

# **LOCAL LAWS OF 1997**

## **Incorporated Village of West Hampton Dunes Local Law No. 1 of 1997**

A local law creating a chapter of the Code of the Village of West Hampton Dunes; Local Law No.1 of 1997, entitled "Local Law No. 1 of 1997, of the Incorporated Village of West Hampton Dunes, A Local Law Amending and Establishing the Public Hearing Requirement of Hearings of the Zoning Board of Appeals of the Incorporated Village of West Hampton Dunes."

### ARTICLE I

#### Enactment, Effective Date and Purpose

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### ARTICLE I

#### Enactment, Effective Date and Purpose

- 1.1 Enactment

Pursuant to Section 10 of the Home Rule Law, Section 2-250 of the Village law of the State of New York, the Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts as Local Law No. 1 of 1997, this local law entitled: "Local Law No. 1 of 1997, a Local Law Amending and Establishing the Public Hearing Requirement of Hearings and Meetings of the Zoning Board of Appeals of the Incorporated Village of West Hampton Dunes".

- 1.2 Effective Date

This Local Law shall become effective on the filing of the Local Law with the Secretary of State of the State of New York which shall be within five days of the date hereof, and after any required publication of this law, as may be required pursuant to the Village Law of the State of New York.

- 1.3 Purpose

This Local Law No. 1 of 1997, establishing a Local Law for the purpose of establishing and amending the public hearing and notification period of the Zoning Board of Appeals of the Village of West Hampton Dunes.

A. To promote in the public interest uniform rules and regulations as to the conduct of the hearings and meetings of the Zoning Board of Appeals, and the public notice required thereunder.

B. To provide for the welfare of the residents of the Village and the visitors to the Village, and to provide for safe conditions and enhance property values in the Village.

## ARTICLE II

### Definitions and Regulations

#### 2-1. Notification Period.

The zoning law of the Village of West Hampton Dunes and the required period of prior notification or of publication of the conduct of a hearing or meeting of the Zoning Board of Appeals, shall be reduced to five (5) days. All required public notices, whether by publication or otherwise, or written notifications to adjacent property owners, shall be made not less than five (5) days prior to the date of the hearing.

#### 2-2. No Other Law Affected.

The amendment of the notification period of hearings and meetings of the Zoning Board of Appeals shall not in any way amend, change, or effect any other notice or other period set forth in any Village local or state law. The Zoning Board of Appeals reserves the right, if deemed appropriate, to require a longer notification period of any applicant.

The Village reserves the right to enforcement of this Local Law or to stop the violation of this Local Law by civil remedies, which shall not be exclusive, and shall not, in the event that same are enforced, preclude the imposition of criminal fines and or sanctions.

The Village reserves the right to commence an action against a party acting in violation of this Local Law by canceling, terminating, or taking such other action as may be appropriate with respect to any approval obtained or applied for as a result of this Local Law.

Dated: West Hampton Dunes  
Suffolk County

### **Incorporated Village of West Hampton Dunes Local Law No. 2 of 1997**

A local law creating a chapter of the Code of the Village of West Hampton Dunes; Local Law No. 2 of 1997, entitled "Local Law No. 2 of 1997, of the Incorporated Village of West Hampton Dunes, A Local Law Amending and Establishing Regulations as to the Measurement and Enforcement of the Pyramid Law of the Village of West Hampton Dunes".

## **ARTICLE II**

### **Enactment, Effective Date and Purpose**

#### **1-1. Enactment**

Pursuant to Section 10 of the Home Rule Law, Section 2-250 of the Village Law of the State of New York, the Village of West Hampton Dunes, County of Suffolk and of the property, be measured as starting at a point measured at the lowest horizontal member up to a maximum of two feet above base flood elevation, rather than from base flood elevation, which is presently the basis for the measurement of the building envelope.

#### **2.2 Option of the Property Owner.**

The change in measurement shall be at the option of the property owner. The property owner shall notify the Village that the property owner is exercising the option to raise the base for the measurement of the building envelope pursuant to this local law, of up to a maximum of two feet above the base flood elevation, in writing, at the time of the application for a building permit with the Village. The option shall be exercised by the property owner by the completion of a notification form which shall be filed with the Village. All renderings, drawings, or certifications filed with or required by the Village from the property owner shall include a written statement that the option has been exercised.

