or vibration, and are in no other manner obnoxious, offensive or detrimental to the immediate neighborhood.

I. Exterior signs are prohibited except for the following: A temporary sign, no larger than twenty-four (24) inches by eighteen (18) inches, offering for sale the entire premises on which it is displayed; political signs no larger than twenty-four (24) inches by eighteen (18) inches; any sign required by governmental action.

J. No building or structure shall hereafter be erected on premises already improved if the floor area of such new construction or buildings, taken together with the floor area of existing buildings, would exceed the limitation set forth in Chapters VIII-D and IX-D of this local law.

K. No principal building shall be erected which contains less than one thousand five hundred (1500) square feet of floor area.

L. No wheeled vehicle intended for use in business or as a shop, dwelling or housing such as a bus, truck, van, caravan, or house trailer, shall be kept, maintained in the open or occupied as a dwelling or place of abode, within the limits of the Village; provided, however, that in the case of public need or emergency, the Board of Trustees may suspend this regulation or part thereof, either generally or in specific cases for a specified period and upon such conditions as the Board may deem proper. The foregoing shall not apply to passenger vehicles commonly known as station wagons, which are used for noncommercial purposes, nor to the parking of commercial vehicles incident to deliveries or service to the residence of the Village. Recreational vehicles commonly known as campers and boats may be stored or parked if shielded from view.

M. Any building, the use of which is in conformity with the regulations set forth in this Local Law, but does not conform to one or more of the bulk requirements hereof, may be altered, enlarged or renovated, provided that such alteration, enlargement or renovation is in itself in conformity with this Local Law. (as amended by Local Law 1 of 1999)

N. Whenever a non-conforming use has been discontinued for a continuous period of one (1) year or more for any reason, including fire, explosion, act of God, or act of the public enemy, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this Local Law. (as amended by Local Law 1 of 1999)

O. No building which houses a non-conforming use shall be structurally altered or enlarged, except for alterations or demolition necessary in the interest of public safety, carried out upon the issuance of a building permit. In granting such permit, the Zoning Administrator or Building Inspector, as the case may be, shall state the precise reason why such alterations are deemed necessary. (as amended by Local Law 1 of 1999)

P. Nothing in this Local Law shall prevent the reconstruction of a building or other structure, the use of which is in conformity with the regulations set forth in this Local Law but which does not conform to one or more of the bulk requirements herein, which is wholly or partly destroyed by fire, explosion, act of God or act of the public enemy, provided the reconstruction is commenced within one (1) year after the date of the occurrence. (as amended by Local Law 1 of 1999)

Q. For every new dwelling, indoor or outdoor parking areas must be built for at least two automobiles in such a location that no vehicle parked therein or thereon will protrude into any public sidewalk or street. In the case of a common driveway, these parking areas must be off the driveway.

R. Subdivisions which result in the creation of illegal lot(s) are not permitted. (as amended by Local Law 2 of 1999)

S. No river, stream, waterway, or water course shall be filled, excavated, altered, diverted or damned, without all required permits from county, state and federal authorities.

T. This Zoning Law is in no way intended to supersede, amend, modify or change any other local law adopted by the Board of Trustees such as the Tree Conservation Law, the Soil and Erosion Control Law, and other such local laws, all of which shall be complied within addition to this Zoning Law. (as amended by Local Law 2 of 1999)

U. There shall be no blasting in the Village of Grand View-on-Hudson. (as amended by Local Law 2 of 1999)

## CHAPTER VII - SLOPE AND GRADE REQUIREMENTS

### A. Minimum Adjusted Lot Area and Floor Area Ration Standards for Subdivision of Hillside Land.

1. The future development of the hillside areas in Grand View-on-Hudson is a problem of increasing urgency. The hillsides are virtually the last substantial areas for residential development in the Village of Grand View-on-Hudson and proposals for their use can be expected to increase. In the village of Grand View-on-Hudson, where steep hills are also characterized by doughty and shallow-to-bedrock soils, cutting and filling operations often entail the destruction of a great deal of the natural vegetation, disrupt the natural drainage pattern, and cause excessive amounts of erosion. To prevent these problems; to assure the safety of residents, and to preserve the basic character of the Village's hillside areas, the Planning Board and Zoning Administrator shall use the following slope/land credit curve to determine minimum lot size.
2. The Average Percent of Slope to be used in determining the minimum adjusted lot area and floor area ration requirements of this local law shall be based upon the following equation: (as amended by Local Law 2 of 1999)

$$S = ([I \times L]/A) \times 100$$

Where:

S = Average Percent of Slope;

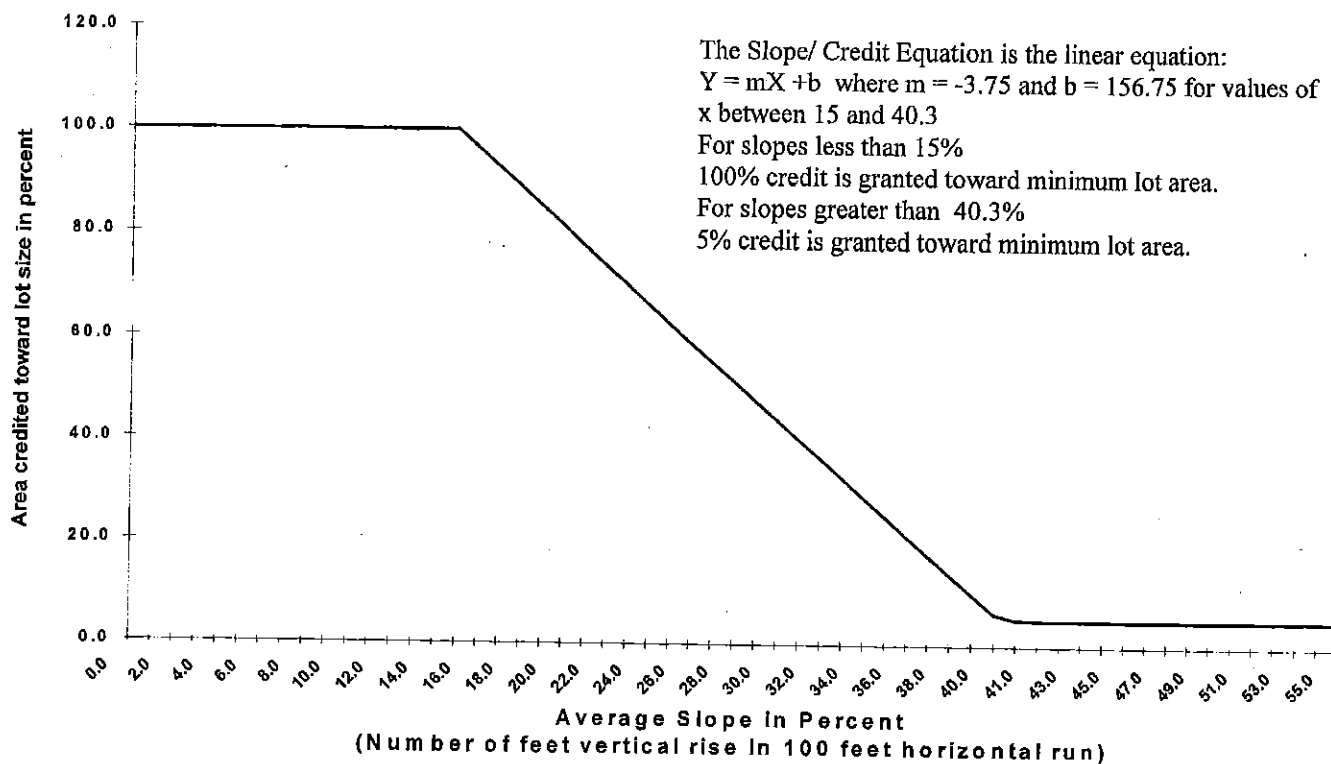
I = Contour interval in feet;

