



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

November 20, 2012

Village Clerk  
PO Box 219  
Schoharie NY 12157

NOV 23 2012  
RECEIVED

**RE: Village of Schoharie, Local Law 2 & 3 2012, filed on November 9, 2012**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 474-2755

Sent 11-8-2012 Local Law 2-2012

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001  
www.dos.state.ny.us/corps

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

10 pages

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Schoharie \_\_\_\_\_

Local Law No. 2 of the year 2012

A local law to amend the Villlage of Schoharie Land Use Law  
(Insert Title)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Schoharie \_\_\_\_\_ as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2012 of the ~~(County)(City)(Town)(Village)~~ of Schoharie was duly passed by the Board of Trustees on October 23, 2012, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

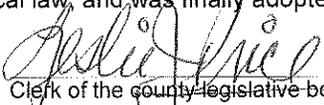
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: October 24, 2012

(Seal)

**Local Law # 2 of 2012**  
**A Local Law to Amend the Village of Schoharie Land Use Law**

**Section 1. Purpose:**

1. To meet the vision and goals of the Comprehensive Plan that seeks to revitalize the Village of Schoharie as a center for retail, service, government, and housing in the area; to protect visual and historic resources; maintain the residential qualities of the Village; ensure that new commercial development is appropriate in scale and design with existing structures and community character; encourage a variety of high quality housing types to meet the needs of all residents, especially senior citizens; and to promote affordable housing opportunities.
2. To provide a wide variety of new housing opportunities to address the housing needs of residents created as a result of Hurricane Irene.
3. To allow for an increased density of residential uses consistent with the existing infrastructure of the Village and to allow under-developed parcels of land to be developed consistent with the comprehensive plan.
4. To encourage more senior housing to meet the needs of the community
5. To encourage new building to be energy efficient and to use green building techniques.
6. To ensure that emergency service providers can be located within the Village in order to effectively provide such services.

**Section 2. Amend Use Table**

A. Amend Table 2-6.1 to add the following:

Use	Land Use Areas				
	Agriculture	Residential	Central Business District	Industrial	Planned Development Area
Emergency Service Facility	XS	XS	N	XS	XS

B. Add definition to 14-2:

Emergency Service Facility: A building or structure, owned or maintained by the local fire department or ambulance squad and used to house fire trucks, ambulances, and other emergency vehicles as well as office space and other rooms needed to support provision of emergency services.

**Section 3. Change Eligibility for Density Bonuses**

A. Amend 2-7.4 (B) as follows:

B. Eligibility for Density Bonuses. To encourage preservation of open space, efficient use of lands, senior housing, construction of energy efficient structures, and minimal environmental impacts of development, the following residential density bonuses may be granted as positive incentives for desired features as follows:

(1) To encourage Preservation of open space: The Planning Board may grant a density bonus of 1 dwelling unit per 5 acres of land preserved permanently as open space.

(2) To encourage public access: The Planning Board may issue a maximum density bonus of 1 dwelling unit for every 5 acres of land dedicated for public use, including trails, active recreation, access to streams, or other similar uses. The decision whether to accept an applicant’s offer to dedicate open space for public access shall be at the discretion of the Village Board. In its decision, the Planning and Village Boards shall be guided by the open space and public access recommendations contained in the Comprehensive Plan.

(3) To encourage affordable and senior housing: Density bonuses may be offered to encourage the provision of new homes priced at affordable levels or dedicated for senior citizens. A density bonus of 1 additional lot or dwelling unit for each affordable or senior housing unit, up to a maximum 25% increase in dwelling units may be issued. Affordable housing are housing units dedicated to accommodate lower-income persons or first time home buyers. The term “lower-income person” means a household having and income equal to or less than the Section 8 low-income limit established by the United States Housing and Urban Development Agency (“HUD”). Generally this means a family or individual whose average monthly income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families.

(4) To encourage energy efficiency building design and construction: Density bonuses may be offered to encourage the construction of LEED Certified Buildings. A density bonus of 15% additional lots or dwelling units may be approved for construction using LEED Certified building construction.

**Section 4. Change Dimension Requirements for Planned Development Area.**

A. Amend Table 2-7.2 as follows:

	<b>Agriculture (1) (2)</b>	<b>Residential (1) (3)</b>	<b>Central Business District</b>	<b>Commercial</b>	<b>Industria l</b>	<b>Planned Develop- ment Area</b>
Minimum Lot Width	65 feet	Min. 50 feet, Max. 100 feet	25 feet	50 feet	100 feet	(4)
Minimum Lot depth	120 feet	100 feet	100 feet	100 feet	200 feet	(4)
Build to Line	25 feet	15 feet	(3)	15 feet	25 feet	25 feet
Min/Max	20/30 feet	10/25 feet	--	10/25 feet	20/30	20/30 feet

	<b>Agriculture (1) (2)</b>	<b>Residential (1) (3)</b>	<b>Central Business District</b>	<b>Commercial</b>	<b>Industria l</b>	<b>Planned Develop- ment Area</b>
Front Yard					feet	
Side Yard	15 feet minimum	15 feet minimum	0 feet	--	25 feet	25feet
Rear Yard	15 feet minimum	15 feet minimum	NA	55 feet minimum (one row of parking)	75 feet minimum	50feet
Building Height	Maximum 2 ½ stories and 35 feet	Maximum 2 ½ stories and 35 feet	Min 2 stories, Max 3 stories	Maximum 2 ½ stories and 40 feet	Max 2 ½ stories and 40 feet	Maximum of 45 feet subject to approval of the Planning Board and the Village Board upon review of each specific PDA at the time of application
Maximum Building Coverage of Lot	25%	40%	100%	60%	60%	(4)
Minimum Floor Area	600 square feet	600 square feet	--	--	--	(4)

B. Amend Table 2-7.2 Footnote related to PDA: A minimum of three acres is required for any Planned Development Area. Other dimensions to be determined by the Village Board at time of approval of the PDA pursuant to 2-8.6.

C. Amend Section 2-8.6 (B)

B. Minimum Requirements for Establishment of a Planned Development Area. The minimum requirements for establishment of a Planned Development Area shall be as follows: The area proposed for the Planned Development Area shall be under single ownership both at the time of the application for the Planned Development Area and when the Planned Development Area is adopted. The area constituting the Planned Development Area shall be three or more acres in size.

D. Amend Section 2-8.6 (H) Add

(6) Village Planning Board and Village Board approval shall be contingent upon concurrence that any structure and lot layout in a PDA shall be built consistent with the character, architectural style, and aesthetic values of the surrounding neighborhood and the Village of Schoharie Comprehensive Plan.