

Local Law Filing

(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 and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Sag Harbor

FILED
STATE RECORDS

APR 27 2016

Local Law No. 5 of the year 2016

DEPARTMENT OF STATE

A local law (Insert Title) amending Chapter 300 (Zoning) of the Code of the
Village of Sag Harbor in relation to (1) establishing
maximum gross floor area requirements for certain
residential dwellings and (2) updating the land use
regulations for residential development

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

County City Town Village
(Select one.)

of Sag Harbor as follows:

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

PLEASE TAKE NOTICE: THAT THE BOARD OF TRUSTEES OF THE VILLAGE OF SAG HARBOR, AT A MEETING THEREOF DULY HELD ON APRIL 21, 2016 DULY ADOPTED LOCAL LAW # 5 OF 2016 AS FOLLOWS:

Local Law # 5 of 2016

A LOCAL LAW amending Chapter 300 (Zoning) of the Code of the Village of Sag Harbor in relation to (1) establishing maximum gross floor area requirements for certain residential dwellings and (2) updating the land use regulations for residential development in the Village of Sag Harbor.

Be it enacted by the Village Trustees of the Village of Sag Harbor as follows:

Section 1. Legislative Findings.

Sag Harbor is a small village in Suffolk County, New York. Based upon the 2010 U.S. Census, the year round population is 2,169. However, because of the Village is a tourist and second home destination, the population of the Village more than doubles during the busy summer season.

Sag Harbor's history, environment, rural character, and diverse population are among its most valuable assets. The Village was first settled in 1707. During more than three centuries, the Village has enjoyed a rich and diverse history which today contributes substantially to Sag Harbor's popularity and its strong economy. The Village has gone from a cosmopolitan global thoroughfare at the height of Sag Harbor's whaling days in the 1820s and 1830s; to its days as a blue-collar factory town in the 1950s; to today's incarnation as an historic, maritime resort village.

Examples of that history include the Village's role as a port of international significance. Sag Harbor was declared the first official port of entry by the United States Congress in 1789 and a Customs House was placed in the Village. The Village was at the center of the whaling industry until the 1840's. That maritime heritage of Sag Harbor is a critical part of Sag Harbor's unique character. The Village also played a role in both the American Revolution and the War of 1812.

With the arrival of the Long Island Railroad in 1870, Sag Harbor continued to be an important center of the commerce over the years with a variety of local industries from the Bliss Company and Fahys Watchcase Factory to Grumman and Bulova. The Village also has a rich and diverse cultural history with major contributions from Native Americans and African Americans. Sag Harbor was a stop on the Underground Railroad. Today, it is a diverse community which has become a haven for writers and artists. John Steinbeck resided here from 1955 until his death in 1968. The Village has an unusually rich and varied architecture and an environment reflecting its development stages.

Because of these and other historic resources, the Sag Harbor Village Historic District was designated by the U.S. Department of the Interior as a National Historic District. The District comprises the entire business district of the Village and a substantial portion of the residence district. It includes 870 contributing buildings, seven contributing sites, two contributing structures, and three contributing objects. It includes the First Presbyterian Church, a National Historic Landmark building designed by Minard Lafever. The district was listed on the National Register of Historic Places in 1973 and its boundaries were increased in 1994.

In addition to its historic resources, Sag Harbor's geographic location in the center of the Peconic Bay places the Village at the center of a critical marine environment. The Peconic Bay is one of 28 estuaries in the country to be recognized to be of national significance as part of the National Estuary Program created by the federal Clean Water Act.

The Peconic Estuary has also been dubbed as one of "The Last Great Places" in the world by the Nature Conservancy. However, human pressure on the Peconic Estuary continues to grow. This increased pressure and the accompanied land use changes have manifested themselves in several noticeable ways. Brown Tide devastated the local scallop industry. Excess nutrients fertilized the bay, leading to low oxygen levels and thus degrading the environment critical to plant and animal life. Pesticides and other toxics were detected through water quality sampling. Little by little, the impacts of increasing human encroachment have taken their toll on the Peconic Estuary. In addition to the Brown Tide, other algal blooms have impacted Sag Harbor waters and restricted their use.

After years of hard work, the PEP Comprehensive Conservation and Management Plan (CCMP) was formally approved on November 15, 2001 by EPA. There are an ambitious 340 management tasks included in the CCMP. Priority topics include Brown Tide, nutrients, habitat and living resources, pathogens, toxic pollutants, and critical lands protection. Thus, it is imperative that the Village carefully monitor growth trends and enact public policies that are consistent with protecting the region's water resources.

In 2015 to fulfill its responsibility under the National Estuary Program, the Village enacted Local Law No. 10 of 2015, which updated the Village Wetland Law, as a first step to protect water resources in the Peconic Bay Watershed located in the Village. However, further actions to protect water quality from the negative impacts of overdevelopment are still required, including the institution of the limitations on the size of residential development.

In addition to its historic and water resources, the rural character of this small village is also a critical asset. It is a small village where 94% of all the area is zoned for residential purposes. It is a place where residents expect a rural setting, peace and quiet, and the opportunity for family activities. In 1974, the U.S. Supreme Court, in *Village of Belle Terre v. Boraas* 416 U.S 1(1974) stated that protection of rural character is a legitimate objective of local zoning laws. "A quiet place where yards are wide, people few, and motor vehicles restricted are legitimate guidelines in a land-use project addressed to family needs. The police power is not confined to elimination of filth, stench, and unhealthy places."

The protection of the Village's unique rural character has long been a goal of the Sag Harbor Village Zoning Code and has been incorporated into the Village zoning regulations with limitations on minimum lot area, yard requirements, coverage, and building height. The continued protection of that rural character must always be an important consideration in land use decisions in the Village.

Finally, the Village needs to consider the housing needs of its very diverse population. The Village needs a balanced housing policy where there exists a variety of housing types and opportunities across the economic spectrum. The Court of Appeals of the State of New York, in its decision in **Berenson v. New Castle** 38N.Y.2d 102 (1975), articulated the responsibility a local government has to provide community housing opportunities. The court outlined a two prong test: (1) local government must provide for the development of a balanced, cohesive community housing plan and (2) local government must take into account regional housing needs when enacting a zoning law. The standards outlined in **Berenson** have been affirmed by New York State courts over the past 40 years.

