

**INCORPORATED VILLAGE OF EAST HILLS
BOARD OF TRUSTEES
LOCAL LAW NO. 2 OF YEAR 2005**

A LOCAL LAW ADDING ARTICLE XX TO THE CODE OF THE INCORPORATED VILLAGE OF EAST HILLS AS IT RELATES TO THE CREATION OF ARCHITECTURAL REVIEW BOARD AND ITS AUTHORITY TO APPROVE ALL ALTERATIONS AND CONSTRUCTION IN THE VILLAGE.

The Board of Trustees of the Incorporated Village of East Hills enacts into local law the following amendment, deletions and additions:

Section 1.

The following provisions are added to the Code of the Incorporated Village of East Hills as a new Article XX:

Chapter 214

ARTICLE XX

Architectural Review Board Requirements and Review

§214- 185. Title and Purpose.

The purpose is to protect and preserve the character of the community as specified in the language of the statute which is incorporated into the local law. This Chapter shall be known as and may be cited as the "Architectural Review Act, Code of the Incorporated Village of East Hills."

§214 -186. Legislative Intent, Policies and Findings.

- A. It is the purpose of this Chapter to preserve and promote the character, appearances and aesthetics of the village, to conserve the property value of the village by providing procedures for an Architectural Review Board (Also referred to as the "ARB") review of the exterior of new construction and of certain alterations, additions, reconstructions and site utilizations, and to promote the following objectives:
- (1) To encourage beneficent building design and appropriate appearances, and to relate such design and appearances to the sites and surroundings of buildings; and

- (2) Preserve the prevailing aesthetic character of the neighborhood and its environs, and to enhance the character of the village by ensuring compatible buildings; and
- (3) Promote and encourage the finest quality of Architectural design and utilization of land when new buildings and new exteriors are constructed or erected, reconstructed, refurbished and altered; and
- (4) Assure the design and location of any proposed building, or the addition, alteration or reconstruction of any existing building, is in harmony with the existing topography of its site and the existing building as well as the neighboring properties; and
- (5) Discourage and prevent any design that would adversely affect or cause the diminution in value of neighboring property, whether improved or unimproved; and
- (6) Prevent design and appearances which are unnecessarily offensive to visual sensibilities, which impair the use, value, aesthetics or desirability of neighboring properties and/or the general welfare of the community at large; and

B. The Architectural Review Board is established to address the following:

- (1) Construction or alteration of buildings that may be visually offensive or inappropriate by reason of poor exterior design, monotonous similarity or striking visual discord or dissimilarity in relation to their site or surroundings which would mar the appearances of their areas and would adversely affect the desirability of the immediate area and neighboring areas; and
- (2) Construction or alteration of buildings that may discourage and prevent the most appropriate development and utilization of land throughout the village; and
- (3) Construction or alteration of buildings that may impair the use, enjoyment, desirability and stability of both improved and unimproved property and can be detrimental to the character of neighborhoods, produce degeneration of the values of real property with attendant deterioration of conditions affecting the functioning, economic stability, prosperity and welfare of the inhabitants of the village, and destroy a proper relationship between the taxable value of real property and the cost of municipal services provided.

C. It is therefore the purpose of this Article to prevent these and other harmful effects and thus to promote the general welfare of the community.

§214 -187. Definitions and Word Usage.

- A. For the purposes of solely Article XX, words used in the present tense include the future, words in the singular tense include the plural, and words in the plural tense include the singular; the word "shall" is mandatory; the word "lot" includes the word "plot."
- B. As used in this Chapter, the following terms shall have the meanings indicated:
- (1) Major Alteration: An application which involves: (A) more than a 20% addition either to the surface area of a facade or to the floor area of a building or structure, and/or (B) more than a 15% revision of either the surface area of the front elevation (inclusive of roof area) or the facade of an existing building or structure which faces the street. However, in calculating the percentages in (A) and (B) in subdivision B, the size of any addition or revision made to the residence within the two years preceding the date of the application for a permit for such addition or revisions shall also be aggregated and included within these limits.
 - (2) New Building Construction: An application to build a new building, structure, or to build an accessory building which is more than eighty square feet in size, in all residential and commercial zones.
 - (3) Minor Alteration: Each and every other residential application which is made and which is not a Major Alteration or New Building Construction except for ordinary maintenance, replacement made with same materials and/or repairs to the building.
 - (4) Commercial/Industrial Facade Alteration: Applications to construct, reconstruct or otherwise alter the facade of any building in a Business Zone A, Business Zone B or Light Industrial Zone.
 - (5) Interior Alteration: Any renovation or change which is made solely to the interior of a building

§214 -188. Architectural Review Board Composition and Members.