L = Combined length of contour lines in feet,  
excluding those portions bordering or lying within  
areas having a percent of slope of 35% or greater;  
A = Gross area in square feet of the zoning lot  
excluding those portions of the lot having a percent  
of slope of 35% or greater;

100 = Factor which yields slope as a percentage.

The following slope/land credit curve and table shall be used in determining Average Percent of Slope. (See following page.)

### AVERAGE SLOPE / AREA CREDIT GRAPH



### GRANDVIEW ZONING LAW SLOPE / AREA CHART

% Slope	% Credit	% Slope	% Credit	% Slope	% Credit
0.0	100.00	17.0	92.50	34.0	28.75
1.0	100.00	18.0	88.75	35.0	25.00
2.0	100.00	19.0	85.00	36.0	21.25
3.0	100.00	20.0	81.25	37.0	17.50
4.0	100.00	21.0	77.50	38.0	13.75
5.0	100.00	22.0	73.75	39.0	10.00
6.0	100.00	23.0	70.00	40.0	6.25
7.0	100.00	24.0	66.25	40.3	5.00
8.0	100.00	25.0	62.50	41.0	5.00
9.0	100.00	26.0	58.75	42.0	5.00
10.0	100.00	27.0	55.00	43.0	5.00
11.0	100.00	28.0	51.25	44.0	5.00
12.0	100.00	29.0	47.50	45.0	5.00
13.0	100.00	30.0	43.75	46.0	5.00
14.0	100.00	31.0	40.00	47.0	5.00
15.0	100.00	32.0	36.25	48.0	5.00
16.0	96.25	33.0	32.50	49.0	5.00
				50.0	5.00

B. Restrictions applicable to areas with average percent of slope 35% or greater.

1. No building or disturbance will be allowed in areas whose average percent of slope is 35 percent or greater. These areas are to remain in their natural state.
2. These areas are allowed to be counted toward setback and yard requirements.
3. The adjusted lot area of these portions of a lot will be counted toward lot size in calculating both minimum adjusted lot area and floor area ratio.

C. Requirements for private streets and driveways.

The maximum grade of any portion of a private street or driveway shall not exceed 10 (ten) percent.

## CHAPTER VIII - REQUIREMENTS APPLICABLE TO ZONE A (R-22)

In the case of any building or construction in Zone A (R-22), in addition to or substitution of the requirements generally applicable, the following shall apply:

A. Minimum adjusted lot area. The minimum adjusted lot area shall be twenty-two thousand (22,000) square feet with a frontage of at least one hundred twenty-five (125) feet on a public road.

B. No portion of any building or construction other than a graded driveway, unroofed parking area, or fence shall be within fifty (50) feet of a public road or the Village Park buffer area, or within twenty-five (25) feet of any other right-of-way line of the premises on which it is erected.

C. No portion of any principal building shall be within twenty-five (25) feet of the property line of the premises on which it is erected. Nor shall any other building or construction except a fence or wall, graded driveway or unroofed parking area be within ten (10) feet of the property line of the premises on which it is erected.

D. The floor area ratio shall not exceed twenty per cent (20%).

E. Height. No building shall be erected in excess of thirty-five (35) feet in height.

F. Notwithstanding the one hundred twenty five (125) foot frontage requirement of Section A of this Chapter, a lot shall be deemed suitable for subdivision if the adjusted lot area consists of a minimum of fifty-four thousand (54,000) square feet and has a frontage on a public road of at least two hundred (200) feet, provided that each such resulting lot shall have a frontage of at least one hundred (100) feet. (as amended by Local Law 1 of 1999)

G. A buffer area fifty (50) feet in depth shall be required along the right of way line separating the Village Park and all residential property. Setback and yard requirements are measured from the buffer zone. The adjusted lot area of the area included within the buffer shall be included in the calculation of adjusted lot area for the purposes of the applicable regulations of floor area ratio and minimum lot size.

H. One accessory building or structure may be constructed on a vacant lot that is within 100 feet of the perimeter of another lot on which a principal building has been constructed provided that: (as amended by Local Law 1 of 2002)

1. The vacant lot is in the same ownership as the lot that contains the principal building;
2. The vacant lot does not have sufficient lot area or lot width to meet the minimum requirement for construction of a principal building on the lot;
3. The accessory building or structure complies with all other bulk requirements of the Zoning Law for the district in which it is situated.



## CHAPTER IX - REQUIREMENTS APPLICABLE TO ZONE B (R- 10)

In case of any building or construction in Zone B (R - 10), in addition to or in substitution of the requirements generally applicable, the following shall apply:

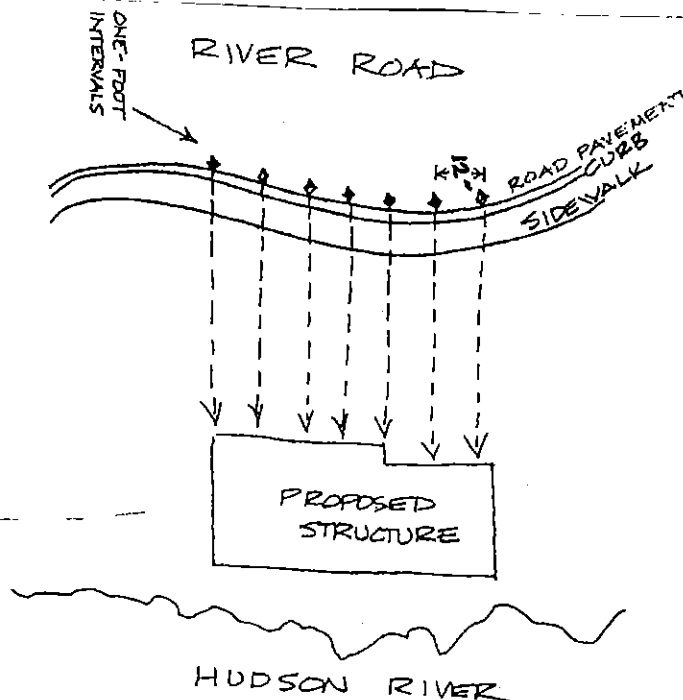
A. Minimum adjusted lot area shall be ten thousand (10,000) square feet with a frontage of at least one hundred (100) feet on River Road.