These legitimate purposes and others have been clearly outlined in the Village Zoning Code. Section 300-1.2 states:

§ 300-1.2 Legislative findings and determinations.

A. The Village of Sag Harbor enacted its first Comprehensive Zoning Plan, Zoning Ordinance and Zoning Map on August 2, 1949. It amended and readopted the Comprehensive Zoning Plan, Zoning Ordinance and Zoning Map on November 16, 1971. These documents have been the subject of further amendment since the readoption as a result of the Planning Study of the Sag Harbor Business District and other comprehensive planning and zoning studies. The most recent comprehensive plans are the Planning Strategies for the Incorporated Village of Sag Harbor (With an Emphasis on the Commercial District) prepared by Inter-Science Research Associates, Inc. and dated July 21, 2008.

B. The Board of Trustees finds that there are certain characteristics of the Village of Sag Harbor which are significant in establishing its Comprehensive Zoning Plan and guiding future development of the Village. They are as follows:

(1) The Village of Sag Harbor is uniquely situated on a navigable arm of Peconic Bay and tributaries thereof. As a result of its unusually extensive water frontage development, it is of necessity closely related to valuable marine environmental resources. Preservation and enhancement of these marine resources will continue to be important in the Village's future.

(2) The Village has a long history beginning with its settlement in the early 18th century and development soon thereafter as a major port. It has an unusually rich and varied architecture and an environment reflecting its development stages.

(3) The economic base of the Village in recent years has relied primarily on the tourist and second-home activity that its history and marine environment generate in the South Fork resort subregion. It is important to assure the continued availability of this economic base. Nevertheless, the Village also serves another important role as a year-round home for families, including young and old householders. Every effort should be made to maintain the year-round community, including its community facilities, services and convenience shopping, service businesses and employment.

(4) The Village of Sag Harbor's remaining vacant land resource is limited. The pattern of existing land use is generally well defined.

(5) In general, the Comprehensive Zoning Plan is designed to protect the established character and the social and economic stability of the Village and to be compatible with the planning and zoning of the surrounding unincorporated residential areas of the Towns of East Hampton and Southampton.

In addition, Section 300-1.3 states:

§ 300-1.3 Declaration of purpose.

This chapter is adopted for the purpose of promoting the health, safety, morals or the general welfare of the Village of Sag Harbor and in the furtherance of the following related and more specific objectives:

- A. To guide and regulate the orderly growth, development and redevelopment of the Village in accordance with a comprehensive plan and with the more long-range objectives, principles and standards expressed in the legislative findings and determinations which are deemed to be beneficial to the interests and welfare of the people.**
- B. To protect the established character and the social and economic well-being or both private and public property.**
- C. To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate.**
- D. To promote, in the public interest, the preservation of natural areas.**
- E. To secure the maximum recharge of the Village's fresh groundwater reservoir to assure both the maintenance of the natural environment and the ecosystems essential to its continued well-being and the optimum groundwater resource for the human community through the protection of such features of the watersheds as the woodlands, streams and ponds, and to so regulate the ultimate land use and consequent freshwater consumption that the potential demand for freshwater shall not exceed the reasonable safe yield of that fresh groundwater reservoir.**
- F. To protect and promote the fisheries and the resort industries of the Village by preserving a healthful biological and chemical balance in the adjacent bays, estuaries and all tributary watercourses and drainage lines.**
- G. To secure safety from fire, panic, flood, storm and other dangers; to provide adequate light and air and convenience of access; and to prevent environmental pollution.**
- H. To prevent overcrowding of land or buildings, avoid undue concentration of population, and provide privacy for families.**
- I. To conserve the value of buildings, and to enhance the value of land throughout the Village.**
- J. To provide affordable housing sites for residents of the community compatible with their economic means.**
- K. To lessen and, where possible, to prevent traffic congestion on public streets and highways.**
- L. To eliminate nonconforming uses gradually.**
- M. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.**
- N. To conserve and reasonably protect the natural scenic beauty and cultural and historic resources of the Village and its environs.**
- O. To ensure that the distinctive and historical character of the Historic District of the Village shall not be injuriously affected, that the value to the Village of these structures having architectural and historical worth shall not be impaired, and that said Historic District shall be maintained and preserved to promote its use for the education, pleasure and welfare of the citizens of the Village and others.**
- P. To guide land and water use and development in accordance with the policies, purposes and projects set forth in the local waterfront revitalization program.**
- Q. To protect against changes in the character of the commercial district which would threaten the local identity of this area of commerce, including unexpected changes in the type and size of uses present.**

Because the Village of Sag Harbor has enacted and faithfully administered its Zoning Code to foster and promote these aforementioned purposes and goals, in 2014, Sag Harbor's Main Street was named one of the 10 Best Streets in the United States by the American Planning Association. The APA stated, "Since a large portion of the village was designated a National Historic District in 1973, the village's Board of Historic Preservation and Architectural Review has been responsible for ensuring the integrity of historical and cultural landmarks along Main Street and elsewhere in the Village. The Village also approved measures in 2009 to keep the size and style of new development along Main Street compatible with its historic buildings."

As a result, the economy of the Village has thrived. Sag Harbor has become one of the most popular destinations for both tourist and second homeowners. The Village has succeeded in protecting its quality of life and promoting a strong local economy.

However, Sag Harbor could become a victim of its own success. The public benefits that have been achieved by good planning thus far in the Sag Harbor are in jeopardy due to the intense development pressure that has occurred in conjunction with its popularity. Specifically, with the lack of vacant land in the Village and the demand for housing, particularly for second homes, there is a growing trend to acquire, re-develop, and upsize existing residential properties. There are only 152 remaining vacant lots in the Village. Comparatively, there are 1,653 residential lots that are improved.