- A. The Board of Trustees hereby creates an "Architectural Review Board" which shall also be referred to as "ARB".
- B. The Architectural Review Board shall consist of nine (9) members and three (3) alternates, who shall serve without compensation and who shall be appointed by the Mayor. Each member of the Architectural Review Board shall be a resident of the Village of East Hills. The Mayor shall annually appoint one of the

members as the chairperson, and the chairperson may, from time to time, appoint one or more deputy chairpersons, to act on behalf of the chairperson. A secretary to the ARB will be appointed by the Mayor to keep minutes and provide authorizing signature on approved plans.

- C. The terms of the members first appointed to the vacancies in the Architectural Review Board shall be fixed so that the term of five (5) members and one alternate shall expire at the end of the Village official year in 2006, and the terms of the remaining four (4) members and one alternate shall expire at the end of the Village official year in 2007. At the expiration of the initial terms of each member and each alternate first appointed, his or her successor shall be appointed for a term of two years.
- D. Any member of the Architectural Review Board who fails to attend more than four (4) monthly meetings of the Architectural Review Board in any Village year, shall be deemed to have unconditionally submitted his or her resignation from the Architectural Review Board to the Board of Trustees, effective as of the date of such member's last failure to attend a monthly meeting. In the event any such resignation is not accepted by the Board of Trustees, any future failure to attend an Architectural Review Board meeting during that Village year shall be deemed to be a new unconditional submission of his or her resignation from the Architectural Review Board to the Board of Trustees, effective as of the date of such member's last failure to attend a monthly meeting.
- E. Vacancies which occur shall be filled by the Mayor for the unexpired term of any member whose place has become vacant.
- F. Members shall endeavor at least once per annum with the Board of Zoning Appeals and Planning Board to exchange ideas, discuss pertinent issues, and critique the efforts of each of the bodies.

§214 -189. Board Meetings and Procedures.

- A. Meetings of the Architectural Review Board shall be held monthly as determined by the Chairperson of the ARB and at such other times as the Chairperson shall establish. Five members of the ARB shall constitute a quorum for the transaction of business. The Chairperson may also create one or more subcommittees of the ARB and may delegate all or any part of the authority and responsibilities of the ARB to such subcommittee(s). The chairperson shall appoint a subcommittee chairperson for each subcommittee, together with a secretary. Each subcommittee shall comprise of three members and one alternate, and a quorum shall require three members present.
- B. An approved plan shall bear the signed seal of the Architectural Review Board or engineer who submitted it and shall bear the legend "Approved by Architectural

Review Board, Incorporated Village of East Hills,” with the date of approval and the signature of the Secretary of the ARB.

- C. Except as provided in §214-191, no building permit shall be granted by any individual, department, board, or other body of the Village, without the prior approval of the Architectural Review Board which involves the following:
- (1) A change in the exterior appearance of a building or other structure, as “structure” is defined in §214-7 of this code (whether by means of a Major Alteration, Minor Alteration or Commercial/Industrial Facade Alteration), except for ordinary maintenance performed, replacement made with same materials and repairs made to the property.
 - (2) The demolition of a structure, other than an accessory structure which involves less than 1,000 square feet of floor area.
 - (3) The ARB shall not review applications that involve solely Interior Alterations.
- D. When a complete and accurate application, in final form, including all requisite plans, elevations, other documents, information required by the Architectural Review Board, all of the requisite fees and deposits to the Village have been received, the Village Administrator shall forward such application to the Architectural Review Board.
- E. The Architectural Review Board shall have the following enumerated powers, in addition to such other powers as are set forth in §214-185 et.seq.
- (1) To propose modified procedures with regard to the procedure of its meetings.
 - (2) To propose modified procedures with regard to the information, documents, and other submissions required of applicants, including, in its discretion, but not limited to, site plans, elevations, surveys, including topographic surveys and landscape plans, stormwater retention plans, samples of materials and colors, renderings, computer simulations, and photographs of the site, adjacent sites, and relevant other sites within the Village.
 - (3) To propose modified procedures with respect to minor alterations, including, without limitation, the waiver of the requirement of ARB approval of certain Minor Alterations, as shall be determined by the ARB from time to time.
 - (4) To either grant, grant with modifications, or deny: Permission to build, improve, construct or alter any structure which because of its architectural

elements, colors, design, building materials, height, bulk, lack of setbacks, or insufficient landscaping, will be excessively similar, dissimilar, or inappropriate in its design or in its exterior appearance in relation to the prevailing appearance of buildings in the vicinity thereof, or adverse to the desirability of the immediate area or of neighboring areas for residential and commercial purposes.