B. No portion on any building or construction other than a graded driveway, unroofed parking area, or fence shall be within twenty-five (25) feet of the right-of-way line of the premises on which it is erected.

C. No portion of any principal building shall be within twenty (20) feet of the property line of the premises on which it is erected, nor shall any other building or construction except a fence or wall, graded driveway or unroofed parking area be within ten (10) feet of the property line of the premises on which it is erected.

D. The floor area ratio shall not exceed twenty-five (25) percent.

E. It being the purpose of this section, among others, to preserve as nearly as practicable the remaining views of the Hudson River from River Road, no building, nor any part thereof nor any appurtenances thereto, shall be erected in Zone B (R-10) which shall rise more than two stories in height nor more than four and one half (4-1/2) feet above the easterly side of River Road measured every twelve inches from the easterly side of River Road, as defined in Chapter IV of this Local Law, in a straight line vertically to the top of the building. Where the lot lies substantially at the same level as River Road, no building or construction shall rise more than one story or fifteen feet in height as defined in Chapter IV hereof. **(amended by Local Law 1 of 2010)**



F. No fence or wall of any kind shall be permitted at a height in excess of four and One half (4 ½) feet above the easterly side of River Road nor more than six (6) feet above ground level between the required front yard setback and the Hudson River. (as amended by Local Law 2 of 1999)

G. In determining lot area, all linear measurements from River Road to the Hudson River shall be made from the westerly boundary of the property to the mean high water mark of the lot. No artificial accretion of lot area by the use of fill or otherwise, in the Hudson River, is permitted to be used in the calculation of lot area or other bulk requirements, including without limitation, fill permitted by the U.S. Army Corps of Engineers. If the Zoning Administrator or Building Inspector, as the case may be, determines that the easterly boundary of the lot bordering on the Hudson River has been extended by artificial means as herein stated, he/she shall not include that extension in determining the minimum lot area or other bulk requirements. (as amended by Local Law 2 of 1999)

H. One accessory building or structure may be constructed on a vacant lot that is within 100 feet of the perimeter of another lot on which a principal building has been constructed provided that: (as amended by Local Law 1 of 2002)

1. The vacant lot is in the same ownership as the lot that contains the principal building;
2. The vacant lot does not have sufficient lot area or lot width to meet the minimum requirement for construction of a principal building on the lot;
3. The accessory building or structure complies with all other bulk requirements of the Zoning Law for the district in which it is situated.

## CHAPTER X - SPECIAL PERMIT USES

A. General Provisions. Special permit uses are to be permitted uses in their respective district, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this local law. All such uses are declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

B. Zoning Board of Appeals Approval. The Zoning Board of Appeals shall be the approving agency for all Special Permit Uses.

C. Application. Formal application for a Special Permit shall be made in six (6) copies to the Zoning Board of Appeals and shall include the following items:

1. A complete Special Permit application form, including the name and address for the person, firm or corporation for whom the use is intended, and the name and address of the property owner. If the applicant or owner is a firm or corporation, the full name and residence of the firm or principal officers of the corporation shall be shown.

2. A written statement describing the nature of the proposed use, the hours of operations, and the period of time for which the permit is requested.

3. Owner's Consent Affidavit.

4. Long Environmental Assessment Form.

5. Application Fee in accordance with the Village of Grand View fee schedule.

D. Referrals. The Zoning Board of Appeals may refer copies of the Special Permit application to the Planning Board of the Village of Grand View-on-Hudson or such other Village agency as it deems necessary or appropriate, for comment and recommendation. The Board shall also refer all such applications to such County and State agencies as may be required by law.

E. Public Hearing. The Zoning Board of Appeals shall hold a public hearing on the Special Permit application within 60 days of the date of receipt of a fully completed application. Public notice and notice to owners of property within the area shall be the same as that required for any hearing by the Zoning Board of Appeals.

F. Zoning Board of Appeals. The Zoning Board of Appeals shall approve, approve with modifications or conditions, or disapprove the Special Permit within sixty-two (62) days after the close of the hearing. Board approval, approval with modifications or conditions, or disapproval shall be in written form and shall include specific findings with respect to the standards set forth hereinafter. Notwithstanding the provisions of Section 7-725-b of the Village Law, the decision on the Special Permit application shall be filed in

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the office of the Village Clerk within thirty (30) days after the day such decision is rendered, and a copy thereof shall be mailed to the applicant.

G. Extension of the Time Periods. Any time periods set forth in this Chapter may be waived or extended by agreement between the applicant and the Zoning Board of Appeals.

H. General Standards. All Special Permit Uses shall comply with the following general standards in addition to the specific standards set forth herein for the specific Special Permit Use. The Zoning Board of Appeals shall attach such additional conditions and safeguards to any Special Permit as are, in its opinion, necessary to insure initial and continued conformance to all applicable standards and requirements.

1. The location and size of the Special Permit Use, the nature and intensity of its operations, the size of the site in relation to it and the location of the site are such that it will be in harmony with the appropriate and orderly development of the area in which it is located and with existing use in the area.

2. Operations in connection with any Special Permit use will not be more objectionable to nearby properties by reason of noise, light, traffic, fumes, odors, vibration or other characteristics than would be the operations of permitted uses not requiring a special Permit.

3. Parking areas will be of adequate size for the particular Special Permit Use, properly located and suitably screened from adjoining residential uses, to achieve maximum convenience and safety.

4. The Special Permit Use will not result in diminution of the value of property in the neighborhood or a change in the character of the neighborhood in which the use would be situated.

I. Expiration, Inspection and Change. A Special Permit Use shall be deemed to authorize only the particular use or uses specified in the permit and only for the original application, and shall expire if said use shall cease for more than one year for any reason, or if all required conditions and standards are not complied with throughout the duration of the Special Permit use. (as amended by Local Law 2 of 1999)

In connection with the issuance of a Special Permit, the Zoning Board of Appeals may establish a schedule of inspections by the Zoning Administrator or Building Inspector to determine continued compliance with this local law and with the conditions of the Special Permit.

