

**INCORPORATED VILLAGE OF MUTTONTOWN  
MEETING OF THE BOARD OF TRUSTEES  
REGULAR MONTHLY MEETING  
September 22, 2020  
Minutes**

**Call to Order**

The meeting of the Incorporated Village of Muttontown was called to order by Mayor Dr. James Liguori, at 7:07 p.m.

**Present**

Mayor Dr. James M. Liguori  
Trustee Toni Bardong  
Trustee Chris Economou  
Trustee Brian Fagen (Arrived at 7:15 p.m.)  
Trustee Mohinder Singh  
Trustee Michael Schloss

**Not Present**

Deputy Mayor Sudha Prasad

**Pledge of Allegiance**

The Pledge to the Flag of the United States of America was recited by the Board, Village personnel, residents and the general public.

**Election Results**

Clerk/Treasurer Joe Russo announced the following results of the Village election held on September 15, 2020:

For Trustee

Toni Bardong 143  
Michael Schloss 147  
Mohinder Singh 141  
Write In 4

For Village Justice

Nicholas Massimo 138  
Write In 1

**Swearing in of Trustees and Village Justice**

Mayor Liguori thanked former Trustees Jeanine Todaro and Susan Dasilva for their service on the Board and congratulated Trustee Singh on his re-election and welcomed the newly elected trustees Bardong and Schloss.

Mayor Liguori asked the three newly elected Trustees to rise and administered the oath of office.

Mayor Liguori asked Judge Massimo to come forward and congratulated him on his re-election and administered the oath of office.

### **Public Hearing**

Trustee Economou moved to open the public hearing on Local Law 2 of 2020 which was seconded by Trustee Singh and unanimously approved.

Village Counsel Keith Corbett gave an overview of the proposed law which would amend the Village Code, Article VIII, Zoning Board of appeals to clarify the appointment and removal procedure for members of the Village Zoning Board of Appeals.

Mayor Liguori asked for any comments from the Board or the public.

Trustee Economou made a motion to amend the proposed Local Law 2 of 2020 as enunciated by the Village attorney to include in G. "subject to Board of Trustees approval". Trustee Singh seconded the motion which was unanimously approved.

There being no further comments, Trustee Fagen moved to close the public hearing at 7:16 p.m. which was seconded by Trustee Singh and unanimously approved.

Trustee Economou moved BE IT RESOLVED it is hereby determined that the proposed Local Law 2 of 2020 is considered a Type II Action under 6 NYCRR 617.5 (32) which will have no significant impact on the environment; NOW THEREFORE BE IT , RESOLVED that proposed Local Law 2 of 2020 be adopted; which was seconded by Trustee Singh.

Clerk/Treasurer Joe Russo polled the Board:

Trustee Singh	aye
Trustee Economou	aye
Trustee Bardong	aye
Trustee Schloss	aye
Trustee Fagen	aye
Mayor Liguori	aye

Mayor Liguori declared the law adopted as Local Law 2 of 2020.

At 7:17 p.m. Trustee Economou moved to open the public hearing on Local Law 3 of 2020 which was seconded by Trustee Singh and unanimously approved.

Village Counsel Keith Corbett gave an overview of the proposed law which would amend the Village Code, Article X, Site and Architectural Review Board to clarify the appointment and removal procedure for members of the Village Site and Architectural Review Board.

Mayor Liguori asked for any comments from the Board or the public.

Trustee Economou made a motion to amend the proposed Local Law as enunciated by the Village attorney to include in K. "subject to Board of Trustees approval". Trustee Singh seconded the motion which was unanimously approved.

There being no further comments, Trustee Fagen moved to close the public hearing at 7:18 p.m. which was seconded by Trustee Singh and unanimously approved.

Trustee Economou moved BE IT RESOLVED it is hereby determined that the proposed Local Law 3 of 2020 is considered a Type II Action under 6 NYCRR 617.5 (32) which will have no significant impact on the environment; NOW THEREFORE BE IT , RESOLVED that proposed Local Law 3 of 2020 be adopted; which was seconded by Trustee Singh.

Clerk/Treasurer Joe Russo polled the Board:

Trustee Singh	aye
Trustee Economou	aye
Trustee Bardong	aye
Trustee Schloss	aye
Trustee Fagen	aye
Mayor Liguori	aye

Mayor Liguori declared the law adopted as Local Law 3 of 2020.

At 7:19 p.m. Trustee Economou moved to open the public hearing on Local Law 4 of 2020 which was seconded by Trustee Schloss and unanimously approved.

Village Counsel Keith Corbett gave an overview of the proposed law which would amend the Village Code, Article X, Site and Architectural Review Board to clarify the process for permit issuance by the Building Department.

Mayor Liguori asked for any comments from the Board or the public.

There being no further comments, Trustee Singh moved to close the public hearing at 7:20 p.m. which was seconded by Trustee Economou and unanimously approved.

Trustee Economou moved BE IT RESOLVED it is hereby determined that the proposed Local Law 4 of 2020 is considered a Type II Action under 6 NYCRR 617.5 (32) which will have no significant impact on the environment; NOW THEREFORE BE IT , RESOLVED that proposed Local Law 4 of 2020 be adopted; which was seconded by Trustee Singh.

Clerk/Treasurer Joe Russo polled the Board:

Trustee Singh	aye
Trustee Economou	aye
Trustee Bardong	aye
Trustee Schloss	aye
Trustee Fagen	aye
Mayor Liguori	aye

Mayor Liguori declared the law adopted as Local Law 4 of 2020.