§214-190. Review standards.

- A. In considering an application, the Architectural Review Board shall take into account natural features of the site and surroundings, exterior design and appearances of existing structures, and the character of the neighborhood and its peculiar suitability for particular purposes, with a view to conserving the values of property and encouraging the most appropriate use of land.
- B. The Architectural Review Board may approve any application, if the ARB finds that the building, structure or alteration, if constructed, erected, reconstructed, or altered in accordance with the submitted plan, would be in harmony with the purpose of this Chapter and the Zoning Laws, would not be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or striking visual discord in relation to the sites or surroundings, would not mar the appearance of the area, would not impair the use, enjoyment and desirability and reduce the value of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent the most appropriate utilization of the site or of adjacent land, and would not adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the entire community.
- C. In approving any application, the Architectural Review Board may impose appropriate conditions, requirements, covenants, warranties and safeguards designed to prevent the harmful effects set forth in §214-186 B.
- D. The Architectural Review Board may disapprove any application for a permit, provided that the Architectural Review Board has afforded the applicant an opportunity to confer at least one time with respect to suggestions for change of the plan or map, and provided that the Architectural Review Board finds and states that the structure or building for which the permit was requested would, if erected, constructed, reconstructed, or altered as indicated, create one or more of the harmful effects set forth in §214-186 B hereof by reason of:
 - (1) Monotonous similarity to any other structure or building located or proposed to be located in the same subdivision or located within two hundred (200) feet of the lot on which the structure for which a building permit is requested, in respect to one or more of the following features of exterior design and appearance:

- (2) Substantially identical facade, including color;
- (3) Substantially identical size and arrangement of either doors, windows, porticos, porches or garages or other openings or breaks or extensions in the facade, including reverse arrangements; or
- (4) Other substantially identical features, such as, but not limited to, setbacks from street lines, heights, widths and lengths of elements of building design, and exterior materials and treatments.
- (5) Striking dissimilarity, visual discord or inappropriateness with respect to other structures or buildings located or proposed to be located in the same subdivision or located within two hundred (200) feet of the lot on which the structure for which a building permit is requested, in respect to one or more of the following features of exterior design and appearance:
 - (a) Facade, including color; or
 - (b) Size and arrangement of doors, windows, porticos, porches or garages or other openings, breaks or extensions in the façade; or
 - (c) Other significant design features such as, but not limited to, heights, widths, length of elements of design, roof structures, exposed mechanical equipment, service and storage areas, retaining walls, landscaping, signs, light posts, parking areas, fences, service and areas; or
 - (d) Exterior materials and treatments. The following exterior materials and treatments shall generally be considered to be dissimilar and inappropriate: (i) aluminum used for exterior surfaces other than windows, doorframes, garage doors and/or soffits; and (ii) acrylic stucco or non-acrylic stucco (or similar material), glass block, artificial brick or artificial stone; provided, that a majority of the members of the ARB present at a meeting at which there is a quorum of at least five (5) members present may determine otherwise in a particular case.
- (6) Visual offensiveness or other poor qualities of exterior design, including, but not limited to, excessive divergences of the height or levels of any part of the structure or building from the grade of terrain, harmony or discord of color, or incompatibility of the proposed structure, building, refurbishing, reconstruction, alteration or addition with the terrain on which it is to be located, the failure of the exterior design to complement and enhance the natural beauty of its site, in regard to landscape, topography, surrounding structures and the scenic character of roadways when visible from said roadways.

§214 -191. Submissions.

A. Minor Alteration: Every application to the Architectural Review Board with respect to a Minor Alteration shall include the following documents:

- (1) A completed application as prescribed by and furnished by the Village containing information on the address, the owner, the Architect, the contractor and all such other required information; and
- (2) All other documents as may be required in the discretion of the Architectural Review Board.