J. Uses that Require Special Permits. The following uses may not be commenced until a Special Permit therefor has been issued by the Zoning Board of Appeals: (as amended by Local Law 1 of 1999)

1. Home Occupations
2. Boarders or Roomers

### 3. Religious/Educational Use

K. Individual Standards and Requirements for Special Permit Uses. The following individual standards and requirements are hereby established for Special Permit Uses. They must, if applicable, be met before issuance of a Special Permit:

#### 1. Home Occupations

(a) The use shall be conducted solely within the dwelling unit, shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and the space in which the use is conducted shall contain no kitchen or kitchen facilities. (as amended by Local Law 2 of 1999)

(b) There shall be no external display or advertising of goods or services, or other external evidence of such use, except for a small professional nameplate not to exceed one square foot in area.

(c) The establishment of such occupation shall not require internal or external alterations, or involve construction features not customarily found in dwelling units.

(d) The occupation shall not utilize an area exceeding five hundred (500) square feet or twenty-five (25) per cent of the total floor area of the dwelling unit, whichever is less.

(e) The appliances and equipment required for the use shall be operated in such a manner that they do not produce and emit, beyond the boundaries of the premises on which the use is located, dust, glare, hazard, heat, light, noise, nuisance, odor, radiation, radio or TV interference, smoke or vibration, and are in no other manner obnoxious, offensive, or detrimental to the immediate neighborhood.

(f) The use itself be conducted in such a manner and during such hours that it is in no way obnoxious, offensive or detrimental to the immediate neighborhood. In no case shall the use be conducted after 10:00 P.M. at night nor before 8:00 A.M. in the morning.

(g) Not more than two (2) persons other than actual residents of the dwelling unit shall be employed in or provide services in connection with the Home Occupation. (as amended by Local Law 2 of 1999) (as amended by Local Law 1 of 2002)

(h) No article shall be sold or offered for retail sale to the public from the premises.

(i) In the case of musical instruction, the office or studio shall be so equipped and used that the sounds therefrom shall not be heard beyond the boundaries of the premises on which the use is located. At no time shall there be more than one student on the premises on a regular basis.

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For all other types of instructions, not more than five (5) students shall be permitted on the premises on a regular basis. The Zoning Board of Appeals shall have the right to reduce this number based upon parking or environmental considerations. At no time shall sounds resulting from such instruction be heard beyond the boundaries of the premises on which the use is located.

(j) Notice of the home occupation use shall be given to the local fire department.

(k) A simple plot plan showing the lot and all structures thereon shall be submitted as a part of the application.

(l) Upon the transfer of property, the continued use of a non-conforming home occupation shall require the issuance of a new Special Permit.

## 2. Boarders or Roomers

(a) The use shall be conducted solely within the dwelling unit and not in any accessory building and the use shall be clearly incidental and secondary to the use of the dwelling for a single family.

(b) Not more than two (2) boarders or roomers shall reside in any dwelling unit.

(c) There shall be no separate or individual cooking facilities for the use of any boarder or roomer nor shall the space used for such boarder or roomer be separated from the dwelling unit by other than an unlocked door nor shall such space contain an entrance not common to the dwelling unit. (as amended by Local Law 2 of 1999)

## 3. Religious/Educational Use

(a) A church, synagogue or similar place of worship, parish house, parochial school, college or private school giving regular instruction at least five (5) days a week of seven (7) months or more in each year and having a curriculum approved by the Board of Regents or the New York Department of Education (but not including a dormitory or a school or college giving special or limited, instruction, e.g., such as business, art, music, dancing, automobile or riding school) is permitted as a Special Permit Use provided the Zoning Board of Appeals find the following:

1) It is a bona fide religious or educational use.

2) The structure in which it is proposed to be situated meets all of the State requirements for a place of public assembly including building and fire prevention codes.

3) Such use shall be located on a lot which contains at least twice the minimum lot size required for one-family detached dwellings of the district in which it is situated and which meets all other dimensional requirements of said district.

(b) A site plan shall be submitted as part of the application together with a floor plan of any existing or proposed building or structure and the maximum occupancy requested for each building, structure or facility.

(c) The Zoning Board of Appeals, insofar as practicable, may impose such restrictions and regulations which would avoid or minimize traffic hazards, impairment of the use, enjoyment, or value of property in the surrounding area, as well as deterioration of the appearance of the surrounding area.

## CHAPTER XI - BUILDING DEPARTMENT

(as amended by Local Law 1 of 1999)

A. This local law shall be enforced by a Building Inspector, one or more Assistant Building Inspectors or Zoning Administrators the Board of Trustees may appoint and deem necessary. The responsibilities of the Building Inspector, Zoning Administrator, Code Enforcement Officer and Fire Inspector may be performed by one or more persons as determined by the Board of Trustees.

B. No member of the Building Department shall engage in any activity that is inconsistent with his/her duties or with the interests of the Building Department; nor shall he/she, during the term of his/her appointment, perform any official act or duty with regard to any application for a project or permit in which he/she or any member of his/her immediate family has an interest, either financial or otherwise, in the property or in the furnishing of labor, materials, supplies or appliances for the project; nor shall he/she provide professional or other services for any applicant having any matter before any Board or Department of the Village of Grand View-on-Hudson.

### C. Powers and Duties of Zoning Administrator.

1. Except as otherwise specifically provided by law, ordinance, rule or regulation, the Zoning Administrator shall administer and enforce all provisions of the Zoning Law of the Village of Grand View-on-Hudson.

2. The Zoning Administrator shall receive applications for Zoning Permits as required by this local law. In the event said application or any part thereof is not in compliance with the requirements of this local law, said application shall be denied. Reasons for said denial shall be endorsed on the application and notice thereof given to the applicant, as provided in this local law. Such denial may be appealed to the Zoning Board of Appeals.

3. The Zoning Administrator shall have no power or discretion to permit a variance from any of the requirements of this local law.

4. The Zoning Administrator shall report to the Board of Trustees each month, summarizing all zoning permits issued by the Zoning Administrator and all actions taken by him/her relating thereto.

### D. Powers and Duties of Building Inspector.

1. It shall be the duty of the Building Inspector and he/she is hereby empowered to:

(a) Inspect any building, structure or land to determine whether any violation of this local law, the New York State Uniform Fire Prevention and Building Code, or such other laws, rules or regulations as the Building Inspector shall be chargeable with inspection or enforcement of, has been committed or exist, whether or not such building, structure or land is



occupied. The Building Inspector shall have authority to inspect and enforce all laws, rules and regulations relating to or affecting lots, buildings and/or structures, and their use and occupancy.