### **Department Reports**

Trustee Economou gave a report on the Muttontown Police Department. He then asked that Chief Irizarry give the police department August 2020 report.

Mayor Liguori asked Acting Clerk Joe Russo to give a treasurer's report for the month ending August 2020. Acting Clerk Russo discussed the bank reconciliation data from village statements ending July 31, 2020 through statement end date August 30, 2020.

### **New Business**

**Resolution 20-101** – A motion was made by Trustee Fagen, seconded by Trustee Economou and carried unanimously to waive the reading of the prior meetings minutes.

**Resolution 20-102** – A motion was made by Trustee Singh, seconded by Trustee Fagen and carried unanimously to approve the August 12, 2020 regular meetings minutes.

**Resolution 20-103** – A motion was made by Trustee Fagen, seconded by Trustee Economou and carried unanimously to approve the August 12, 2020 executive meetings minutes.

**Resolution 20-104** – A motion was made by Trustee Fagen and seconded by Trustee Schloss and carried unanimously to approve the warrants as presented.

Mayor Liguori announced that he had received notification from two Planning Board members, Lloyd Robinson and Justin Marinoff that they are both moving out of the Village and therefore must resign from their positions.

**Resolution 20-105** – A motion was made by Trustee Bardong and seconded by Trustee Singh and carried unanimously to accept the resignations from Planning Board members Lloyd Robinson and Justin Marinoff.

**Resolution 20-106** – A motion was made by Trustee Economou and seconded by Trustee Bardong and carried unanimously to authorize the Muttontown Village Court to apply for a JCAP Grant in the 2020-2021 grant cycle up to \$30,000.

**Public Input**

There was no one wishing to comment.

**Motion to Adjourn**

At 7:32 p.m. Trustee Economou made a motion, seconded by Trustee Singh and carried to enter into executive session to discuss pending litigation.

At 8:14 p.m. a motion as made by Trustee Economou, seconded by Trustee Fagen and carried to reopen the public meeting.

There being no further business, at 8:15 p.m. a motion as made by Trustee Economou, seconded by Trustee Singh and carried to adjourn the public meeting.

**Submitted By:** \_\_\_\_\_ **Joe Russo** \_\_\_\_\_

**Minutes Approved on:** \_\_\_\_\_ **10/14/20** \_\_\_\_\_

**Resolution No:** \_\_\_\_\_ **20-110** \_\_\_\_\_

**INCORPORATED VILLAGE OF MUTTONTOWN  
MEETING OF THE BOARD OF TRUSTEES  
REGULAR MONTHLY MEETING  
September 22, 2020  
Executive Session Minutes**

**Present**

Mayor Dr. James M. Liguori  
Trustee Toni Bardong  
Trustee Chris Economou  
Trustee Brian Fagen  
Trustee Mohinder Singh  
Trustee Michael Schloss

**Not Present**

Deputy Mayor Sudha Prasad

At 7:32 p.m. a motion as made by Trustee Economou seconded by Trustee Singh and carried to open executive session.

A discussion with counsel was had concerning pending litigation.

At 8:14 p.m. a motion as made by Trustee Singh, seconded by Trustee Economou and carried to close executive session.

**Submitted By: \_\_\_\_\_ Joe Russo \_\_\_\_\_**

**Minutes Approved on: \_\_\_\_\_ 10/14/20 \_\_\_\_\_**

**Resolution No: \_\_\_ 20-111 \_\_\_\_\_**

Proposed Local Law No. 2 of the Year 2020  
Incorporated Village of Muttontown, County of Nassau

**A local law to amend the Village Code, Article VIII, Zoning Board of Appeals.**

**Section 1. Legislative Intent**

It is the intent of this Local Law to amend Article VIII, Zoning Board of Appeals to clarify the appointment and removal procedure for members of the Incorporated Village of Muttontown Zoning Board of Appeals.

**Section 2. Authority**

This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

**Section 3. Article VIII, Zoning Board of Appeals**

See attached for proposed amendments to Article VIII, Zoning Board of Appeals.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not effect, impair, or invalidate the remainder of the Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective Date**

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

Article VIII  
**Zoning Board of Appeals**

**§ 190-35 Appointment.**  
**[Amended 6-12-2007 by L.L. No. 3-2007]**

Section 7-712 of the Village Law is hereby amended, pursuant to Municipal Home Rule Law § 10, in its application to the Village of Muttontown as follows:

- A. The membership of the Zoning Board of Appeals is increased from five members to seven members appointed by the Mayor and approved by resolution of the Board of Trustees; and from one alternate member to two alternate members appointed by the Mayor and approved by resolution of the Board of Trustees.
- B. The term of membership on the Zoning Board of Appeals is decreased from five years to three years; alternate members shall serve for individual terms of one year.
- C. Incumbent Zoning Board of Appeals members serving at the time of enactment of this decrease in the term of membership on the Zoning Board of Appeals shall serve out the balance of their original five-year terms. Thereafter, the members shall be appointed for terms of three years.
- D. New Zoning Board of Appeals members appointed to fill the vacancies created by this increase in membership of the Zoning Board of Appeals from five members to seven members shall be appointed by the Mayor and approved by resolution of the Board of Trustees for individual terms of three years and two years, respectively. Thereafter, the members shall be appointed for terms of three years.
- E. Each member of the Zoning Board of Appeals shall attend, at a minimum, a majority of the Board Meetings occurring during each year of the respective member's appointed term; and, at a minimum, one of every four consecutive meetings occurring during the respective member's appointed term.
- F. Each member of the Zoning Board of Appeals shall complete, at a minimum, four hours of training each year to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision. Such training shall be approved by the Board of Trustees. To be eligible for reappointment to the Zoning Board of Appeals, a member shall have completed the minimum training requirement. The training required by this subdivision may be waived or modified by resolution of the Board of Trustees when, in the judgment of the Board of Trustees, it is in the best interest of the Village to do so. No decision of the Zoning Board of Appeals shall be voided or declared invalid because of a failure to comply with this subsection.