#### **2.3 No Other Law Effected.**

The exercise of the option available under this Local Law by a property owner, to raise the base of the calculation of the pyramid measurement, shall not increase, amend or change, any other restriction, law or regulation in either the zoning laws of the Village of West Hampton Dunes, or of the Town of Southampton, as enacted in or enforced in the Village of West Hampton Dunes, including but not limited to the building height, setbacks, and other restrictions and limitations. All other regulations and limitations presently in effect in the Village shall continue in effect unaffected by this local law.

#### **2.4 Penalties for Offenses**

Each violation of any separate provision of this law shall constitute a separate offense hereunder, and any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

The Village reserves the right to enforcement of this local law or to stop the violation of this local law by civil remedies, which shall not be exclusive, and shall not, in the event that same are enforced, preclude the imposition of criminal fines and or sanctions.

Dated: West Hampton Dunes, Suffolk County, New York

**Incorporated Village of West Hampton Dunes  
Local Law No. 3 of 1997**

A local law creating a Chapter of the Code of the Incorporated Village of West Hampton Dunes entitled "Local Law No. 3 of 1997, A Local Law Amending Local Law No. 4 of 1995, the "Pyramid Law" of the Incorporated Village of West Hampton Dunes, Local Law No. 9 of 1995 and Local Law No. 2 of 1997, a Local Law Amending the Pyramid Law of the Village of West Hampton Dunes".

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of West Hampton Dunes as follows:

Section 1.; Title, Purpose and Definitions.

1.1 (A). Enactment.

Pursuant to Section 10 of the Home Rule Law, and Article 7 of the Village Law, the Incorporated Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts by this Local Law No. 3 of 1997, this local law to amend Local Law No. 4 of 1995, the "Pyramid Law" of the Incorporated Village of West Hampton Dunes, Local Law No. 9 of 1995 and Local Law No. 2 of 1997, a Local Law amending that Pyramid Law.

1.1 (B). Effective Date.

The local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of West Hampton Dunes.

1.2. Intent.

WHEREAS, the Incorporated Village of West Hampton Dunes is a Village duly incorporated under the laws of the State of New York, and;

WHEREAS, the Trustees of the Village of West Hampton Dunes are duly empowered pursuant to Article 7 of the Village Law, and Section 10 of the Home Rule Law to enact and prescribe certain laws and regulations regarding building and zoning regulations within the Village, and;

WHEREAS, the Board of Trustees has previously identified that due to the improvement in Federal Emergency Management Agency rating that such an increase in height will result in, both to the particular structure and the Village, and that it is in the best interests of the Village and its residents, and the future well-being of the Village to foster an increase in the base height of structures above base flood elevation, and therefore increasing the base of the pyramid used to calculate the construction envelope of the premises, and;

WHEREAS, the Board of Trustees has determined that it is essential to the growth and reconstruction of the Village and the consistent enforcement of the intended regulations of the Pyramid Law and the building and zoning regulations of the Village,

and the aesthetic values of the Village that the Board and its residents wish to preserve the protection of private and public property within the Village and the value of that property, and the eligibility of property owners in the Village for benefits available under insurance ratings and other benefits, that the Pyramid Law of 1995, as amended in 1997 be further amended to provide for the consistent increase in height of the pyramid that is used to calculate the building envelope of construction in the Village, and;

## Section 2.; Amendment to Pyramid Law

### Increase in Height of Pyramid

The Village of West Hampton Dunes, and its building and construction laws and regulations, shall be amended to reflect an increase in the height of the pyramid which is used to determine the building envelope of the construction of a structure in the Village as stated herein.

#### 2.1. Increase in Height of the Pyramid, Election

(a). The Pyramid Law of the Village of West Hampton Dunes as amended in 1997, presently provides that a property owner may apply to have the base of the pyramid raised so that the lowest member of the construction of the structure on the premises will be raised two feet above base flood elevation, however, the limit of the height of such structure was still limited to thirty-two (32) feet.

(b). Commencing on the enactment date of this local law, in the event that a property owner in an application for a building permit to the Village makes an application for the approval of an increase in the height of the lowest member of the structure, as provided in Local Law No. 2 of 1997, which amended the Pyramid Law, the calculation of the building envelope pursuant to the Pyramid Law of the Village, the maximum height limitation of the building envelope as determined by the Pyramid Law as amended, shall be increased to a height of thirty-four (34) feet above the base flood elevation.

(c). Commencing on the enactment date of this local law, on the application of a property owner for an increase in height of the building pyramid, and provided in such application the property owner shall also agree that the lowest point of any member of the structure shall be at least two feet above base flood elevation, the building envelope as determined by the Pyramid Law as amended shall be calculated at an angle of sixty (60) degrees from the perimeter of the property as described in the Pyramid Law of the Village, however, the base of the pyramid and the calculation shall be calculated from a point that is two (2) feet above base flood elevation of the property.