(b) Issue such permits and certificates in conformity with the laws, rules and regulations of the State of New York and of this local law and refuse to issue same in the event of non-compliance, which reason therefor shall be endorsed on the application and notice thereof given to the applicant, as provided in this local law.

(c) Issue and post notice of violations, stop work orders, orders directing the remedying of any condition or omission that is or create a violation of this local law or other applicable laws, rules and regulations, and revoke building permits, certificates of occupancy and/or certificates of use.

(d) Apply to the Board of Trustees for authorization to perform such other actions or duties as may be necessary or required to enforce any authority or to invoke any penalty for violation of this local law and any other applicable rules and regulations

(e) Have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York for the violation of any provisions of this local law or of any order of the Building Inspector.

(f) The Building Inspector shall report to the Board of Trustees each month, summarizing all building permits and certificates of occupancy issued and all complaints of violations and the actions taken by him/her relating thereto.

## CHAPTER XII - BUILDING DEPARTMENT PROCEDURES

(as amended by Local Law 1 of 1999)

### A. Applications for Zoning, Building and Land Permits

1. No person, firm or corporation shall commence the erection, construction, enlargement, alteration, improvement, conversion or change of any building or structure or change in the nature of any construction, or cause the same to be done, or modify, change or alter any land, removal of trees and/or shrubs or any other foliage, without first obtaining zoning and building permits from the Zoning Administrator for each building, structure or proposed modification, change or alteration of any land, except that no permits shall be required for the performance of ordinary repairs which are not structural in nature. As set forth in Chapter VI, A.1., no modification, change or alteration of any land, including, without limitation, change of land contour, removal of trees and/or shrubs or any other foliage may be undertaken by the applicant prior to approval of applicant's building plans by the Zoning Administrator, as evidenced by the issuance of a building permit.

2. Application for a zoning, building and land permits shall be made to the Zoning Administrator on forms provided by the Zoning Administrator and shall contain such information as is set forth on said forms, including by not limited to:

(a) A description of the land on which the proposed work is to be done, including a legal description thereof;

(b) A statement of the use or occupancy of all parts of the land and of the proposed building or structure;

(c) The valuation of the proposed work;

(d) The full name and address of the owner and of the applicant, the names and addresses of their officers, if any of them are corporations, and the name and address of the owner's authorized agent, if any;

(e) A full set of building plans prepared by a licensed architect or engineer certified by the State of New York;

(f) A site plan for any proposed modification, change, or alteration of any land prepared by a landscape architect certified by the State of New York;

(g) A statement that the application is made for permission to construct in accordance with the provisions of the state building construction code;

(h) A statement that the applicant consents to permit the Zoning Administrator any building inspector and any agent, servant or employee of the building department or any independent professional retained by the

Village, any member of the Zoning Board of Appeals, Planning Board or Board of Trustees to enter upon the premises without a search warrant in the manner prescribed in Paragraph G below;

(i) Such other information as may reasonably be required by the Zoning Administrator to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances, rules and regulations.

3. The application shall be signed by the owner of the property or his/her authorized agent.

4. The application shall be made by the owner or by the agent, architect, landscape architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner that the applicant is authorized to make such application; and the affidavit shall contain a statement that the owner authorizes the applicant to consent to permit the Zoning Administrator, any building inspector any agent, servant or employee of the building department to enter upon the premises without a search warrant in the manner prescribed in Article G below.

5. Each application for zoning, building and land permits shall be accompanied by the number of copies of building plans, land site plans and specifications required by the Zoning Administrator, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys, computation, stress diagrams and other essential technical data. Plans, including land site plans and specifications, shall bear the signature of the person responsible for the design and drawings and where required by sections 7202 or 7302, as amended, of Articles 145 or 147 of the Education Law of the State of New York, the seal of the licensed architect, licensed landscape architect or licensed professional engineer. The Zoning Administrator may waive the requirements for filing plans and specifications for minor building alterations but under no circumstances may the Zoning Administrator waive the requirements for filing site plans for any land modification, change or alteration. The Zoning Administrator may also waive the requirement of sealed plans for building alterations or construction costing less than \$10,000.00; however, regardless of cost, the Zoning Administrator may not waive the site plan requirements for any land modification, land change or land alteration. All waivers granted under this Section must be in writing and signed by the Zoning Administrator.

#### B. Fees

Upon the filing of each application a fee shall be payable according to the current fee schedule of the Village of Grand View-on-Hudson.

C. Issuance of zoning, building and land permits or disapproval of application.

1. The Zoning Administrator or Building Inspector shall examine or cause to be examined all applications, plans, specifications and documents filed therewith. The Zoning Administrator shall approve or disapprove the application within sixty days after submission of a completed application or the application shall be deemed to have been denied.

2. Upon approval of an application and upon receipt of the authorized fees therefore, the Zoning Administrator shall issue a building permit, or land permit to the applicant upon the form prescribed by the Zoning Administrator and shall affix the Zoning Administrator's signature or cause said signature to be affixed thereto.

3. Upon approval of an application, all sets of plans and specifications shall be endorsed with the work "approved". One set of such approved plans and specifications shall be retained in the files of the Building Department and one set shall be returned to the applicant together with the building or land permit and shall be kept by the applicant at the building site, open to inspection by the Zoning Administrator or any other authorized representative of the Village at all reasonable times.

4. If the application together with plans, specifications and other document filed therewith describe proposed work which does not conform to all the requirements of the applicable building and land regulations, the Zoning Administrator shall disapprove the same and shall return all but one set of plans and specifications to the applicant. Upon the request of the applicant, the Zoning Administrator shall cause such refusal, together with the reasons therefore, to be transmitted to the applicant in writing.

D. Performance of Work Under Building Permit

1. Every Building Permit shall expire if the work authorized has not been commenced within six (6) months after the date of issuance, or has not been completed within eighteen (18) months from such date. If no zoning amendments or other codes or regulations affecting the subject property have been enacted in the interim, the Zoning Administrator may authorize in writing the extension of either of the above periods for an additional six (6) months, following which no further work is to be undertaken without a new building permit.

2. Building and land permits shall be prominently displayed on the job site at all times during the progress of the work so as to be readily seen from adjacent Thoroughfares.

E. Revocation of Zoning Permits and/or Building Permits.

The Zoning Administrator or Building Inspector may revoke a building or land permit theretofore issued in the following instances:

1. Where the Zoning Administrator finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building or land permit was based.
2. Where the Zoning Administrator finds that the building or land permit was issued in error and should not have been issued in accordance with the applicable law;
3. Where the Zoning Administrator finds that the work performed under the building or land permit is not performed in accordance with provisions of the approved applications, plans and specifications; or
4. Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Zoning Administrator.