- G. The Mayor shall have the power to remove, after public hearing, any member of the Zoning Board of Appeals for cause, or without cause subject to Board of Trustees approval. Any Zoning Board of Appeals member may be removed for noncompliance with the minimum requirements relating to meeting attendance or training established by this subsection.
  
- H. A secretary to the Zoning Board of Appeals shall be appointed [upon recommendation] by the Mayor and approved by resolution of the Board of Trustees. The secretary shall review applications, communicate with applicants, create reports, schedule matters before the Zoning Board of Appeals, and file and disseminate decisions of the Zoning Board of Appeals.

Proposed Local Law No. 3 of the Year 2020

Incorporated Village of Muttontown, County of Nassau

**A local law to amend the Village Code, Article X, Site and Architectural Review Board.**

**Section 1. Legislative Intent**

It is the intent of this Local Law to amend Village Code, Article X, Site and Architectural Review Board to clarify the appointment and removal procedure for members of the Incorporated Village of Muttontown Site and Architectural Review Board.

**Section 2. Authority**

This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

**Section 3. Article X, Site and Architectural Review Board**

See attached for proposed amendments to Village Code, Article X, Site and Architectural Review Board.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not effect, impair, or invalidate the remainder of the Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective Date**

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

Article X  
**Site and Architectural Review Board**

**[Added 5-12-1986 by L.L. No. 3-1986]**

**§ 190-48 Findings and purpose.**

A. It is the purpose of this article to preserve and promote the character, appearances and aesthetics of the Village and to maintain its property values by providing procedures for site and architectural review of the exterior of new construction. By so doing, this article will:

- (1) Encourage and maintain qualities of exterior building design, proportions and appearances and relate and complement such elements to the site and its surrounding properties and structures;
- (2) Promote originality and resourcefulness in building design, proportions and appearances which are appropriate to the site and surroundings while endeavoring to preserve the prevailing aesthetic character of the neighborhood and Village;
- (3) Promote and encourage high qualities of both architectural design and land use in the erection and construction of new structures and the refurbishing, reconstruction or alteration of existing structures;
- (4) Ensure that the design, size, material, color and siting of any proposed new structure or of any addition, alteration or reconstruction to an existing structure are in harmony with the existing topography of its site and any existing structures and their existing improvements as well as with the neighboring countryside;
- (5) [Discourage and prevent designs that would adversely affect or cause the diminution of value of neighboring property, whether improved or unimproved;] and
- (6) Prevent designs and exterior appearances that are unnecessarily offensive to visual sensibilities, which adversely impact on the use, enjoyment, value or desirability of neighboring properties or which adversely affect the health, safety and general welfare of the community at large.

.B. [The Board of Trustees hereby finds that, in furtherance of these purposes, construction which is visually offensive or inappropriate by reason of poor exterior design, proportions or materials or has an apparent similarity or dissimilarity to surrounding structures or presents a striking visual discord with the site, its surroundings or the community at large with have the following effects:

1. It will mar the appearance and adversely affect the desirability of the immediate area and neighboring areas;

2. It will discourage the most appropriate development and utilization of land throughout the Village;
  3. It will impair the use, enjoyment, desirability and stability of both improved and unimproved property and be detrimental to the character of the Village by producing degeneration of the value of real property with attendant deterioration of conditions affecting the functioning, economic stability, property, health, safety and morals of the inhabitants of the Village and destroy a proper relationship between the taxable value of real property and the rest of the municipal services provided therefor.]
- C. It is the purpose of this article to prevent these and other harmful effects and thus promote the health, safety, morals and general welfare of the community and preserve the unique character of the Village and its natural beauty and environs.

**§ 190-49 Creation; membership; meetings; general powers and duties.  
[Amended 10-18-2004 by L.L. No. 3-2004; 6-12-2007 by L.L. No. 3-2007]**

- A. There is hereby created a Site and Architectural Review Board consisting of seven members to be appointed by the Mayor for a term of one year and approved by resolution of the Board of Trustees; and two alternate members appointed by the Mayor for individual terms of one year and approved by resolution of the Board of Trustees. [one of whom shall be designated as the first alternate member, and the other of whom shall be designated as the second alternate member]. All members and alternate members shall be property owners who are deemed qualified by, experience or civic interest to further the purpose of this article.
- B. A member of the Site and Architectural Review Board may be a member of the Planning Board. The [first] alternate member or members may serve in the absence of a [any] member or members from a meeting of the Site and Architectural Review Board. [the second alternate member may serve in the absence of two members, or in the absence of one member and the unavailability of the first alternate member].
- C. The Mayor shall appoint a Chairperson and Vice Chairperson of the Site and Architectural Review Board for terms of one year, respectively.
- D. The Board of Trustees may officially designate and retain one or more registered architects to advise and take part in all deliberations of the Site and Architectural Review Board. The Board of Trustees may fix and provide for all necessary costs or expenses involved in reviewing each application, including compensation for architects and other professional and advisory services. An architect so retained shall be without vote in regard to any application unless he/she is a member of the Board.
- E. All the powers granted hereunder and all the functions and duties to be performed pursuant to the provisions of this article shall be vested in and carried out by the Planning Board until

such time as the Site and Architectural Review Board has been fully appointed and constituted.