This trend of expanding existing housing or tearing down existing homes to construct much larger homes is potentially at odds with existing historic development patterns. **The median lot area in the Village is 12,905 square feet. The median gross floor area of a residential dwelling is 1,590 square feet.**

There are 1,653 improved residential lots in the R-20 Zone. **Only 154 residential lots have houses with gross floor areas in excess of 3,000 square feet or 9.3% of all residential dwellings. Only 42 residential lots have houses with gross floor areas in excess of 4,000 square feet, or 2.5% of all residential dwellings.**

However, for 25 building permits and certificates of occupancy issued by the Village in 2014 and 2015 for residential dwellings, 19 of these houses have gross floor areas in excess of 3,000 square feet or 76% of such permits. 11 of those 19 houses exceed 4,000 square feet or 44% of such permits. This activity is also reflected in the amount of building permit fees collected by the Village.

For 2014, the Village collected approximately \$272,000 in building permit fees. In the 2015, the amount of building fees collected is approximately \$335,000, or a 23% increase.

As Sag Harbor continues to be popular, so will the trend to convert existing houses into larger houses on relatively small lots. Such development is not consistent with the goals and purposes of the Zoning Code. If such development continues unabated, Sag Harbor risks destroying very unique character that makes it popular in the first place. The potential negative impacts of such development are substantial for the Village.

Specifically, the Village Board finds:

1. The intensity of new development is resulting in houses out of scale with the existing development of the Village, thereby undermining the historic character of the Village.
2. The intensity of new development is having an adverse impact on the environment of the Village, most notably water quality.
3. The intensity of new development is having an adverse impact on the rural character of the Village, including reducing open areas, privacy, and peace and quiet, as well as creating traffic congestion and parking problems.

4. The intensity of new development which is focused disproportionately on larger, second homes for the wealthy is contradictory to the Village's efforts to provide a balanced housing policy where there exists a variety of housing types and opportunities across the economic spectrum for Sag Harbor's diverse population.

The APA stated about Sag Harbor, "Today, village officials, business owners, residents, and visitors converge on Main Street as they go to work, do errands, shop, get coffee, eat a meal, or simply sit and watch the comings and goings of pedestrians, bicyclists, and drivers." Sag Harbor's charm is enhanced by the diversity of people who call the Village home. A major part of the Village's charm identified by the APA would be lost if it became only an enclave for the very wealthy who could afford the very expensive reconstructed large dwellings.

For these reasons, the Village enacted a 6 month moratorium, which was modified and extended on January 12, 2016 until April 30, 2016. During this time, the Village has investigated methods to mitigate the negative impacts that these development trends are having on the Village and its community character.

Several other local governments are also experiencing development pressure, including the neighboring Villages of North Haven, Sagaponack, and East Hampton. They have enacted limitations on the gross floor area of residential dwellings, utilizing a ratio of gross floor area of a dwelling to lot area as a means of scaling development consistent with community character.

Recognizing that the character of Sag Harbor is much different than other Villages, the Village tasked its Planning Consultant to undertake an analysis of Sag Harbor and its existing development patterns in order to devise a gross floor area regulation that would protect the historic district, the environment, rural character, and need for a balanced housing mix for its diverse population.

At the same time, the Village must provide individual homeowners with the needed flexibility required to adapt dwellings to modern needs. Only by balancing these needs can the Village insure its continued economic vitality.

This proposed local law, supported by the analysis of the Village Planning Consultant, balances the Village goal of protecting community character with the property rights and needs of Village property owners.

Currently, the median lot size in the Village is 12,905 square feet. The median gross floor area of an existing dwelling is 1,590 square feet. Under current law, a dwelling on such a lot can expand to a gross floor area of 5,164 square feet under lot coverage regulations. A 20,000 square lot, the lot area minimum under current law, could have a gross floor area of 8,000 square feet.

The existing Village Code permits dwelling sizes far in excess of what is consistent with the aforementioned goals of the Zoning Code and fails to protect community resources such as historic buildings, the environment, rural character, and the need for a balanced housing policy.

Comparatively, under this proposed local law, for the median lot at 12,906 square feet, the proposed local law would permit a dwelling to expand to 3,032 square feet, or 1,442 square feet in excess of the current median dwelling size of 1,590 square feet (+91%). In the case of a 20,000 square foot lot, the permitted gross floor area would be 3,600 square feet. The proposed law will address concerns about the loss of community character resulting from over- development under current law.

In addition, the proposed local law also addresses the needs and rights of individual property owners. **Only 95 houses would fail to conform to this local law, out of the 1,653 existing houses in the Village.** Of those 95 properties, 70 properties are already non-conforming under the current Zoning Code as to lot area. Thus, at most, only 25 conforming properties would be made non-conforming by this local law. Those non-conforming houses would be grandfathered under the Zoning Code.

Under the proposed law, 1,213 houses would have the potential to expand as a matter of right by 1,000 square feet or more, or 73.4% of all Village homeowners. 1,440 would have the ability to expand as a matter of right by 500 square feet or more, constituting 87.1% of all Village homeowners.

Further, the Zoning Code continues to provide for a variance procedure before the Village ZBA for those who cannot meet the new law, provided they can meet the legal test for an area variance.

The Planning Consultant analysis clearly demonstrates that this proposed local law, by enacting limitations on the gross floor area of single family dwellings will substantially mitigate the adverse impacts of dwelling sizes that have negative impact on historic resources, the environment, rural character, and a balanced housing policy. The loss of these resources also jeopardizes the strong local economy that exists based upon these resources.

Further, the proposed local law will permit residential property owners the continued use of their homes, as well as provide them with substantial flexibility for the future use and expansion of their dwellings.

Section 2. Chapter 300 of the Sag Harbor Village Zoning Code is amended by adding a new Section 300-9.11 (Gross Floor Area for Certain Residential Dwellings) to read as follows:

Section 300-9.11. Gross Floor Area for Certain Residential Dwellings in the R-20 and OD Districts.

