

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

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

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

County  
City  
Town of..... East Hampton .....  
Village

Local Law No..... TWELVE ..... of the year 20..... 03

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
OCT 27 2003  
MISCELLANEOUS  
& STATE RECORDS

A local law amending §121 to specifically provide that the D.R.B. is authorized to adopt guidelines  
*(Insert Title)*  
to supplement the provisions of the Code with respect to design standards and to  
broaden the objectives of their review, including (but not limited to) the appropriate  
allocation of open space between buildings and paved areas on non-residential lots.

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

County  
City East Hampton  
Town of ..... as follows:  
Village

SECTION I. Legislative Intent. The purpose of this amendment is to specifically authorize the Design Review Board to adopt guidelines for the development and redevelopment of non-residential properties. These guidelines would supplement the restrictions enacted in the Village Code and provide design standards and guidelines for the types of redevelopment that the Design Review Board generally finds to be compatible with the existing development. The guidelines can be utilized by applicants in trying to design proposed renovations or new buildings that will consistent with the standards of the Board. The law also adopts some new objectives for the Board to consider in implementing its review of applications, including the allocation of open space on a given plot plan.

SECTION II. Chapter 121 (Design and Site Plan Review) of the Code of the Village of East Hampton is hereby amended as follows:

### §121-1. Statement of policy.

East Hampton Village contains many residential and commercial structures of historic value. It is famed as one of America's most beautiful and uniquely situated villages. Distinct commercial areas still retain desirable features which make them compatible with the village's character and scale. East Hampton residents derive considerable peace of mind from their congenial physical surroundings. As old ways of farming and fishing have waned, it is that character and charm that now provide the basis for its resort economy. It is that resort economy that now poses the greatest threat to the Village's physical appearance. Much requires preservation and stabilization while inevitable growth and development require compatibility and tasteful "fit" into an existing

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

fabric. Commercial and industrial properties interface with residential and historical areas. It is essential that that rural-residential aspect be maintained: green open spaces, screening, rear yard parking, limited vehicular access, etc. The Village Board finds that new development can otherwise have a substantial adverse impact on the character, health and safety of the area in which it is located. Inappropriate exterior design of buildings or structures and development of grounds adversely affect the desirability of immediate and neighboring areas for residential and commercial purposes and, by so doing, impair the benefits of occupancy of existing property in such cases, impair the stability of values of both improved and unimproved real property in such areas and preclude the most appropriate development of such areas. The Village Board finds that the aggravation and intrusion of further restrictions on the use and enjoyment of private property is more than offset by the common advantage in the maintenance of overall values and avoidance of assaults on the senses which in this Village's case are especially dependent on the aesthetic quality and physical attributes of the community. Some harmful effects of one land use upon another can be prevented through zoning, subdivision controls and building codes. Other aspects of construction or development are more subtle and less amenable to rules promulgated without regard to specific construction or development proposals. Among these are the general form of the land before and after development, the spatial relationships of the structures and open spaces to proximate land uses and the appearance of buildings and open spaces as they contribute to an area as it is being developed. Such matters require the timely exercise of judgment in the public interest by people qualified to evaluate the design of new construction and development.

#### **§ 121-2. Purposes.**

The purposes of design review are:

- H. To maintain and enhance the desirable character and the best features of individual commercial areas.
- I. To encourage development that is compatible with the scale and character of the village.
- J. To control the distribution of open space so as to maintain and enhance the desirable character and best features of a property or area.

#### **§ 121-3. Objectives.**

The Design Review Board, in examining applications for building permits, shall consider the various aspects of the design, with special emphasis on these objectives:

- Q. Maintenance of character: to maintain features that contribute to the desirable character of a commercial area including buildings, features of buildings, landscape features and open space.
- R. Compatibility of design: to determine that the aspects of a design including the orientation, setback, rhythm, size, height, width, proportion of the front façade, massing, building form, roof form, materials, color, proportion and arrangement of windows, storefront, building details, the distribution and location of open space and other considerations of site design will maintain and enhance the desirable character and the best features of the commercial area in which the property is situated and will maintain the overall character and scale of the village.
- S. Location of open space: to control the location of the required percentage of permeable surface on a property so that it will be located to have the greatest benefit to the desirable setting of that property and to the desirable setting of the commercial area in which the property is situated.

**§ 121-3.1. Guidelines.**

The Design Review Board may adopt, and from time to time amend, guidelines for applying the policy , Purposes and objectives provided in §13-1, §13-2 and §13-3.

Guidelines may be adopted for any aspect of review or for any specific area or district and will identify its desirable character, important qualities and best features.

The Design Review Board may adopt guidelines for the "allocation of open space" for each commercial area to best enhance the setting of a property or area.

(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. TWELVE of 2003 of the ~~(County)~~~~(City)~~~~(Town)~~(Village) of East Hampton was duly passed by the Board of Trustees on October 17 2003, 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\_\_\_\_. 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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

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 Suffolk 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 one \_\_\_\_\_, above.



Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body  
**LARRY CANTWELL, VILLAGE ADMINISTRATOR**

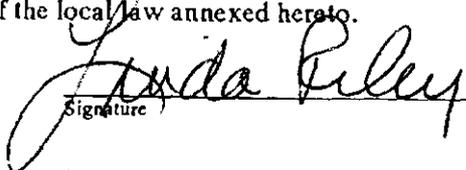
(Seal)

Date: October 23, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Suffolk

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

**LINDA RILEY, VILLAGE ATTORNEY**

Title

~~County~~  
~~City~~ of EAST HAMPTON  
~~Town~~  
Village

Date: October 24, 2003