- F. Meetings of the Site and Architectural Review Board shall be held regularly at the call of the Chairperson or at such other times as the Board shall determine. The meetings of the Board shall be open to the public. The number of members of the Board, including alternate members, which shall constitute a quorum for the transaction of business [is increased from three members to] is four members. The Board shall keep minutes of its proceedings and the vote of each member.
- G. An application pending before the Site and Architectural Review Board shall be deemed abandoned and withdrawn by the applicant, and shall be discontinued by the Board, after a lapse of 12 months without reasonable steps having been taken by the applicant to advance the application. The Board may, within 90 days thereafter, entertain a request for reinstatement of the abandoned application based on good cause shown. Upon the discontinuance of an abandoned application, the applicant shall be entitled to receive a refund of any unexpended sums held on deposit by the Village in connection with the application, and shall be responsible for reimbursement to the Village of any reimbursable costs attributable to the application which the deposit was insufficient to satisfy.
- H. [After a public hearing, the Board of Trustees, upon the recommendation of the Site and Architectural Review Board, shall have the power to adopt, amend and repeal rules and regulations, not inconsistent with the provisions of this article, for the governing of procedures and the transaction of its business]. All decisions of the Site and Architectural Review Board shall be filed in the office of the Village Clerk and shall be a public record.
- I. Each member of the Site and Architectural Review Board shall attend, at a minimum, a majority of the Board Meetings occurring during each year of the respective member's appointed term. [and, at a minimum, one of every four consecutive meetings occurring during the respective member's appointed term].
- J. Each member of the Site and Architectural Review Board shall complete, [at a minimum, four hours of] training each year to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision]. Such training shall be approved by the Board of Trustees. [To be eligible for reappointment to the Site and Architectural Review Board, a member shall have completed the minimum training requirements]. The training required by this subdivision may be waived or modified by resolution of the Board of Trustees when, in the judgment of the Board of Trustees, it is in the best interest of the Village to do so. No decision of the Site and Architectural Review Board shall be voided or declared invalid because of a failure to comply with this subsection.

- K. The Mayor shall have the power to remove, after public hearing, any member of the Site and Architectural Review Board for cause, or without cause subject to Board of Trustees approval. Any Site and Architectural Review Board member may be removed for noncompliance with the minimum requirements relating to meeting attendance or training established by this subsection.
- L. A secretary to the Site and Architectural Review Board shall be appointed [upon recommendation] by the Mayor and approved by the Board. The secretary shall review applications, communicate with applicants, create reports, schedule matters before the Site Plan and Architectural Review Board, and file and disseminate decisions of the Site Plan and Architectural Review Board.

§ 190-50 **Review of building permit applications.**

- A. An applicant for a building permit shall file with the Building Inspector an application on the prescribed forms with the appropriate fee and submit the required accompanying plans and supporting documents for the proposed construction and accompanying drainage, grading, and landscaping in accordance with the adopted rules and regulations of the Village and the provisions of this article. When required, such application shall have attached the appropriate approval of any environmental board or agency in the Village having jurisdiction. **[Amended 9-8-2003 by L.L. No. 5-2003]**
- B. After determining that the application and supporting plans are complete and in proper form and the required fee paid, the Building Inspector, within seven days of such determination, shall refer the application to the Site and Architectural Review Board for its consideration, except applications for patios, fences, pools, hot tubs, fire pits, barbeques, kiosks, gazebos and patios may be processed by the building inspector provided the proposed construction is in conformity with this Code. The Site and Architectural Review Board shall meet and review the same within 20 business days from the referral by the Building Inspector of a completed application. The Site and Architectural Review Board shall render a decision within 40 business days from this referral either approving, disapproving or approving with modifications.
- C. No building permit requiring Site Plan and Architectural Review Board approval shall be issued unless an application shall first have been approved by a majority vote of the members of the Site Plan and Architectural Review Board. [present].
- D. If [ an application is approved or approved with modification or] 60 business days have passed since a completed application has been duly referred to the Site Plan and Architectural Review Board and a meeting of the Site Plan and Architectural Review Board has not been scheduled, [it has not disapproved the application] the Building Inspector, or his official representative, shall issue the building permit, provided that the application conforms to the provisions of this article and all applicable local laws and ordinances.

- E. The Building Inspector or his official representative shall not issue any building permit for which an application has been approved with modification by the Site and Architectural Review Board unless the plans for such building have been changed to embody all modifications in design, appearance or location that such Site Plan and Architectural Review Board may have suggested so as to render the proposed building or its location in compliance with the provisions of this article.
- F. Final approved maps or plans, materials and specifications may not be substantially altered in any way without the express prior approval of the Board. Any requested substantial alterations [changes] of the approved plans, [or] maps or materials must be submitted for review at least seven days prior to the next regularly scheduled meeting of the Site Plan and Architectural Review Board, and no construction work involving such substantial alterations [changes] shall be commenced or continued until approval of the Board is granted.
- G. The Building Inspector is [shall] authorized [in cases of violation of this procedure] to order all work to be halted and, if necessary, to revoke any [the] building permit for any violation of this Chapter. [until such time that amended plans or maps are approved by the Board]. This [section] may also be enforced by the Board of Trustees by means of injunction.