#### 3.0. Effective Date; Pending Applications

This local law shall take effect on the date of the filing of the local law with the Secretary of State of the State of New York, and shall apply to all applications filed with the Village after that date.

However, in the event that any application has been made to the Village for approval of a structure prior to such effective date, and the decision or building permit of such application be pending at the time of the enactment date of this local law, such application may be amended to conform with this local law and its amendments to the Pyramid Law as previously amended.

Dated: West Hampton Dunes

Suffolk County, NY

**Incorporated Village of West Hampton Dunes  
Local Law No. 4 of 1997**

A local law creating a Chapter of the Code of the Incorporated Village of West Hampton Dunes entitled "Local Law No. 4 of 1997, A Local Law Amending the Zoning Law of the Village of West Hampton Dunes, As Adopted by the Village on November 18, 1995, As To The Side Yard Setback Requirements of the Village".

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of West Hampton Dunes as follows:

Section 1.; Title, Purpose and Definitions.

1.1 (A). Enactment.

Pursuant to Section 10 of the Home Rule Law, and Article 7 of the Village Law, the Incorporated Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts by this Local Law No. 4 of 1997, this local law to amend the zoning law of the Village of West Hampton Dunes, which is the Zoning Law of the Town of Southampton, as adopted by resolution of the Board of Trustees of the Village of West Hampton Dunes on November 18, 1995.

1.1 (B). Effective Date.

The local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of West Hampton Dunes.

1.2. Intent.

WHEREAS, the Incorporated Village of West Hampton Dunes is a Village duly incorporated under the laws of the State of New York, and;

WHEREAS, the Trustees of the Village of West Hampton Dunes are duly empowered pursuant to Article 7 of the Village Law, and Section 10 of the Home Rule Law to enact and prescribe certain laws and regulations regarding building and zoning regulations within the Village, and;

WHEREAS, the Board of Trustees have determined that it is in the best interests of the long term goals of fostering the growth and reconstruction of the Village, and the health, safety and welfare of the residents and property owners of the Village and their guests, that the total dimensions of both side yards for a principal building may be computed on the basis of three-tenths (.3) of the lot width, provided that the main structure shall be centered on the property; with both side yards divided equally and no side yard smaller than eight (8) feet in width; and that in the event a side yard is less than ten (10) feet, there shall be no encroachment of a catwalk, walkway, access walk and/or platform to more than five (5) feet of the property line, and in that event, the Building Inspector may at his discretion require fire resistant materials with ratings and regulations that he may prescribe; and;

WHEREAS, the Board of trustees has determined that it is essential to the growth and reconstruction of the Village and the consistent enforcement of the building and zoning regulations of the Village, and the aesthetic values of the Village that the Board and its residents wish to preserve the protection of private and public property within the Village and the value of that property, and the eligibility of property owners in the Village for benefits of increased property value and growth, that the total dimensions of

both side yards may be computed on the basis of three-tenths (.3) of the lot width, provided the main structure shall be centered on the property; with both side yards divided equally and no side yard be less than eight feet (8') in width; and that in the event a side yard is less than ten (10) feet, there shall be no encroachment of a catwalk, walkway, access walk and/or platform to more than five (5) feet of the property line, and in that event, the Building Inspector may at his discretion require fire resistant materials with ratings and regulations that he may prescribe; it is therefore determined that the side yard requirements may be computed on the basis of than three tenths (.3) of the total lot width, provided the main structure shall be centered on the property; with both side yards divided equally and no side yard being less than eight feet (8') in width and that in the event a side yard is less than ten (10) feet, there shall be no encroachment of a catwalk, walkway, access walk and/or platform to more than five (5) feet of the property line, and in that event, the Building Inspector may at his discretion require fire resistant materials with ratings and regulations that he may prescribe.

## Section 2.

The Village of West Hampton Dunes, and its building and construction laws and regulations, which are the Zoning Law of the Town of Southampton, as adopted by the Village on November 19, 1995, and more particularly Section 330-115 of that Law, shall be amended to reflect an decrease in the side yard set back requirements as set forth herein.