#### F. Stop Work Orders.

Whenever the Zoning Administrator or Building Inspector have reason to believe that work on any land construction, building or structure is being performed in violation of the provisions of the applicable building laws, local laws, rules or regulations; or not in conformity with the provisions of an application, plans or specifications on the basis of which a building or land permit was issued, or in an unsafe and dangerous manner, the Zoning Administrator shall notify the owner of the property or the owner's agent to suspend all work, and any such persons shall forthwith stop such work and suspend all land and building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the premises where the work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for permission of the construction of such building or land modification, change or alteration.

#### G. Right of Entry.

The Zoning Administrator, Building Inspector or their designees, upon the showing of proper credentials and in the discharge of their duties, shall be permitted to enter upon any building, structure or premises without interference, during reasonable working hours.

#### H. Certificate of Occupancy.

1. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued therefor.
2. No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall be occupied or used unless a certificate of occupancy has been issued.

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3. No change shall be made in the nature of the occupancy of an existing building unless a Certificate of Occupancy authorizing such change shall have been issued.

4. The owner or his/her agent shall make application for a Certificate of Occupancy. Accompanying this application and before the issuance of a Certificate of Occupancy, there shall be filed with the Zoning Administrator or the Building Inspector an affidavit of a registered architect or licensed professional engineer stating that the work has been completed in accordance with the approved plans and, as erected, complies with the laws governing building construction.

I. Inspection Prior to Issuance of Certificate of Occupancy. Before issuing a Certificate of Occupancy, the Zoning Administrator or the Building Inspector, as the case may be, shall examine or cause to be examined all buildings, structures and sites for which an application for a Building Permit or Zoning Permit has been filed, and may conduct such inspections as are deemed appropriate from time to time during construction and after completion of the work. There shall be maintained in the Building Department a record of all such examinations and inspections together with a record of findings thereof.

J. Issuance of Certificate of Occupancy.

1. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building codes, local laws, rules and regulations, and also in accordance with the application, plans and specifications filed in connection with the issuance of the Building Permit or Zoning Permit, the Building Inspector or the Zoning Administrator, as the case may be, shall issue a Certificate of Occupancy. If it is found that the proposed work has not been properly completed, a Certificate of Occupancy
2. shall not be issued and the work shall be ordered to be completed in conformity with the Building or Zoning Permit and in conformity with applicable law.
2. A Certificate of Occupancy shall be issued, where appropriate, within 30 days after written application therefor is made.
3. The Certificate of Occupancy shall certify that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, local laws, rules and regulations, and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put.

## CHAPTER XIII - ZONING BOARD OF APPEALS

A. A Zoning Board of Appeals consisting of five (5) members shall be constituted in the form and with the powers and duties provided by the Village Law of the State of New York. The Office of the Village Clerk shall be the Clerk to the Zoning Board of Appeals. (as amended by Local Law 2 of 1999)

B. The members of the Zoning Board of Appeals shall be appointed by the Mayor with the approval of the Board of Trustees. (as amended by Local Law 2 of 1999)

1. In addition to any and all other qualifications for holding office as a member of the Zoning Board of Appeals, all present members of said Board shall attend training classes offered by the Rockland Municipal Planning Federation and complete such classes and receive Certification from the Federation within two (2) years from the effective date of this local law. Members appointed after the effective date of this local law shall be required to attend such classes and receive Certification from the Federation within two (2) years from the date of such appointment. Re-certification of all members shall be required every two (2) years thereafter from the date of initial Certification.

2. The Mayor of the Village of Grand View-on-Hudson is hereby authorized to remove a member of the Zoning Board of Appeals for cause, after public hearing and an opportunity to be heard. Removal for cause shall include but not be limited to the following:

(a) Failure of a member of the Zoning Board of Appeals to receive certification from the Rockland Municipal Planning Federation within two (2) years after the effective date of this local law or within two (2) years after his/her appointment to the Board, as the case may be.

(b) Failure of a member of the Zoning Board of Appeals to receive re-certificate from the Rockland Municipal Planning Federation every two (2) years after his/her initial certification.

(c) Failure of a member of the Zoning Board of appeals to attend a minimum of nine (9) out of every twelve (12) meetings held by the Zoning Board of appeals.

C. The Board of Appeals or any of its members shall have the right to enter upon the premises which are the subject matter of any application for purposes of inspection for valid Board purposes at reasonable times. This power may be delegated to experts acting on behalf of said Board. The Zoning Board of Appeals may adopt its own forms and procedural regulations. The Zoning Board of Appeals shall have the authority to enforce its own decisions.

D. Powers and Duties. The Board of Appeals shall have all the powers and duties prescribed by law and by this local law, which are more particularly specified as follows,

provided that none of the following provisions shall be deemed to limit any power of the said Board that is conferred by law:

1. Interpretation. The Board of Appeals may on appeal from an order, requirement, decision or determination made by an administrative official, or on request by any official, board or agency of the Village, decide any of the following questions:

(a) Determination of the meaning of any portion of the text of this local law or of any condition or requirement specified or made under the provisions of this local law.

(b) Determination of the exact location of any district boundary defined by this local law.

2. Special Permits. Pursuant to the provisions of Chapter X of this local law, the Board of Appeals may, on application and after public notice and hearing, authorize the issuance by the Zoning Administrator of special permits for any of the uses for which any law of the Village of Grand View-on-Hudson requires, in the district in which such use is proposed to be located, the granting of such permits by the Board of Appeals. In authorizing the issuance of a special permit, the Board shall take into consideration the public health, safety and welfare and shall prescribe appropriate conditions and safeguards to insure the accomplishment of the objectives set forth in the legislation establishing the special permit. It shall be the duty of the Board to attach such conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the general objectives of this local law.

3. Variances. On appeal from an order, requirement, decision or determination made by the Building Inspector, the Zoning Administrator or any other administrative official charged with enforcement of this local law, or on referral of an applicant by an approving agency acting pursuant to this local law, the Zoning Board of Appeals is authorized to vary or modify the strict letter of this local law as set forth below. Where required, variance application shall be referred to the Rockland County Department of Planning. (as amended by Local Law 2 of 1999)

(a) Area Variances.

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:

(1) 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 variance;



(2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(3) whether the variance requested is substantial;

(4) whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood;

(5) whether the alleged difficulty was self-created. This consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the variance.

(6) 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.

(b) Use variances.

No use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for the district where the property is located:

(1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

(2) 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;

(3) that the requested use variance, if granted, will not alter the essential character of the neighborhood;

(4) that the alleged hardship has not been self-created;

(5) in the granting of use variance, the Zoning Board of Appeals shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(c) 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, or the period of time such variances shall be in effect. Such conditions shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or the community.