§ 190-51 **Standards to be considered.**

- A. In considering an application, the Site and Architectural Review Board shall be charged with maintaining the character of the Village in furtherance of assisting the Board with protecting the health, safety and welfare of the inhabitants and conserving the values of property and encouraging the most appropriate use of land. The Site Plan and Architectural Review Board may [shall] be guided in its determination by the rural nature of the community, its open space and natural environs, the topographical features of the Village and its unique suburban characteristics. The Site Plan and Architectural Review Board may [shall] take into account natural features of the site and surroundings, exterior design and appearances of existing structures, the character of the neighborhood and its peculiar suitability for a particular design or siting.
- B. The Board may approve or approve with modifications any application referred to it upon a finding that the construction, in accordance with the approved plan, would be in harmony with the purpose of this article. [and should not create, provoke, foster or perpetuate the effects of 190-18B by reason of the noted factors in subsection D].
- C. In approving any application, the Board may impose appropriate conditions and safeguards designed to promote the purpose of this article. [prevent the harmful effects set forth in 190-48B hereof].
- D. [The Board may disapprove any application, provided that the Board finds that the

construction requested would create, provoke, foster or perpetuate one or more of the harmful effects set forth in 190-48B hereof by reason of;

- (1) Apparent similarity to any other structure or building located in totality of the proposed subdivision or proposed to be located within 1,000 feet of the construction, or one or more of the following features of exterior design and appearance.
  - (a) Substantially identical façade, disregarding color;
  - (b) Substantially identical size and arrangement of either doors, windows, porticos, porches or garages or other openings or breaks or extensions of the façade, including reverse arrangements; or
  - (c) 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.
- (2) 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 1,000 feet of the site of 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) Façade, disregarding color;
  - (b) Size and arrangement of doors, windows, porticos, porches and garages or other openings, breaks or extensions in the façade; or
  - (c) Other significant design features, such as, but not limited to, mass, heights, proportions, widths, length of elements of design, exterior materials, colors and treatments, roof structures, exposed mechanical equipment, service and storage areas, retaining walls, landscaping, signs, lighting and light posts, parking areas, fences, service areas.
- (3) Visual effectiveness or other poor qualities of exterior design, including but not limited to excessive divergence of the height or levels of any part of the structure of the building from grade of terrain, harmony or discord of color, incompatibility of the proposed construction with the terrain on which it is to be located and the failure of the exterior design to complement and enhance the natural beauty of its site in regard to landscape, topography, vista, surrounding structure and the scenic character of roadways when visible from said roadways].



**§ 190-52 Appeals.**

Any applicant aggrieved by the action of the Site and Architectural Review Board in disapproving an application, and of the denial of a building permit because of such disapproval, may request, within 30 days of the filing of the Site Plan and Architectural Board's decision, that formal written findings of fact be filed. In the event of such a request, the Board shall make such findings of fact within 20 [15] business days after the request is filed in the Village Clerk's office. The applicant shall have 15 days' opportunity to respond to the findings by a submission of additional evidence or amendments to the application. The Site and Architectural Review Board shall reconsider the application on the basis of such answer. If the application is disapproved after reconsideration, the applicant may appeal to the Zoning Board of Appeals of the Village of Muttontown, in accordance with its rules, within 30 days after the filing in the office of the Village Clerk of the decision of the Board after reconsideration.

**§ 190-53 Consultation with other boards.**

**[Amended 10-10-2006 by L.L. No. 2-2006]**

The Site and Architectural Review Board may consult with [and advise] the Zoning Board of Appeals with respect to any request for a variance on which the Zoning Board of Appeals is required to hear. The Site and Architectural Review Board may consult with and advise the Board [of Trustees] with respect to any request for a special use permit on which the Board [of Trustees] is required to hear. Upon request, the Site and Architectural Review Board may also consult [and advise] upon any other land use or development plan filed with the Board [of Trustees], Planning Board, Zoning Board of Appeals. [or Building Inspector. The Site Plan and Architectural Review Board may recommend approval, conditional approval subject to specified modifications or disapproval, which determination shall be advisory only].

Proposed Local Law No. 4 of the Year 2020

Incorporated Village of Muttontown, County of Nassau

**A local law to amend the Village Code, Article X, Site and Architectural Review Board.**

**Section 1. Legislative Intent**

It is the intent of this Local Law to amend Village Code, Article X, Site and Architectural Review Board to clarify the process for permit issuance by the Building Department of the Incorporated Village of Muttontown.

**Section 2. Authority**

This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

**Section 3. Article X, Site and Architectural Review Board**

See attached for proposed amendments to Village Code, Article X, Site and Architectural Review Board.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not effect, impair, or invalidate the remainder of the Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective Date**

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

Article X  
**Site and Architectural Review Board**

**[Added 5-12-1986 by L.L. No. 3-1986]**

**§ 190-48 Findings and purpose.**

A. It is the purpose of this article to preserve and promote the character, appearances and aesthetics of the Village and to maintain its property values by providing procedures for site and architectural review of the exterior of new construction. By so doing, this article will:

- (1) Encourage and maintain qualities of exterior building design, proportions and appearances and relate and complement such elements to the site and its surrounding properties and structures;
- (2) Promote originality and resourcefulness in building design, proportions and appearances which are appropriate to the site and surroundings while endeavoring to preserve the prevailing aesthetic character of the neighborhood and Village;
- (3) Promote and encourage high qualities of both architectural design and land use in the erection and construction of new structures and the refurbishing, reconstruction or alteration of existing structures;
- (4) Ensure that the design, size, material, color and siting of any proposed new structure or of any addition, alteration or reconstruction to an existing structure are in harmony with the existing topography of its site and any existing structures and their existing improvements as well as with the neighboring countryside;
- (5) [Discourage and prevent designs that would adversely affect or cause the diminution of value of neighboring property, whether improved or unimproved;] and
- (6) Prevent designs and exterior appearances that are unnecessarily offensive to visual sensibilities, which adversely impact on the use, enjoyment, value or desirability of neighboring properties or which adversely affect the health, safety and general welfare of the community at large.