Unless an applicant for a minor application is notified of a concern, issue or request for additional documents or information by certified mail with return receipt requested and postmarked no later than 10 business days after the application is received, the application shall be deemed approved; and

B. Major Alteration or New Building Application. Every application to the Architectural Review Board with respect to a Major Alteration or New Building shall include the following documents:

- (1) A completed application as prescribed by and furnished by the Village containing information on the address, the owner, the Architect, the contractor and all such other required information; and
- (2) A survey which contains all information, details and computations that are customarily shown on a survey, including but not limited to all structures, equipment, paved areas, utility lines, and easements. The survey must be no more than 2 years old, and the owner must certify that the survey is a true and accurate depiction of the site as it presently exists, provided, however, that a new survey must be submitted in connection with any new foundation or addition to the foundation of a structure. If the certificate is not true, the matter shall be adjourned until a proper survey is submitted. Nine (9) copies of the survey must be submitted with the application; and
- (3) Floor plan which is shown in 1/4" scale. Nine (9) copies of the floor plan must be submitted; and
- (4) Drawings of all affected elevations and details shown in 1/4" scale. Nine (9) copies must be submitted; and
- (5) Topographical survey certified by a licensed surveyor with a grid at two foot intervals. Nine (9) copies must be submitted; and

- (6) Site Grading and Drainage Plan for sites which require changes in topography. Nine (9) copies must be submitted; and
 - (7) Nine (9) copies of the Proposed Site Plan must be submitted; and
 - (8) Landscaping Plan, including existing trees and trees proposed to be removed on the property with a trunk diameter of four (4) inches or more at a point fifty-four (54) inches above the ground, and all proposed plantings. Nine (9) copies must be submitted; and
 - (9) Other documents and submissions required in this Article and the Zoning Laws; and
 - (10) Other documents as may be required in the discretion of the Architectural Review Board.
- C. Commercial/Industrial Facade Alterations. Every application to the Architectural Review Board, with respect to a Commercial/Industrial Facade Alteration, shall include the following documents:
- (1) A completed application as prescribed by and furnished by the Village containing information on the address, the owner, the Architectural Review Board, the contractor and all such other required information; and
 - (2) A survey which contains all information, details and computations that are customarily shown on a survey, including but not limited to all structures, equipment, paved areas, utility lines, and easements. The survey must be no more than 2 years old, and the owner must certify that the survey is a true and accurate depiction of the site as it presently exists, provided, however, that a new survey must be submitted in connection with any new foundation or addition to the foundation of a structure. If the certificate is not true, the matter shall be adjourned until a proper survey is submitted. Nine (9) copies of the survey must be submitted with the application; and
 - (3) Drawings of all affected elevations and details shown in 1/4" scale. Nine (9) copies of the drawings must be submitted; and
 - (4) Topographical survey certified by a licensed surveyor with a grid at two foot intervals. Nine (9) copies must be submitted; and
 - (5) Site Grading and Drainage Plan for sites which require changes in topography. Nine (9) copies must be submitted; and
 - (6) Nine (9) copies of the Proposed Site Plan must be submitted; and

- (7) Landscaping Plan, including existing trees and trees proposed to be removed on the property with a trunk diameter of four (4) inches or more at a point fifty-four (54) inches above the ground, and all proposed plantings. Nine (9) copies must be submitted; and
 - (8) Other documents and submissions required in this Article and the Zoning Laws; and
 - (9) Other documents as may be required in the discretion of the Architectural Review Board.
- D. The Architectural Review Board may also request the following documents be submitted in connection with any application which involves a Major Alteration, New Building or a Commercial/Industrial Facade Alteration:
- (1) Samples of all proposed materials and color samples of sufficient size to indicate the materials used on the exterior of the building including, including, but not exclusively materials used for roofing, siding, brick, and masonry. The Village shall be free to discard the materials and samples at the time of the issuance of the Certificate of Occupancy; and
 - (2) Color photos, 8½"x11", mounted on 2' x 3' foam boards showing the existing house and all other structures and premises, and of the houses, other structures and premises on the adjacent properties and within two hundred (200) feet of the lot on which the structure for which the building permit is requested (and within one thousand (1,000) feet of such lot in the case of a Building or a Commercial/Industrial Facade Alteration), with a statement which clearly identifies the property shown in the photo; and
 - (3) A Landscaping Plan, which shall include existing trees and trees proposed to be removed on the property with a trunk diameter of four (4) inches or more at a point fifty-four (54) inches above the ground, and all proposed plantings. Nine (9) copies must be submitted.
- E. Additionally, every application to the Architectural Review Board which involves a New Building shall also comply with the following requirements and submit the following documents:
- (1) Not less than three (3) weeks before the scheduled hearing date, all buildings, driveways, and curb cuts must be clearly staked out and clearly marked with ribbon or paint by a licensed surveyor; and
 - (2) Proposed stormwater drainage plans must be submitted not less than three (3) weeks before the scheduled hearing date. Nine copies must be submitted; and