A. Maximum Gross Floor Area in the R-20 and OD Districts.

- (1) The gross floor area of any one-family detached dwelling shall not exceed the permitted gross floor area calculated as follows:**
 - a. Lots of 6,250 square feet or less: 2,500 square feet gross floor area.**

- b. Lots greater than 6,250 square feet and less than 25,000 square feet: 2,500 square feet gross floor area plus (lot area minus 6,250 square feet) times (0.08).
 - c. Lots 25,000 square feet or greater: 4,000 square feet gross floor area.
 - d. The Village Board of Trustees may grant a special permit for a one-family detached dwelling which exceeds the provisions of this paragraph, provided the requirements of paragraph B are met.
- (2) In determining the maximum permitted gross floor area, the following provisions shall apply:
 - a. Lot area shall have the same meaning as "LOT, AREA OF" as defined in this chapter.
 - b. Gross floor area shall have the same meaning as "FLOOR AREA, GROSS" as defined in this chapter.
 - (3) In the case of two or more dwelling units legally existing on the same lot, the gross floor area of all dwellings shall be the cumulative total gross floor area of all dwellings on the lot.
 - (4) In determining maximum lot coverage, whether under the gross floor area requirement or the percentage of lot coverage restriction in this article, the more restrictive requirement or standard shall apply.
 - (5) These provisions shall apply in the R-20 and OD Districts.

B. Special Permit.

- (1) In the case of lots with an area in excess of twenty-five thousand (25,000) square feet, an applicant may apply to the Village Board of Trustees for a special permit for a one-family detached dwelling to contain more than four thousand (4,000) square feet of gross floor area. The gross floor area of any one-family detached dwelling pursuant to this paragraph shall not exceed the permitted gross floor area ratio calculated as follows: 4,000 square feet gross floor area plus (lot area minus 25,000 square feet) times (0.08). However, in no case shall the gross floor area exceed 7,000 square feet.
- (2) Applications for a special permit shall be submitted in the form required.
 - a. Upon receipt of a complete application, the Village Board of Trustees shall fix a time and place for a public hearing and shall provide for giving notice of the public hearing by publishing a notice in the official newspaper at least 10 days prior to the hearing.
 - b. In addition, at least 10 days prior to the hearing, the applicant shall mail notice of the time, date, place and nature of the hearing to the owners of record of every property which abuts and every property which is within 200 feet of the property involved in the application. Such notice shall be made by certified mail and addressed to the owners at the addresses listed for them on the local assessment roll. On or before the commencement of the public hearing, the applicant shall file a radius map prepared by a professional and an affidavit with postal receipts annexed thereto confirming mailing of said notices.
 - c. The applicant or his agent shall also erect or cause to be erected a sign or signs which shall be displayed on the parcel upon which the application is

made, facing each public street on which the property abuts, giving notice that an application has been made to the Village Board of Trustees, and stating the time and place where the public hearing will be held. The sign(s) shall not be located more than 10 feet from the street line, and shall not be less than two feet nor more than six feet above the natural grade at the street line. The sign(s) shall be displayed for not less than 10 days immediately preceding the public hearing date. The applicant shall file an affidavit with the Village Board of Trustees that he has complied with the provisions of this section. Failure to submit such affidavit shall result in the adjournment of the public hearing.

- (3) For every such special permit, the Board of Trustees shall determine that:
- a. Harmony of use. Such use will be in harmony with § 300-1.2, Legislative findings and determinations, and will promote the general purposes and intent of this chapter as stated in § 300-1.3, Declaration of purpose.
 - b. Lot area. The plot area is sufficient, appropriate and adequate for the use.
 - c. Adjacent properties. The proposed use will not prevent the orderly and reasonable use of adjacent properties.
 - d. Compatibility. The site is particularly suitable for the location of such use in the Village and, if sited at that location, the proposed use will in fact be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance.
 - e. Parking. There are off-street parking at least in the number required by the provisions of this chapter, but in any case an adequate number for the anticipated number of occupants, and, further, that the layout of the spaces and driveways is convenient and conducive to safe operation.
 - f. Buffering and screening. Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.
 - g. Runoff and waste. Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other characteristic.
 - h. Environmental protection. The natural characteristics of the site are such that the proposed use may be introduced there without undue disturbance or disruption of important natural resources.
 - i. Historic District. In the Historic District, the Board of Trustees shall utilize and be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as well as the provisions of Article XIII of this chapter.
 - j. Compliance with other laws. The proposed use can and will comply with all provisions of this chapter and the Village Code applicable to the proposed use and can meet every other applicable federal, state, county and local law, rule or regulation.
 - k. These provisions shall apply in the R-20 and OD Districts.

C. The provisions of this section shall also apply to:

- (1) The construction or conversion of any building for use as a two-family detached dwelling as allowed pursuant to this chapter as a special exception use.**
- (2) The conversion of a multi-family dwelling or any other building into a one-family detached dwelling.**

D. The provisions of paragraph A and B of this section shall not apply to (1) a residential one-family or two-family detached dwelling or (2) two or more dwelling units legally existing on the same lot, which are non-conforming uses in a zoning district other than R-20 or OD. In such cases, the nonconforming use shall not be reconstructed, structurally altered, restored or repaired to an extent exceeding 100% of the gross floor area of such legal pre-existing non-conforming dwelling use.

E. Notwithstanding any provision of this section to the contrary, the record owner of any real property with a pending application for a building permit for construction that is not in compliance with the provisions of this section may petition the Village Board of Trustees for relief, provided that the record owner of the real property has at least one permit or approval from the Village Board of Trustees, the Zoning Board of Appeals, the Planning Board, the Harbor Committee, or the Board of Historic Preservation and Architectural Review.