.B. [The Board of Trustees hereby finds that, in furtherance of these purposes, construction which is visually offensive or inappropriate by reason of poor exterior design, proportions or materials or has an apparent similarity or dissimilarity to surrounding structures or presents a striking visual discord with the site, its surroundings or the community at large with have the following effects:

1. It will mar the appearance and adversely affect the desirability of the immediate area and neighboring areas;

2. It will discourage the most appropriate development and utilization of land throughout the Village;
  3. It will impair the use, enjoyment, desirability and stability of both improved and unimproved property and be detrimental to the character of the Village by producing degeneration of the value of real property with attendant deterioration of conditions affecting the functioning, economic stability, property, health, safety and morals of the inhabitants of the Village and destroy a proper relationship between the taxable value of real property and the rest of the municipal services provided therefor.]
- C. It is the purpose of this article to prevent these and other harmful effects and thus promote the health, safety, morals and general welfare of the community and preserve the unique character of the Village and its natural beauty and environs.

**§ 190-49 Creation; membership; meetings; general powers and duties.  
[Amended 10-18-2004 by L.L. No. 3-2004; 6-12-2007 by L.L. No. 3-2007]**

- A. There is hereby created a Site and Architectural Review Board consisting of seven members to be appointed by the Mayor for a term of one year and approved by resolution of the Board of Trustees; and two alternate members appointed by the Mayor for individual terms of one year and approved by resolution of the Board of Trustees. [one of whom shall be designated as the first alternate member, and the other of whom shall be designated as the second alternate member]. All members and alternate members shall be property owners who are deemed qualified by, experience or civic interest to further the purpose of this article.
- B. A member of the Site and Architectural Review Board may be a member of the Planning Board. The [first] alternate member or members may serve in the absence of a [any] member or members from a meeting of the Site and Architectural Review Board. [the second alternate member may serve in the absence of two members, or in the absence of one member and the unavailability of the first alternate member].
- C. The Mayor shall appoint a Chairperson and Vice Chairperson of the Site and Architectural Review Board for terms of one year, respectively.
- D. The Board of Trustees may officially designate and retain one or more registered architects to advise and take part in all deliberations of the Site and Architectural Review Board. The Board of Trustees may fix and provide for all necessary costs or expenses involved in reviewing each application, including compensation for architects and other professional and advisory services. An architect so retained shall be without vote in regard to any application unless he/she is a member of the Board.
- E. All the powers granted hereunder and all the functions and duties to be performed pursuant to the provisions of this article shall be vested in and carried out by the Planning Board until

such time as the Site and Architectural Review Board has been fully appointed and constituted.

- F. Meetings of the Site and Architectural Review Board shall be held regularly at the call of the Chairperson or at such other times as the Board shall determine. The meetings of the Board shall be open to the public. The number of members of the Board, including alternate members, which shall constitute a quorum for the transaction of business [is increased from three members to] is four members. The Board shall keep minutes of its proceedings and the vote of each member.
- G. An application pending before the Site and Architectural Review Board shall be deemed abandoned and withdrawn by the applicant, and shall be discontinued by the Board, after a lapse of 12 months without reasonable steps having been taken by the applicant to advance the application. The Board may, within 90 days thereafter, entertain a request for reinstatement of the abandoned application based on good cause shown. Upon the discontinuance of an abandoned application, the applicant shall be entitled to receive a refund of any unexpended sums held on deposit by the Village in connection with the application, and shall be responsible for reimbursement to the Village of any reimbursable costs attributable to the application which the deposit was insufficient to satisfy.
- H. [After a public hearing, the Board of Trustees, upon the recommendation of the Site and Architectural Review Board, shall have the power to adopt, amend and repeal rules and regulations, not inconsistent with the provisions of this article, for the governing of procedures and the transaction of its business]. All decisions of the Site and Architectural Review Board shall be filed in the office of the Village Clerk and shall be a public record.
- I. Each member of the Site and Architectural Review Board shall attend, at a minimum, a majority of the Board Meetings occurring during each year of the respective member's appointed term. [and, at a minimum, one of every four consecutive meetings occurring during the respective member's appointed term].
- J. Each member of the Site and Architectural Review Board shall complete, [at a minimum, four hours of] training each year to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision]. Such training shall be approved by the Board of Trustees. [To be eligible for reappointment to the Site and Architectural Review Board, a member shall have completed the minimum training requirements].The training required by this subdivision may be waived or modified by resolution of the Board of Trustees when, in the judgment of the Board of Trustees, it is in the best interest of the Village to do so. No decision of the Site and Architectural Review Board shall be voided or declared invalid because of a failure to comply with this subsection.