- (3) Color renderings. Nine (9) copies must be submitted; and
 - (4) A model, at the option of the Architectural Review Board, may be required to be submitted; and
 - (5) Not less than three (3) weeks before the scheduled hearing date, all trees must be clearly tagged and numbered to match submitted Landscaping Plans indicating which trees are to be removed and which trees are to remain.
- F. All filings required under this and any other section of the Code of the Village of East Hills must be completed and submitted to the Building Inspector not less than three (3) weeks prior to the scheduled hearing date for the Architectural Review Board.
- G. In the event that the Architectural Review Board requests changes to a proposed plan, the changes may be submitted not less than two (2) full weeks prior to the next Architectural Review Board meeting at which the amended application is to be considered, unless the Architectural Review Board grants a dispensation on the submission date required under this section.
- H. The Architectural Review Board may, by majority vote of those members present at any meeting at which there is a quorum, waive any of the foregoing requirements if in its discretion it deems it fair, appropriate, a matter of hardship or necessary due to or dire circumstances.

§214-192. Building Facades in Commercial A, Commercial B, and Light Industrial Zones.

- A. Except for ordinary maintenance performed and repairs made to property, no person may construct, reconstruct or otherwise alter the facade of any building in a Commercial A, Commercial B or Light Industrial Zone without obtaining a facade permit from the Village's Building Inspector. An application for a facade permit shall be made on such forms as are established by the Building Inspector, and shall be accompanied by a fee of Five Hundred Dollars (\$500). An application for a facade permit shall be processed in the same manner as an application for a building permit, except that the standards of this section shall be applicable to the Architectural Review Board's review of the facade, in the place and stead of the standards set forth in §214-190. Where an application involves a construction, reconstruction or alteration to which §214-190 is applicable and to which this section is also applicable, the application must conform to the requirements of both sections before any permit shall be granted.
- B. It is the purpose of this section to prevent excessive uniformity, dissimilarity or poor quality of design in the exterior appearance of building facades, since such conditions adversely affect the desirability of the immediate and neighboring

areas, impair the benefits of occupancy of existing developed property, undermine the stability and value of both improved and unimproved real property in such areas and prevent the most appropriate development of such areas.

C. The Architectural Review Board may determine that a building facade does not meet the requirements of this law in the event that it finds the building facade would, if erected, be so detrimental to the desirability of the, property values or development of the surrounding area as to produce one (1) or more of the harmful effects set forth in this section by reason of the following:

(1) Excessive similarity to any other building facade existing or for which a permit has been issued or to any other building facade included in the same facade permit application, facing upon the same street and within one thousand (1,000) feet of the proposed site, in respect to one or more of the following features of exterior design and appearance:

(a) Apparently identical facade, including color.

(b) Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the facade facing the street, including reverse arrangements.

(c) Other significant identical features provided that a finding of excessive similarity shall set forth the facts showing not only that such similarity exists, but shall further set forth such facts showing that it is of such a nature as to be expected to produce one (1) or more of the harmful effects set forth in this section.

(2) Poor quality of design or excessive dissimilarity in relation to any other building facade existing or for which a permit has been issued, or to any other building facade included in the same facade permit application, facing upon the same street and within one thousand (1,000) feet of the proposed site in respect to one (1) or more of the following features:

(a) Materials of which the facade is constructed, including color; and

(b) Height of the facade; and

(c) Lines of the facade; and

(d) Plane of the facade; and

(e) Texture of the facade; and

(f) Other significant design features, such as materials used in construction or nature of architectural design, provided that a finding

of poor quality of design or excessive dissimilarity shall set forth facts showing that such poor quality of design or excessive dissimilarity exists but, shall further set forth facts showing that it is of such a nature as to be expected to produce one (1) or more of the harmful effects set forth in this section.

§214 -193. Scheduling of meetings.

- A. As required under the provisions of the statute, no less than three (3) weeks prior to the regularly scheduled Architectural Review Board meeting, all completed applications shall be distributed to the Building Inspector. In addition, the applicant must, prior to the submissions of the completed applications, have staked out and properly marked, as required, all trees proposed to be removed.
 - (1) If the application is not deemed “complete” by the Building Inspector, the Building Inspector shall notify the applicant and specify in writing the basis for the determination that it is incomplete.
 - (2) The Building Inspector shall review all zoning, landscaping, and stormwater issues, to the extent relevant.

- B. Not less than two (2) weeks prior to the regularly scheduled Architectural Review Board meeting, the complete application, ready for review, together with the comments of the Building Inspector shall be distributed to the members of the Architectural Review Board.