- (1) The Village Board of Trustees may grant such relief where it determines that the record owner of the real property has incurred substantial expenditures in improving the land or otherwise in reliance on such approval or permit prior to the date of adoption of this section.**
- (2) Any relief granted pursuant to this section shall expire one (1) year after the effective date of this local law, if a building permit has not been issued and construction commenced.**
- (3) The provisions of this section providing for the granting of relief by the Village Board of Trustees shall be in addition to the authority of the Board of Zoning Appeals to grant relief pursuant to Article XII of Chapter 300 (Zoning) of the Village Code and Section 7-712-b of the State Village Law.**

Section 3. The following definitions in Section 300-2.2 of Chapter 300 of the Sag Harbor Village Zoning Code are added or amended to read as follows:

ACCESSORY USE, BUILDING OR STRUCTURE - A subordinate use, building or structure customarily incidental to and located on the same lot occupied by the main use, building or structure. The term "accessory use, building or structure" shall include, but is not limited to, a private garage, garden shed, playhouse, detached trellis, pergola, swimming pool, air-conditioning compressor, pool heater, filter and similar equipment, cabana, terrace or deck, private greenhouse and a tennis court, platform tennis, racquetball, volleyball or similar game court. An "accessory building" **shall not include a building which, in whole or part, is designed, equipped or used for cooking, living or sleeping purposes** [shall not be designed or used for sleeping purposes or contain cooking facilities]. The term "accessory use" shall not

include a heliport, helipad or the taking off or landing of helicopters or aircraft except in a legitimate emergency. The term "tennis court" shall be a playing area with a net on the ground partly or entirely surrounded by fencing or netting designed to deter the passage of balls, and shall not include any roof, equivalent feature or other structure and no other structural improvements.

BASEMENT- That space of a building which is partly below **average existing** grade, which has more than 1/2 of its height, measured from floor to ceiling, above the average [established finished] **existing** grade of the ground adjoining the building wall. A basement shall be counted as a "story" in determining building height. Basement space shall not be used as a dwelling unit. **Basement window wells or stairways for access shall be considered to be part of the building subject to all setbacks and dimensional requirements.**

CELLAR- A story partly underground and having 1/2 or more of its clear height below [finished] **the average existing** grade. A cellar shall not be counted as a story in determining the building height. **Cellar window wells or stairways for access shall be considered to be part of the building subject to all setbacks and dimensional requirements.**

DEMOLITION - **The destroying, tearing down, or razing of all of a building, except in the Historic District.**

EXISTING GRADE- **The existing surface elevation of land at a given point or place before any alteration of the land is undertaken.**

FLOOR AREA, GROSS

- a. **{The cumulative area in square feet of every story of a building measured from interior wall to interior wall, excluding stairways, cellars (used for storage only) and areas used solely for mechanical equipment.} The cumulative area in square feet of all floor levels of every story of a building measured to the exterior of the outside walls.**
- b. **In the case of one family and two family detached dwellings, pursuant to Section 300-9.11 of this chapter, gross floor area shall not include:**
 - i. **Any porches, patios, decks, open terraces, and other such open structures that are attached to the principal dwelling,**
 - ii. **Cellars,**
 - iii. **Attics, which do not qualify as habitable space under the New York State Fire Prevention and Building Code,**
 - iv. **Any detached accessory buildings and structures on the same lot,**
 - v. **Any interior space with a floor-to-ceiling height in excess of 15 feet shall be counted twice.**
 - vi. **Areas used solely for mechanical equipment, not to exceed 200 square feet.**

STORY- That portion of a building between the surface of any floor and the surface of the floor next above it; if there is no floor above it, then the space between the floor and ceiling next

above it. A basement shall be counted as a story, but a cellar shall not be counted as a story. In the Tidal Flood Hazard Overlay District, that portion of a structure required to raise the lowest floor above the base flood elevation shall not be counted as a story unless it is floodproofed and enclosed. **An attic which does not qualify as habitable space under the New York State Fire Prevention and Building Code shall not constitute a story.**

Section 4. Section 300-3.1 of Chapter 300 (Zoning) of the Sag Harbor Village Code is amended to read as follows:

§ 300-3.1 Designation of districts.

For the purpose of this chapter, the Village of Sag Harbor is hereby divided into [five] six zoning districts and two overlay districts, which shall be designated as follows:

R-20 One-Family Residence District

OD Office District

RM Resort Motel District

VB Village Business District

WF Waterfront District

PC Parks and Conservation District

Historic Overlay District

Tidal Flood Hazard Overlay District

Section 5. Chapter 300 (Zoning) of the Sag Harbor Village Code is amended by adding a new Article VIII-A to read as follows:

ARTICLE VIII-A

PARKS AND CONSERVATION DISTRICT

§ 300-8.10 Inclusion in Park and Conservation District.

Property shall not be initially designated or included into the Park and Conservation District while it is privately owned, without the written consent of the owner to such inclusion first having been obtained. Lands of the federal, state, county or any local government, or of any subdivision, agency, authority or instrumentality thereof, shall not be subject to this limitation and may be so included by a duly adopted amendment to this chapter at any time such designation or inclusion appears warranted or appropriate. This section shall not be deemed to require the rezoning of any Park and Conservation District property because of a change in the ownership or ownership status thereof subsequent to such designation or inclusion.

§ 300-8.11 Uses in Park and Conservation District.

Land used for parks, recreational areas, beach areas, open spaces, open areas, nature preserves and historic sites shall be permitted uses in the Park and Conservation District.

§ 300-8.12. Structures in Park and Conservation District.

Only buildings and structures customarily related to the permitted uses, such as parking lots, clubhouses, tennis courts, pools, bathhouses, rest rooms, administration and maintenance buildings, gift shops, docks, bulkheads, access walkways, viewing platforms and the like shall be erected in the Park and Conservation District. Where the use is a cultural or historic facility, such as a museum or interpretive center, the use shall be allowed only if it relates directly to the historic or natural character of the land on which it is situated and serves to educate the public about the same.

§ 300-8.13 Necessary approvals for building permit.

All such buildings and structures shall be of the minimum practical size. The method of sewage disposal and water supply shall also be approved by the Suffolk County Department of Health.

Section 6. Paragraphs A and B of Section 300-9.1 of Chapter 300 of the Sag Harbor Village Zoning Code are amended to read as follows:

§ 300-9.1. Placement of accessory buildings, structures and uses.

A. In all districts.

(1) Accessory buildings, including garages, if connected only by an open breezeway-type structure, shall not be less than 10 feet from the main building and in all events shall not be less than 10 feet from other accessory buildings.

(2) A private garage may be constructed as a structural part of a main building, provided that, when so constructed, the garage walls shall be regarded as the walls of the main building in applying the front, rear and side yard regulations of this chapter.

(3) No accessory building shall be constructed upon a lot or plot unless a main or principal building already exists on said lot or plot and has a valid certificate of occupancy or a valid building permit has been issued and is in effect for the construction or erection of a main or principal building.