- K. The Mayor shall have the power to remove, after public hearing, any member of the Site and Architectural Review Board for cause, or without cause subject to Board of Trustees approval. Any Site and Architectural Review Board member may be removed for noncompliance with the minimum requirements relating to meeting attendance or training established by this subsection.
- L. A secretary to the Site and Architectural Review Board shall be appointed [upon recommendation] by the Mayor and approved by the Board. The secretary shall review applications, communicate with applicants, create reports, schedule matters before the Site Plan and Architectural Review Board, and file and disseminate decisions of the Site Plan and Architectural Review Board.

§ 190-50 **Review of building permit applications.**

- A. An applicant for a building permit shall file with the Building Inspector an application on the prescribed forms with the appropriate fee and submit the required accompanying plans and supporting documents for the proposed construction and accompanying drainage, grading, and landscaping in accordance with the adopted rules and regulations of the Village and the provisions of this article. When required, such application shall have attached the appropriate approval of any environmental board or agency in the Village having jurisdiction. **[Amended 9-8-2003 by L.L. No. 5-2003]**
- B. After determining that the application and supporting plans are complete and in proper form and the required fee paid, the Building Inspector, within seven days of such determination, shall refer the application to the Site and Architectural Review Board for its consideration, except applications for patios, fences, pools, hot tubs, fire pits, barbeques, kiosks, gazebos and patios may be processed by the building inspector provided the proposed construction is in conformity with this Code. The Site and Architectural Review Board shall meet and review the same within 20 business days from the referral by the Building Inspector of a completed application. The Site and Architectural Review Board shall render a decision within 40 business days from this referral either approving, disapproving or approving with modifications.
- C. No building permit requiring Site Plan and Architectural Review Board approval shall be issued unless an application shall first have been approved by a majority vote of the members of the Site Plan and Architectural Review Board. [present].
- D. If [ an application is approved or approved with modification or] 60 business days have passed since a completed application has been duly referred to the Site Plan and Architectural Review Board and a meeting of the Site Plan and Architectural Review Board has not been scheduled, [it has not disapproved the application] the Building Inspector, or his official representative, shall issue the building permit, provided that the application conforms to the provisions of this article and all applicable local laws and ordinances.

- E. The Building Inspector or his official representative shall not issue any building permit for which an application has been approved with modification by the Site and Architectural Review Board unless the plans for such building have been changed to embody all modifications in design, appearance or location that such Site Plan and Architectural Review Board may have suggested so as to render the proposed building or its location in compliance with the provisions of this article.
- F. Final approved maps or plans, materials and specifications may not be substantially altered in any way without the express prior approval of the Board. Any requested substantial alterations [changes] of the approved plans, [or] maps or materials must be submitted for review at least seven days prior to the next regularly scheduled meeting of the Site Plan and Architectural Review Board, and no construction work involving such substantial alterations [changes] shall be commenced or continued until approval of the Board is granted.
- G. The Building Inspector is [shall] authorized [in cases of violation of this procedure] to order all work to be halted and, if necessary, to revoke any [the] building permit for any violation of this Chapter. [until such time that amended plans or maps are approved by the Board]. This [section] may also be enforced by the Board of Trustees by means of injunction.

§ 190-51 **Standards to be considered.**

- A. In considering an application, the Site and Architectural Review Board shall be charged with maintaining the character of the Village in furtherance of assisting the Board with protecting the health, safety and welfare of the inhabitants and conserving the values of property and encouraging the most appropriate use of land. The Site Plan and Architectural Review Board may [shall] be guided in its determination by the rural nature of the community, its open space and natural environs, the topographical features of the Village and its unique suburban characteristics. The Site Plan and Architectural Review Board may [shall] take into account natural features of the site and surroundings, exterior design and appearances of existing structures, the character of the neighborhood and its peculiar suitability for a particular design or siting.
- B. The Board may approve or approve with modifications any application referred to it upon a finding that the construction, in accordance with the approved plan, would be in harmony with the purpose of this article. [and should not create, provoke, foster or perpetuate the effects of 190-18B by reason of the noted factors in subsection D].
- C. In approving any application, the Board may impose appropriate conditions and safeguards designed to promote the purpose of this article. [prevent the harmful effects set forth in 190-48B hereof].
- D. [The Board may disapprove any application, provided that the Board finds that the

construction requested would create, provoke, foster or perpetuate one or more of the harmful effects set forth in 190-48B hereof by reason of;

- (1) Apparent similarity to any other structure or building located in totality of the proposed subdivision or proposed to be located within 1,000 feet of the construction, or one or more of the following features of exterior design and appearance.
  - (a) Substantially identical façade, disregarding color;
  - (b) Substantially identical size and arrangement of either doors, windows, porticos, porches or garages or other openings or breaks or extensions of the façade, including reverse arrangements; or
  - (c) 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.
- (2) 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 1,000 feet of the site of 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) Façade, disregarding color;
  - (b) Size and arrangement of doors, windows, porticos, porches and garages or other openings, breaks or extensions in the façade; or
  - (c) Other significant design features, such as, but not limited to, mass, heights, proportions, widths, length of elements of design, exterior materials, colors and treatments, roof structures, exposed mechanical equipment, service and storage areas, retaining walls, landscaping, signs, lighting and light posts, parking areas, fences, service areas.
- (3) Visual effectiveness or other poor qualities of exterior design, including but not limited to excessive divergence of the height or levels of any part of the structure of the building from grade of terrain, harmony or discord of color, incompatibility of the proposed construction with the terrain on which it is to be located and the failure of the exterior design to complement and enhance the natural beauty of its site in regard to landscape, topography, vista, surrounding structure and the scenic character of roadways when visible from said roadways].