§214 -194. Agenda items.

A. Procedures

- (1) Applications for Minor Alterations should be heard first at the meeting. The matter may be adjourned if the owner is not present or not represented by a professional authorized to act on behalf of the owner. Applicants for Minor Alterations may appear on their own behalf or be represented by a lawyer, Architect, design professional or other agent.

- (2) Presentations involving Major Alterations or New Buildings Construction or Commercial/Industrial Facade Alteration shall be presented by the owner’s Architect and shall not exceed thirty (30) minutes. Either of these requirements may be waived by majority vote of the Architectural Review Board members present at a meeting if there is a quorum of the Architectural Review Board.

- (3) The Architectural Review Board may hold a hearing to elicit community response and input when it deems it to be in the public interest.

- (4) At least three (3) Members of the Architectural Review Board shall inspect every site and the adjacent premises prior to the meeting at which the application is scheduled to be heard.
- (5) Prior to the issuance of a Certificate of Occupancy, the Building Inspector and a representative of the Architectural Review Board shall review the plans, materials, colors, plantings, and all other aspects of the approved decision to ensure that the construction and all other aspects of the approved decision and the conditions imposed therein have been fully complied with.

§214 -195. Prerequisites to Issuance of Permits and Certificates of Occupancy.

- A. No permit which is required shall be granted or certificate of occupancy shall be issued for any building or other structure unless it and the entire premises upon which it is located conform to the resolution adopted by the Architectural Review Board approving the application. Such conformity shall include, but not be limited to, such requirements, if any, as may have been imposed with regard to landscaping, final grades, and stormwater retention. However, nothing contained in this provision shall prevent the ARB from providing additional time for the applicant to comply, if the ARB specifically provides for the extension in its resolution.
- B. No building permit which is required shall be issued for any work, which has not been approved by the Architectural Review Board, or for work that is not in accordance with a prior approval of the Architectural Review Board.
- C. No demolition permit shall be issued for any demolition unless such demolition has been approved by the Architectural Review Board.

§214 -196. Appeals.

- A. Any applicant aggrieved by any decision of the Architectural Review Board may appeal to the Zoning “Board of Appeals” of the Village, in the same manner and upon the same criteria as is provided for use variances. Such appeal shall be taken within thirty (30) days after the filing of the decision with the Village Administrator. The Zoning “Board of Appeals” after proceeding in the same manner as is provided for use variance applications, may reverse, modify, or affirm the action of the Architectural Review Board.

§214 –197. Fees.

A. All fees for the Architectural Review Board are as follows:

(1) Application for a New Building: \$2,000.00.

(2) Application for a Major Alteration: \$500.00.

(3) Application for a Minor Alteration:

(a). For changes, alterations and construction which involve under two thousand five hundred dollars (\$2,500) an application fee of one hundred dollars (\$100) shall be charged;

(b). For changes, alternations and construction which involves more than two thousand five hundred dollars (\$2,500) and up to ten thousand dollars (\$10,000), an application fee of one hundred and fifty dollars (\$150.00) shall be charged; and

(c). For changes, alterations and construction which involves more than ten thousand dollars (\$10,000) an application fee of two hundred and fifty dollars (\$250.00) shall be charged;

B. All appeals from a decision of the Architectural Review Board relating to:

(1) Application for an appeal on a New Building: \$1,000.00, plus transcription costs;

(2) Application for an appeal on a Major Alteration: \$250.00, plus transcription costs;

(3) Application for an appeal on Minor Alteration: \$125.00, plus transcription costs;

C. On all other applications: \$100.00.

D. The fees provided for herein shall be the minimum fees and nonrefundable. If ARB retains an outside consultant on an application, the applicant will be responsible for all costs and expenses incurred.

§214 -198. Penalties.

The penalty for failure to file, or failure to receive full and proper authorization required under the sections of this law, including but not exclusively, Section 214-185 to Section 214-198 shall result in a fine of up to \$5,000.

Section 2. Severability.

If any section or provision of this local law shall be invalid by any court of competent jurisdiction, the judgment shall not affect, impair or invalidate any other part of this local law or its remainder, but shall be confined in its operation to the section or provision or part thereof directly involved in the controversy in which the judgment shall have been rendered.

Section 3. Effective Date of Local Law.

This local law shall take effect immediately upon filing with the New York Secretary of State. The law applies prospectively from the date of the filing with the New York Secretary of State and subsequently.

Note: file date 3/11/05