(4) Accessory buildings, including private garages, shall not be placed within a [required] front yard and shall not occupy more than 30% of any rear yard.

(5) An access driveway may be located within a required yard.

(6) No access driveway shall be permitted through a lot to provide access to a second lot, which lot is used or may be used for any use prohibited in the district in which the first lot is located.

(7) Accessory off-street parking or truck-loading areas shall be improved in accordance with Village specifications, except that, upon written certification by the Village Engineer that a plot or parcel of land cannot comply with the standards for drainage due to the topography of the plot or parcel and such condition cannot be remedied without injury or damage to adjoining parcels, the Building Inspector may waive such requirement.

(8) Required accessory off-street parking areas or truck-loading space shall not be encroached upon by buildings, open storage or any other use, whether temporary or otherwise.

(9) The storage of manure or of odor- or dust-producing substances as an accessory use shall not be permitted within 50 feet of any side or rear lot line or within one 100 feet of any front lot line.

(10) The keeping of more than two dogs more than six months old in outdoor shelters or pens or the keeping of any horses, farm animals or fowl shall not be permitted as accessory uses, except for the keeping of chickens as a special exception accessory use as provided for in § 300-11.21 of this chapter.

(11) Swimming pool equipment, including pumps and heating elements, shall be located in conformance with the applicable regulations set forth in this chapter for accessory buildings and structures. All such equipment shall be housed in closed structures which shall prevent noise, sound or vibration caused by the equipment from crossing property lines and in all events shall be screened on all sides facing adjacent properties or visible from any street with evergreen vegetation.

B. In residence districts.

(1) Accessory off-street parking areas shall not be less than five feet from any property line in a required front, side or rear yard.

(2) No commercial vehicle, except for a three-fourths-ton or smaller pickup truck or van or a contract school bus accommodating not more than 12 passengers, nor any house trailer, mobile home, recreation vehicle or camp trailer, boat or boat trailer or any similar equipment shall be parked or stored on any lot, except that not more than one camping trailer or recreation vehicle not over 25 feet in length and not more than one boat, including a boat trailer on which it rests, may be stored per dwelling unit on the same lot with such dwelling unit, provided that no such vehicle, trailer, mobile home, boat or similar equipment shall be used for living or sleeping purposes while so located, and further provided that it is not located in any front yard or in any required side yard or within 10 feet of any property line in any required rear yard.

(3) In the case of a waterfront lot, when a rear lot line is a street or right-of-way, the minimum setback of an accessory structure to the street line shall be twice the required setback to the rear lot line.

(4) Driveways shall be provided with a dry well or other approved drainage structure with a retention capacity of two inches of rainfall per hour.

(5) No accessory building shall have a gross floor area equal to or greater than 600 square feet.

(6) No accessory building, other than a pool house of 200 square feet or less in gross floor area shall contain any bath or shower.

(7) No accessory building shall have a basement or cellar.

Section 7. Paragraph A of Section 300-9.4 of Chapter 300 of the Sag Harbor Village Zoning Code is amended to read as follows:

§ 300-9.4. Fences, walls and gates.

A. In residence districts.

- (1) No fence or wall in a front yard shall have a height greater than four feet, **except in the case of a waterfront lot where such fence or wall shall not exceed four feet in both the front and rear yard.**
- (2) In no case shall any fence or wall have a height greater than six feet.
- (3) Any fence or wall having a height four feet or less shall be exempt from building permit requirements, provided that it shall be constructed of standard materials, used for such purposes, with the finished side facing the adjoining lot. The exemption herein shall not apply to any property designated a landmark under § 300-14.4.
- (4) In all events, all fences shall be erected with the finished side facing the adjoining lot.
- (5) **Retaining walls shall be setback at least three feet from all property lines.**

Section 8. Section 300-10.1 of Chapter 300 of the Sag Harbor Village Zoning Code is amended to read as follows:

§ 300-10.1 Applicability.

These provisions shall apply to all buildings or structures and all uses of buildings or structures or lots lawfully existing prior to the effective date of this chapter or of subsequent amendments, revisions or reenactments of such chapter, which buildings or structures or uses do not conform to the provisions of said original Zoning Code or to such revisions or reenactments on their effective dates. **The existence of two (2) one-family detached dwellings on a single lot in the R-20 District that are lawfully existing prior to the effective date of this chapter or of subsequent amendments, revisions or reenactments of such chapter, which buildings or structures or uses do not conform to the provisions of said original Zoning Code or to such revisions or reenactments on their effective dates shall constitute a non-conforming use and shall be subject to all the provisions relating to non-conforming uses enumerated in this chapter.**

Section 9. Section 300-12.6 B (2) of Chapter 300 of the Sag Harbor Village Zoning Code is hereby REPEALED.

Section 10. Section 300-13.3 of Chapter 300 of the Sag Harbor Village Zoning Code is repealed and a new Section 300-13.3 is added to read as follows:

§ 300-13.3 Review procedures.

A. Prior to the commencement of any exterior activity requiring a certificate of appropriateness, the owner shall file an application with the Board of Historic Preservation and Architectural Review. Prior to the filing of an application, all applicants, together with design or other consultants and contractors, are encouraged to meet informally with the Board to discuss the process, the regulatory requirements and any means to enhance the efficient disposition of any application. It being understood, however, that any such informal meeting is not binding and is intended merely to assist an applicant to avoid delay, expense and to provide a detailed understanding of the provisions of this article. A complete application shall contain:

- (1) **The name, address and telephone number of the owner.**

- (2) The location, Tax Map designation, and photographs of the property and all adjacent properties, clearly indicating all public views and including any trees which the applicant intends to remove or relocate or to prune in a manner other than ordinary trimming or ordinary maintenance, as well as a site drawing showing in an historic district the location of any proposed tree installations, including the species and caliper for each.
- (3) Elevation drawings showing existing conditions and proposed changes, including relationship to adjacent properties and, if necessary in the Board's view, axonometric drawings.
- (4) Perspective drawings, including relationship to adjacent properties, if necessary in the Board's view.
- (5) Sample of color and materials to be used.
- (6) The Board may also require, when appropriate, printed 3-D renderings, 3-D models, a visual study of elevations in relation to adjacent neighbors, a visual study of elevations and volume in relation to existing structures.
- (7) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, method of attachment to buildings and a plan showing the sign's location on the property.
- (8) Any other information which the Board may deem necessary in order to determine the appropriateness of the proposed changes, including, by way of illustration not limitation, the location of any temporary toilets to be maintained during any construction, awnings and any landscape design features, that is sidewalks, aprons, driveways, terraces, regulated under this chapter, retaining walls, curbing and similar features.