**§ 190-52 Appeals.**

Any applicant aggrieved by the action of the Site and Architectural Review Board in disapproving an application, and of the denial of a building permit because of such disapproval, may request, within 30 days of the filing of the Site Plan and Architectural Board's decision, that formal written findings of fact be filed. In the event of such a request, the Board shall make such findings of fact within 20 [15] business days after the request is filed in the Village Clerk's office. The applicant shall have 15 days' opportunity to respond to the findings by a submission of additional evidence or amendments to the application. The Site and Architectural Review Board shall reconsider the application on the basis of such answer. If the application is disapproved after reconsideration, the applicant may appeal to the Zoning Board of Appeals of the Village of Muttontown, in accordance with its rules, within 30 days after the filing in the office of the Village Clerk of the decision of the Board after reconsideration.

**§ 190-53 Consultation with other boards.**

**[Amended 10-10-2006 by L.L. No. 2-2006]**

The Site and Architectural Review Board may consult with [and advise] the Zoning Board of Appeals with respect to any request for a variance on which the Zoning Board of Appeals is required to hear. The Site and Architectural Review Board may consult with and advise the Board [of Trustees] with respect to any request for a special use permit on which the Board [of Trustees] is required to hear. Upon request, the Site and Architectural Review Board may also consult [and advise] upon any other land use or development plan filed with the Board [of Trustees], Planning Board, Zoning Board of Appeals. [or Building Inspector. The Site Plan and Architectural Review Board may recommend approval, conditional approval subject to specified modifications or disapproval, which determination shall be advisory only].

1/21/20  
2:25pm

**Village of Muttontown  
Warrants  
September 21, 2020**

Resolution 20-104	September 2020	PO #	# of Lines
<b>ACCUDATA PAYROLL #130 &amp; #131</b>	<b>\$167,187.56</b>	GL	-
Atlantic Blueprint	\$85.00	21-00120	2
Campos Tree Service	\$84,042.50	21-00108	2
Daniel Finley Allen & Co.	\$50.00	21-00114	1
Eric Irizarry	\$69.88	21-00109	1
Ellen Fielding	\$208.99	21-00151	2
Evette Aguirre	\$1,800.00	21-00149	1
FERRARI'S AUTO REPAIR	\$392.96	21-00113	5
Flexible Systems	\$1,865.55	21-00124	3
Galls LLC	\$911.66	21-00126	5
Global Commercial Cleaning	\$1,267.00	21-00127	2
Goodyear	\$123.00	21-00116	1
H2M Architects & Engineers	\$5,735.00	21-00106	1
Harris Beach, PLLC	\$7,500.00	21-00143	2
Home Depot	\$92.74	21-00111	1
HSBC Commercial Credit Card 8780	\$486.51	21-00112	3
HSBC Commercial Credit Card 1900	\$634.00	21-00155	1
ITS	\$150.00	21-00102	1
LI Village Clerks Treasurers Assoc	\$75.00	21-00103	1
Lohrius	\$2,598.56	21-00139	2
Michael Gerard Norman CPA PC	\$10,225.00	21-00128	1
Minuteman Press	\$147.50	21-00105	2
National Business Furniture LLC	\$1,337.90	21-00060	1
Newsday	\$3,284.00	21-00142	6
NYS & LOCAL RETIREMENT SYSTEM	\$2,351.00	21-00141	2
NYS DEFERRED COMPENSATION PLAN #130 & #131	\$4,920.00	21-00147	4
NYS EMPLOYEE'S HEALTH INS. PENDING ACCT.	\$21,271.45	21-00131	4
NYS Unemployment Insurance	\$1,008.00	21-00110	1
NYS Assoc of City and Village Clerks	\$50.00	21-00137	1
Office of State Comptroller	\$2,160.00	21-00104	1
Optimum 4016	\$30.00	21-00146	1
Optimum 2019	\$788.38	21-00119	1
Paul Hirsch	\$259.57	21-00150	2
Pitney Bowes	\$500.00	21-00134	1
Profile Protective Systems Inc	\$159.00	21-00135	1
PSEGLI 01-2	\$364.03	21-00144	1
PSEGLI 59-9	\$3,184.03	21-00148	1
PSEGLI 02-0	\$15.53	21-00145	1
Ready Refresh	\$108.79	21-00140	1
Staples	\$1,405.92	21-00154	2
Tabriztchi & Co CPA PC	\$10,800.00	21-00129	1
The Little Reporting Company	\$538.50	21-00138	1
TGI	\$171.72	21-00118	1
UNUM	\$944.65	21-00153	4
Verizon New York Inc	\$77.87	21-00136	1
VERIZON-PD 0141	\$267.49	21-00121	1
VERIZON-VC 0162	\$48.22	21-00122	1
VERIZON WIRELESS-VILLAGE - Tony 6394	\$50.81	21-00123	1
Verizon Wireless - Modems 1351	\$355.43	21-00117	1
WB Mason	\$801.93	21-00152	13
Welsbach Electric	\$246.20	21-00125	1
William Penn Life Insurance	\$608.99	21-00107	2
WRIGHT EXPRESS FLEET SERVICES	\$2,111.47	21-00130	1
<b>TOTAL</b>	<b>\$345,869.29</b>		