E. The powers and duties of the Zoning Board of appeals shall be exercised in accordance with the following procedure: (as amended by Local Law 2 of 1999)

1. An appeal from any decision or order of an administrative official charged with responsibility for enforcing this local law may be taken within sixty (60) days after the filing of such decision or order in the office of the Village Clerk and written notice to the affected party. Such appeal may be taken by the person to whom the decision or order is directed, by any person aggrieved by the decision or order or by an officer, department, board or bureau of the Village. No appeal may be taken for a period of (10) years if the variance requested is the same variance as on previously applied for, whether granted or denied, unless the Board of Appeals, by a vote of a majority plus one, agrees to hear the appeal. The Ten (10) year period shall commence on the date of decision of the first variance requested. A variance shall be determined to be the same as one previously applied for if it affects the same side, front or rear setback, ratio, height or gradient, as the case may be.
2. The appeal shall be on forms provided by the Village and shall contain a narrative specifying the decision or order appealed from; the applicable sections of the local law relied upon by the appellant; the grounds upon which the appeal is taken and a long-form environmental assessment form, where applicable. If a variance or variances are sought, the precise variances requested shall be set forth and the facts constituting the grounds upon which the variances are requested. No hearing shall be scheduled on such appeal unless all of the requirements of this paragraph have been complied with. The Clerk shall thereupon give public notice of the date, time and place of such hearing. Notice shall be given at least ten (10) but not more than twenty-five (25) days prior to the date of such public hearing. Such notice shall be published in the official newspaper of the Village and posted in a conspicuous place near the office of the Village Clerk. The applicant shall mail such notice by certified mail to all property owners whose real property is located within two hundred (200) feet of the perimeter of the subject property.
3. At such hearing, the party appealing, the Planning Board, the Zoning Administrator, the Building Inspector, the Village Attorney, and any other person shall have the right to be heard upon the merits of the appeal, and to submit evidence into the record. The Board may adjourn any hearing to a later date, in its discretion. (as amended by Local Law 3 of 2007)
4. The Board of Appeals, upon the conclusion of a hearing, shall consider the evidence presented and any arguments offered, as well as any matters coming to the notice of the Board or its members individually, and shall reach a decision by

vote of its members. The decision of the Board shall be made within sixty-two (62) days after the close of the public hearing and shall include Findings of Facts. A majority of the total voting power of the Board shall be required for any decision.

5. Unless otherwise specified, any order or decision of the Board shall expire if a building or occupancy permit for the use or construction has not been obtained by the applicant or his/her successor in interest within one hundred eighty (180) days after the date of the decision. However, the Board may extend this time period for an additional ninety (90) days upon good cause shown.

6. All decisions of the Zoning Board of Appeals shall be filed in the office of the Village Clerk within forty-five (45) days after having been made and a copy thereof shall be transmitted to the appellant.

## CHAPTER XIV - PLANNING BOARD

(as amended by Local Law 3 of 2007)

A. A Planning Board consisting of five (5) members shall be constituted in the form and with the powers and duties provided by the Village Law of the State of New York. The office of the Village Clerk shall be the Clerk of the Planning Board and Village Clerk's office shall be the office of the Planning Board.

B. The members of the Planning Board shall be appointed by the Mayor with the approval of the Board of Trustees.

1. In addition to any and all other qualifications for holding office as a member of the Planning Board, all present members of the Board shall attend training sessions offered by the Rockland Municipal Planning Federation and complete such classes and receive Certification from the Federation within two (2) years after the effective date of this local law. Members appointed after the effective date of this local law shall be required to attend such classes and receive Certification from the Federation within two (2) years after the date of such appointment. Re-certification of all member shall be required every two (2) years thereafter from the date of initial Certification.

2. The Mayor of the Village of Grand View-on-Hudson is hereby authorized to remove a member of the Planning Board for cause, after public hearing and an opportunity to be heard. Removal for cause shall include but not be limited to the following:

(a) Failure of a member of the Planning Board to receive Certification from the Rockland Municipal Planning Federation within two (2) years after the effective date of this local law or within two (2) years after his/her appointment to the Board, as the case may be.

(b) Failure of a member of the Planning Board to receive re-certification from the Rockland Municipal Planning Federation every two (2) years after the date of his/her initial certification.

(c) Failure of a member of the Planning Board to attend a minimum of nine (9) out of every twelve (12) meetings held by the Planning Board.

C. The members of the Planning Board shall have the right to enter upon the premises which are the subject matter of an application for the purposes of inspection for valid Board purposes at reasonable times. This authority may be delegated to consultants acting on behalf of the said Board. The Planning Board may adopt its own forms and procedural regulations.

D. Powers and Duties. The Planning Board shall have all of the powers and duties prescribed by the Village Law all of the State of New York, by this local law and by other

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applicable local laws heretofore or hereafter adopted by the Board of Trustees. Such powers and duties shall include but not be limited to:

1. Site Plans

(a) Site Plan approval by the Planning Board shall be required for the construction of all new principal buildings. Site Plan approval shall also be required for all addition to principal buildings, accessory buildings and/or land disturbance that exceeds five hundred (500) square feet. In computing the five hundred (500) square foot requirement, all buildings and land disturbance.

(b) A site plan shall show the arrangement, layout and design of the proposed uses of a single parcel of land as shown on said plan. The elements shown on said plan shall include but not be limited to:

(1) Dimensions and location of driveways and parking areas;

(2) Landscaping and screening;

(3) Signs, where applicable;

(4) Architectural features, location and dimensions of buildings;

(5) Physical features of the land, including topographical information, contours, wetlands, flood plains, streams and waterways, slope percentage;

(6) Exterior placement of lights and mechanical equipment;

(7) Proposed drainage;

(8) Such other elements as may be required by the Planning Board.

(c) Procedures.

(1) No building permit shall be issued for any construction that requires site plan approval until a site plan has been reviewed and approved by the Planning Board.

(2) An application for site plan approval shall be made on forms to be provided by the Village and shall contain all information required therein. A long form Environmental Assessment Form shall be completed as part of such

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application. A copy of such application shall be transmitted to the Rockland County Planning Board for review and recommendation.

(3) Within sixty-two (62) days after receipt of a completed application, the Planning Board shall hold a public hearing on said site plan application. Notice of such hearing shall be published in the official newspaper of the Village and mailed by the applicant by certified mail to all owners of real property located within two hundred (200) feet of the perimeter of the subject property, at least ten (10) days prior to the date of such hearing.

(4) In reviewing said application, the Planning Board shall take into consideration the following:

a. That the land is of such character that it can be used safely for construction purposes without danger to health, welfare or safety of the user or the community;

b. That adequate off-street parking has been provided;

c. That access to emergency vehicles has been provided;

d. That peril from fire, flood, drainage or other hazards to neighboring properties has not been created;

e. That no harm to neighboring properties shall result from the subject use such as unreasonable noise or excessive lighting.