B. Preliminary plans, elevations, sketches and/or proposals may be submitted to the Board by the owner or by the architect or other agent of the owner for consultation prior to filing an application for a building permit or certificate of appropriateness.

C. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Board. The certificate of appropriateness required shall be in addition to and not in lieu of any building permit that may be required by any other local law.

D. Every application for a certificate of appropriateness shall be reviewed by at least a quorum of the Board, except that any application for (a) a permit to demolish or remove a landmark or contributing building within the Historic District and (b) a building greater than 3,000 square feet or greater shall be reviewed by the full Board.

E. With respect to every application referred to the Board (except a sign application), the applicant shall erect or cause to be erected a sign or signs which shall be displayed on the parcel upon which the application is made, facing each public street on which the property abuts, giving notice that an application has been made to the Board. Said sign shall be white-with-black-lettering sign measuring not less than 22 inches long and 14 inches wide, giving notice that an application is pending and the date, time and place where the initial

meeting will be held. The sign shall not be set back more than 10 feet from the street line and shall not be less than two nor more than six feet above the existing grade at the street line. The sign shall be made of durable material and shall be furnished by the Board. It shall be displayed for a period of not less than 10 days immediately preceding the initial meeting date. No additional posting shall be required for any adjournment date or public hearing date. The applicant shall file an affidavit that he has complied with the provisions of this section. Failure to submit such affidavit shall result in the adjournment of the application.

F. Meetings of the Board shall be held at such times as the Board may determine. When necessary, special meetings of the Board shall be held at the request of the Building Inspector or at the call of the Chairman.

G. The Board shall approve, deny or approve the permit with modification. The Board may require changes in plans as a condition of approval and may direct landscaping as part of a plan before approval thereof. The Board may require submission of samples of exterior finishes and colors as part of its review of an application. In its review, the Board may require documentation of cultural remains and architectural details and features prior to any alteration, restoration or reconstruction. Except as provided in paragraph H of this section, the Board may, at its option, hold a public hearing on the application to obtain information from the applicant and the general public to aid in making its determination. The Board shall make its decision as to whether or not to hold a public hearing no later than 30 days of its receipt of a complete application. The public hearing shall take place no later than 60 days after receipt of a complete application. An applicant may extend any of the aforesaid time periods. Where a public hearing is to be held, the following notice requirements shall apply:

- (1) The Board shall fix the time and place for a public hearing and shall provide for giving notice of the public hearing by publishing a notice in the official newspaper at least 10 days prior to the hearing.
- (2) In addition, at least 10 days prior to the hearing, the applicant shall mail notice of the time, date, place and nature of the hearing to the owners of record of every property which abuts and every property which is within 200 feet of the property involved in the application. Such notice shall be made by certified mail and addressed to the owners at the addresses listed for them on the local assessment roll. On or before the commencement of the public hearing, the applicant shall file a radius map prepared by a professional and an affidavit with postal receipts annexed thereto confirming mailing of said notices.
- (3) The applicant or his agent shall also erect or cause to be erected a sign or signs which shall be displayed on the parcel upon which the application is made, facing each public street on which the property abuts, giving notice that an application has been made to the Board and stating the time and place where the public hearing will be held. Said sign shall be white-with-black-lettering sign measuring not less than 22 inches long and 14 inches wide. The sign(s) shall not be located more than 10 feet from the street line, and shall not be less than two feet nor more than six feet above the existing

grade at the street line. The sign(s) shall be displayed for not less than 10 days immediately preceding the public hearing date. The applicant shall file an affidavit with the Board that the provisions of this paragraph have been complied with. Failure to submit such affidavit shall result in the adjournment of the public hearing.

H. Applications for a certificate of appropriateness for (1) demolition or, removal affecting a landmark or contributing building within the Historic District or (2) for buildings which contain 3,000 square feet or more shall be subject to a mandatory public hearing.

I. Where no public hearing is held for an application, the Board shall render a final decision within sixty (60) days of the application being deemed complete for review. Where a public hearing is held on an application, the Board shall render a final decision within sixty (60) days of the close of the public hearing.

J. All decisions of the Board shall be in writing. A copy shall be sent to the applicant by regular mail and a copy filed with the Village Clerk's office for public inspection. The Board's decision shall state the reasons for denying or modifying any application.

K. Except as provided in § 300-13.7A, where an application for a building permit involves only interior renovations, referral of such application to the Board shall not be required, and approval of such application by the Board shall not be required.

Section 11. Section 300-13.5 of Chapter 300 of the Sag Harbor Village Zoning Code is repealed and a new Section 300-13.5 is added to read as follows:

§ 300-13.5 Demolition or removal.

- A. Notwithstanding any provision of law to the contrary, for the purposes of Article XIII, the following terms shall have the following meanings:
1. "Demolition" shall mean the destroying, tearing down, or razing of part or all of a contributing building or landmark in the Historic District.
 2. "Remove" shall mean the moving of a contributing building or landmark to a new location either on the same site or to a new site.
 3. "Contributing Building" shall mean a building, site, landmark, or structure located in the Historic District, identified as (1) a contributing building, site, structure or a landmark in the following document: The National Park Service, National Register of Historic Places, Sag Harbor Approval # 1024-0018,(211 pages) dated March 8, 1994, including 870 +/- contributing buildings, sites or structures and 15 +/- landmarks. Any subsequent amendments thereto shall also be included in this definition.
 4. "Historic District" shall have the same meaning as defined in Section 300-2.2 of this Chapter.
 5. "Landmark" shall have the same meaning as the term "Historic or Cultural Landmark" as defined in Section 300-2.2 of this Chapter.

