

**TOWN BOARD OF THE TOWN OF HAMPTON
COUNTY OF WASHINGTON, STATE OF NEW YORK
Local Law No. of 2007**

**LOCAL LAW AMENDING LOCAL LAW 1 OF 2004, THE TOWN OF
HAMPTON SITE PLAN REVIEW LAW**

Be it enacted by the Town Board of the Town of Hampton (the “Town”), as follows:

Section 1. Applicability and Statutory Intent.

It has come to the attention of the Town Board that Section 1.1(g) of the Town of Hampton Site Plan Review Law may be interpreted to be unclear as to what is covered by that exemption. In particular, this exemption was meant to apply to structures in existence as of the adoption of the Town of Hampton Site Plan Review Law, and not to improvements constructed as part of a Site Plan Approval granted by the Planning Board, as might be argued under the currently existing exemption. For example, under the current exemption, an applicant could argue that if it wanted to add 20,000 square feet to a 100,000 square foot building approved by the Planning Board under a prior site plan approval, that such addition would be exempt under Section 1.1(g). This is not what was intended, as such changes should be reviewed by the Planning Board under the Town of Hampton Site Plan Review Law. The change contained in this Local Law is intended to clarify this.

Section 2. Amendment.

Section 1.1(g) of the Town of Hampton Site Plan Review Law is hereby repealed in its entirety, and replaced with the following:

- g. Exterior expansions of structures in existence as of the adoption of March 4, 2004, the date of adoption of the Town of Hampton Site Plan Review Law, such exterior expansions not to exceed 1,000-sq. ft. or 25% of the footprint of an existing structure, whichever is less. This exemption shall not apply to modifications to any improvements made pursuant to any site plan approval granted by the Planning Board under this Town of Hampton Site Plan Review Law, which such modifications will require site plan review by the Planning Board under this Town of Hampton Site Plan Review Law.

Section 3. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership,

entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State.

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.

Town of HAMPTON

Local Law No. 1 of the year 20 07

A local law AMENDING THE TOWN OF HAMPTON SITE PLAN REVIEW LAW TO CLARIFY AN EXEMPTION FROM THE REQUIREMENTS OF SAID LAW

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~

~~City~~

of HAMPTON as follows:

~~Town~~

~~Village~~

LOCAL LAW 1 OF 2007 OF THE TOWN OF HAMPTON IS ATTACHED HERETO IN ITS ENTIRETY

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 07 of the ~~(County)~~ (City) (Town) (Village) of HAMPTON was duly passed by the TOWN BOARD OF THE TOWN OF HAMPTON on March 21, 20 07, in accordance with *(Name of Legislative body)* the applicable provisions of law.

~~**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) *(Name of Legislative body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 _____, in accordance with the applicable provision of law.~~

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) *(Name of Legislative body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(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) *(Name of Legislative body)* (repassed after disapproval) by the _____ on _____ 20 _____. Such local *(Elective Chief Executive Officer*)* 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.~~

* 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 town 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 1, above.

Rebecca Jones

REBECCA JONES, Town Clerk

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

Date: 4/5/2007

(Seal)

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

STATE OF NEW YORK
COUNTY OF WASHINGTON

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

FitzGerald Morris Baker Firth, P.C.,
Counsel to the Town of Hampton

By:

[Signature]

Matthew F. Fuller, Esq

County

City

of HAMPTON

Town

Village

Date: 3/30/07