(5) The Planning Board shall make a decision on said application within sixty-two (62) days after the close of the public hearing. The decision shall either approve, approve with modifications and/or conditions, or disapprove said application. In no event shall the Planning Board approve an application that does not comply with local and State laws, rules and regulations. The Planning Board shall have authority to refer an application to the Zoning Board of Appeals for necessary variances.

(6) The time periods required herein may be waived by mutual agreement between the applicant and the Planning Board.

## 2. Subdivisions

(a) The Planning Board shall have authority to approve preliminary and final subdivision plan showing lots, blocks or sites, including changes in lot lines or dimensions of lots or sites.

(b) An application for preliminary subdivision approval shall be made on forms provided by the Village and shall contain, at a minimum, the following information;

(1) A survey prepared by an engineer or surveyor licensed by the State of New York. Such survey shall show proposed lot dimensions, topography, drainage, profiles, contours and slopes, at scale as required by the Planning Board.

(2) Location and dimensions of wetland, waterways, flood plains and slope conditions.

(3) Locations of proposed utilities, including water, sewer, gas, electricity, telephone and cable lines.

(4) A long form environmental assessment form.

(c) a copy of said application shall be transmitted to the Rockland County Planning Board for review and recommendation.

(d) The Planning Board shall hold a public hearing within sixty-two (62) days after receipt of a completed preliminary plan by the clerk. Notice of the date, time and place of said hearing shall be published in the official newspaper and mailed by certified mail to owners of real property situated within two hundred (200) feet of the perimeter of the subject property not less than ten (10) nor more than twenty-five (25) days prior to the date of such hearing.

(e) The Planning Board shall approve the preliminary subdivision plan, approved with modification and/or conditions or disapprove said plan within sixty-two (62) days after the closing of such public hearing. Notwithstanding this requirement, the period in which the Planning Board must take action on the preliminary subdivision plan may be extended by mutual agreement between the applicant and the Planning Board. In the event the Planning Board approves with modifications and/or conditions or disapproves such preliminary plan, the reasons for such modifications, conditions or disapproval shall be stated by such Board.

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(f) Within six (6) months after approval of a preliminary subdivision plan, the applicant shall submit an application for final subdivision. In the event such application for final subdivision is not submitted within such six (6) month period, the Planning Board shall have the right to revoke preliminary subdivision plan approval.

(g) Application for final subdivision approval shall contain, at a minimum, the requirements for preliminary subdivision plan application together with modifications or changes as required by the Planning Board during preliminary subdivision review and approval. In the event such modifications or changes are not included in the final subdivision application, such application shall be deemed to be incomplete.

(h) Upon receipt of a completed application for final subdivision approval, the Clerk shall schedule such application for a regularly scheduled meeting of the Planning Board to be held not later than sixty-two (62) days after receipt of such completed application. The Planning Board shall approve such application with or without conditions and/or modifications or disapprove such applications, stating the reasons for such disapproval, within sixty-two (62) days after the Board has completed its review of such final subdivision application. The time period required herein may be waived by mutual agreement between the applicant and the Planning Board.

(i) Final subdivision approval shall expire one hundred eighty (180) days after the date of such approval unless the applicant shall have submitted a final subdivision plan containing all requirements of said approval for the signature of the Chairperson of the Planning Board within such one hundred eighty (180) day period.

(j) The applicant shall file said signed subdivision with the County Clerk of Rockland County within sixty-two (62) days after the date of such signing.



**CHAPTER XV - STATE ENVIRONMENTAL QUALITY REVIEW ACT**

(as amended by Local Law 3 of 2007)

A. No action, as defined in Part 617 of Title 6 of the State of New York Code of Rules and Regulations, shall be taken by any Board, Agency, officer or employee of the Village of Grand View-On-Hudson, until such action has been reviewed pursuant to the provisions of the New York State Environmental Quality Review Act.

B. The Board of Trustees of the Village of Grand View-On-Hudson has heretofore adopted a local law declaring the Village to be a Critical Environmental Area. For that reason, except for those actions set forth in Part 617 as Type II actions or Exempt actions, all actions within the Village of Grand View-On-Hudson shall be deemed to be Type I actions.

C. No Type I action shall be approved by any Board, Agency, officer or employee of the Village of Grand View-on-Hudson unless a determination has been made by such Board, Agency, officer or employee, with or without conditions, that the action will not have a significant impact on the environment.

## CHAPTER XVII - PENALTIES

A. Conduct constituting noncompliance with any provision of this local law is hereby expressly designated a violation.

B. An person found to commit a violation of any provision of this local law shall be subject to a fine not to exceed Twenty-Five Hundred (\$2,500.00) Dollars, or to imprisonment for not more than fifteen (15) days, or to both such fine and imprisonment, for each such violation, or to such other penalties as may be authorized by the Laws of the State of New York. If such person be a corporation, its president, vice-president, secretary, treasurer, or other officer, director or stockholder causing the corporation to commit such violation shall be personally subject to such imprisonment.

C. In addition to the foregoing, a violation of any provision of this local law is hereby declared to constitute disorderly conduct, and any person found to violate any provision of this local law shall be a disorderly person.

D. For purposes of this local law, a separate violation shall be deemed committed for every week during which any noncompliance with this local law occurs or continues.

**Chapter XVI - PENALTIES**  
(as amended by Local Law 2 of 1999)

A. Conduct constituting noncompliance with any provision of this local law is hereby expressly designated a violation.

B. Any person found to commit a violation of any provision of this local law shall be subject to a fine not to exceed Twenty Five Hundred (\$2,500.00) Dollars, or to imprisonment for not more than fifteen (15) days, or to both such fine and imprisonment, for each such violation, or to such other penalties as may be authorized by the Laws of the State of New York. If such person be a corporation, its president, vice-president, secretary, treasurer, or other officer, director or stockholder causing the corporation to commit such violation shall be personally subject to such imprisonment. (as amended by Local Law 2 of 1990)

C. In addition to the foregoing, a violation of any provision of the local law is hereby ordained to constitute disorderly conduct, and any person found to violate any provision of this local law shall be a disorderly person.

D. For purposes of this Chapter, a separate violation shall be deemed committed for every week during which any noncompliance with this local law occurs or continues.

**CHAPTER XVI - SEPARABILITY**

A. The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

B. Any amendment, supplement, change, modification, or repeal of this local law shall be made in conformity with the Village Law of the State of New York.

C. Any and all notices required to be sent pursuant to this local law shall be sent by certified mail, return receipt requested.

D. This local law shall take effect upon compliance with the filing, publication and posting provisions of the Village Law of the State of New York and the local laws of the Village of Grand View-on-Hudson.