- B. The Building Inspector shall refer all applications for the demolition or removal of a building or structure to the Board for a certificate of appropriateness, as required by this Chapter. All applications shall be accompanied by a current title search showing the name of any mortgagee or holder of a similar interest with a lien on the premises and consent in original executed form authorizing any such demolition, and any such report and consent shall be reviewed and approved by the Village Attorney.**
- C. In addition to the requirements of paragraph B of this section, every application for a permit to demolish or remove a landmark or contributing building within the Historic District shall be subject to the additional requirements of this section, below.**
- D. Any application for a permit to demolish or remove a landmark or contributing building within the Historic shall be subject to the review procedures of the Board, as provided in Section 300-13.3 of this article.**
- E. Demolition. No contributing building or landmark, or portion thereof, shall be demolished. The Board may grant exceptions to this rule only as provided for in this paragraph.**
- 1. In considering a proposal to demolish, the following guidelines apply:**
 - a. The Board shall consider the historic and architectural significance of the building,**
 - b. The Board shall consider the contribution the building makes to the Historic District and the impact of its removal on the character of the district.**
 - 2. If an application for demolition of an historic building is based on structural instability or deterioration, a technical report prepared by an architect or engineer shall be required. The report shall detail the problems and provide cost estimates for their correction.**
 - 3. The Board may require adequate documentation of a historic building through photographs and measured drawings as a condition of approval when there is no alternative but demolition.**
 - 4. Before approval can be granted to demolish a building, the Board shall require plans for proposed new construction or other use of the site be submitted and approved.**
- F. Removal. Landmarks and contributing buildings that make an important contribution to the district shall be retained on their locations and original sites. In the Historic District, each landmark and contributing building adds to the setting of the neighboring buildings and together they establish the larger setting of the Historic District. The character of the district is established by the traditional placement of the historic residences on their lots and by the resulting visual relationships between them. The Board shall consider the historic and architectural significance of the building, the contribution the building makes to the Historic District on its existing site and the impact of its removal on the character of the**

district. The Board may grant exceptions to this rule only as provided for in this paragraph.

1. In considering a proposal to remove, the following guidelines apply:
 - a. The Board shall consider the rhythm of the road and the visual relationships between buildings should be maintained.
 - b. The Board will take into account the setbacks of other historic houses in the district which remain on their original sites.
2. The Board may require adequate documentation of a historic building through photographs and measured drawings as a condition of approval when there is no alternative but removal.
3. Before approval can be granted to relocate a building, the Board shall require plans for proposed new construction or other use of the site be submitted and approved.

G. In considering an application for demolition or removal of a landmark or contributing building, the Board shall consider the historical and architectural value and significance of the building or structure, the extent that the neglect of maintenance, if any, may have contributed to the condition of the building, whether the demolition or removal will be appropriate to the conditions especially affecting the building or structure but not affecting the Historic District generally.

H. In considering an application for demolition or removal of a landmark or contributing building, the Board shall consider whether the application will cause substantial detriment to the public welfare or substantial deviation from the purpose and intent of this chapter.

I. The Board may require the investigation for cultural remains on site prior to new construction. Access to any resulting information may be limited to protect archaeological sites.

J. The Board shall also comply with the criteria and standards in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

K. No permit shall be issued by the Building Inspector unless the Board shall have approved the application for a certificate of appropriateness, in writing.

1. The Board, in its discretion, may require as a condition of approval that the applicant post a bond or other surety acceptable to the Village Attorney, in an amount to be determined by the Board or its consultant, to guarantee to the Village that the applicant will faithfully construct, or cause to be constructed, the work authorized by the certificate of appropriateness, (a) in accordance with this section, (b) the criteria and standards in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, (c) any conditions of approval, and, (d) that the construction shall conform to the policies and specifications

established by the Board. Said bond shall be released by the Village upon issuance of a certificate of occupancy.

2. The Board, in its discretion, may also require as a condition of approval that a professional historic consultant or professional engineer be retained to monitor all work authorized by the certificate of appropriateness to insure that said work is completed (a) in accordance with this section, (b) the criteria and standards in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, (c) any conditions of approval, and, (d) that the construction shall conform to the policies and specifications established by the Board. The professional consultant or engineer retained to monitor the work shall be retained by the Village and approved by the Board. The cost of such professional shall be borne by the applicant. Fees charged for any such professional shall be in accord with fees usually charged for such services in the eastern Suffolk County area and pursuant to a contractual agreement between the Village and such professional consultant.

L. Non-historic buildings may be demolished or moved out of the Historic District.

M. An applicant whose certificate of appropriateness for a proposed demolition or removal has been denied may apply on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that:

1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
2. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return;
3. Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and
4. An absence of responsibility for any neglect of maintenance that may have contributed to the hardship.

N. An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

Section 12. Section 300-13.7 of Chapter 300 (Zoning) of the Sag Harbor Village Zoning Code is amended by adding a new paragraph D to read as follows:

§ 300-13.7 Additional guidelines applicable to applications in a historic district.

- A. Solar and alternative energy systems shall not be visible from an adjacent street or from an adjacent property.

Section 13. The Table of Dimensional Regulations pursuant to Chapter 300 (Zoning) is hereby amended as indicated in Exhibit A annexed hereto and made a part of this local law.

Section 14. The Table of Uses pursuant to Chapter 300 (Zoning) is hereby amended as indicated in Exhibit B annexed hereto and made a part of this local law.

Section 15: The following parcels listed in Exhibit C annexed hereto are hereby rezoned to Parks and Conservation District (PC).

Section 16. Severability.

If any part or parts of this chapter are for any reason held invalid, such decision shall not affect the validity of the remaining portions of this chapter.

Section 17. Effective Date.

This local law shall take effect upon its filing in the office of the Secretary of State of the State of New York.

(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. 5 of 20 16 of the (County)(City)(Town)(Village) of Sag Harbor was duly passed by the Board of Trustees on April 21 20 16, 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.)~~

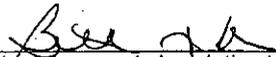
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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
Beth M. Kamper, Village Clerk
Date: 4/5/16

(Seal)