### 2.1. Amendment to Side Yard Set Back Requirements

(a). Section 330-115 of the Zoning Law of the Village of West Hampton Dunes, which is the Zoning Law of the Town of Southampton, as adopted on November 19, 1995, is hereby amended to read as follows:

#### "330-115D(1)

The total dimensions of both side yards for a principal building may be computed on the basis of three-tenths (.3) of the lot width; provided the main structure shall be centered on the property; with both side yards divided equally and no side yard be less than eight feet (8') in width; and that in the event a side yard is less than ten (10) feet, there shall be no encroachment of a catwalk, walkway, access walk and/or platform to more than five (5) feet of the property line, and in that event, the Building Inspector may at his discretion require fire resistant materials with ratings and regulations that he may prescribe".

### 3.0. Effective Date; Pending Applications

This local law shall take effect on the date of the filing of the local law with the Secretary of State of the State of New York, and shall apply to all applications filed with the Village after that date.

However, in the event that any application has been made to the Village for approval of a structure prior to such effective date, and the decision or building permit of such application be pending at the time of the enactment date of this local law, such application may be amended to conform with this local law and its amendments to the Pyramid Law as previously amended.

Dated: West Hampton Dunes

Suffolk County, NY

**Incorporated Village of West Hampton Dunes  
Local Law No. 5 of 1997**

A local law creating a Chapter of the Code of the Incorporated Village of West Hampton Dunes entitled "Local Law No. 5 of 1997, A Local Law Amending 330-115 of the Zoning Law of the Village of West Hampton Dunes, As to Single and Separate Lots".

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of West Hampton Dunes as follows:

Section 1.; Title, Purpose and Definitions.

1.1 (A). Enactment.

Pursuant to Section 10 of the Home Rule Law, and Article 7 of the Village Law, the Incorporated Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts by this Local Law No. 5 of 1997, this local law to amend 330-115 of the zoning law of the Village of West Hampton Dunes, which is the Zoning Law of the Town of Southampton, as adopted by resolution of the Board of Trustees of the Village of West Hampton Dunes on November 18, 1995.

1.1 (B). Effective Date.

The local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of West Hampton Dunes.

1.2. Intent.

WHEREAS, the Board of Trustees finds that of the 331 lots in the Village, 159 lots have a lot width of less than 65 feet and do not otherwise meet the current zoning requirements of the Code;

WHEREAS, the character of the Village prior to the damage it has sustained was one of small lots that did not meet the zoning code requirements of the Town of Southampton before the Village was incorporated and do not meet the present zoning requirements of the Village;

WHEREAS, in view of the large number of small lots in the Village and the desire of the residences that the Village be rebuilt as quickly as possible;

WHEREAS, the Board finds that the current law causes undue hardship and delay to its residents in rebuilding and that the proposed law will facilitate the rebuilding of the Village. The Board further finds that based upon the small lot character of the Village, the proposed change will not adversely effect the character of the Village and that is in harmony with the character of the Village and will promote the health, safety and welfare of the Village and that it is in the best interest of the Village of West Hampton Dunes that certain provisions be amended.

Section 2.

The Village of West Hampton Dunes, and its building and construction laws and regulations, which are the Zoning Law of the Town of Southampton, as adopted by the Village on November 19, 1995, and more particularly Section 330-115 of that Law, shall be amended to reflect a lot area of at least 5,000 square feet and a lot wide of at least 40 feet shall be considered a separate lot as described herein.

2.1. Amendment to Single and Separate Requirements

(a). Section 330-115 of the Zoning Law of the Village of West Hampton Dunes, which is the Zoning Law of the Town of Southampton, as adopted on November 19, 1995, is hereby amended to read as follows:

" 330-115. Continuance

A. Notwithstanding any other provision of this Code, any lot described in a deed executed, delivered and recorded prior to October 14, 1957 or shown on a subdivision map filed in the Suffolk County Clerk's Office as of October 14, 1957 and containing a lot area of at least 5,000 square feet and a lot width of at least 40 feet shall be considered a separate lot provided that any property owner subsequent to 1957 did not intentionally merge the lot with another lot, and notwithstanding any subsequent unintentional merger with any other lot and a single family dwelling may be built on such lot for use in accordance with all of the other provisions of this Code. The filed map from 1957 may be superceded by a subsequently filed map provided that the side yard set backs for the principal building shall be at least eight (8) feet per side yard and provided further any such lot may not be further subdivided".

3.0. Effective Date; Pending Applications

This local law shall take effect on the date of the filing of the local law with the Secretary of State of the State of New York, and shall apply to all applications filed with the Village after that date.

However, in the event that any application has been made to the Village for approval of a structure prior to such effective date, and the decision or building permit of such application be pending at the time of the enactment date of this local law, such application may be amended to conform with this local law.

Dated: West Hampton Dunes

Suffolk County, NY