

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 21st day of April, 2009 at 7:10 p.m. to consider a local law amending Chapter 46A entitled “Architectural Review”, of the Riverhead Town Code as follows:

**CHAPTER 46A
ARCHITECTURAL REVIEW**

Article I. Purpose

§46A-1. Declaration of policy, ~~and~~ purpose, and period for review.

A. The Town Board of the Town of Riverhead finds that new development can have a substantial impact on the character of the area in which it is located. While some harmful effects of one land use upon another can be prevented through zoning, subdivision controls and housing and building codes, other aspects of development are more subtle and less amenable to exacting rules of thumb, promulgated without regard to specific development proposals. Among these are the appearance of buildings and open spaces as they contribute to an area as it is being developed or redeveloped. Such matters require the timely exercise of judgment in the public interest by people qualified to evaluate the architectural design and appearance of a development and make recommendations to the board(s) vested with the authority to approve, approve with conditions, or deny the proposed development.

B. ~~It is, therefore,~~ The purpose and intent of architectural review shall include:

- (1) ~~To~~ promote those visual qualities in the environment which bring value to the community.
- (2) ~~To~~ foster the attractiveness of the community as a place to live and work.
- (3) ~~To~~ preserve the character and quality of our heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance.
- (4) ~~To~~ protect public and private investments in the area.
- (5) ~~To~~ educate and raise the level of community awareness and expectations for the quality of its environment.

C. The architectural review shall adhere to the following time parameters:

(1) commence review of all architectural aspects of site plan, project or development within 30 days of referral to the Architectural Review Board.

(2) advise applicant of all architectural aspects of site plan that must be supplemented, modified, or addressed within 60 days of referral to the Architectural Review Board.

(3) make recommendation to approve, approve with conditions, or deny within 90 days of referral to the Architectural Review Board. The review period shall be extended to 120 days if coordinated review with the Landmarks Preservation Committee set forth in 46A-6 D or a consultant retained pursuant to 46A-6 B. The applicant may make an application to extend the review period for an additional 60 days to change, modify, or address aspects of site plan, project or development which the Architectural Review Board identifies fail to meet declaration of purpose and/or review objectives.

§46A-2. Aspects of review.

The Architectural Review Board, in examining applications ~~for site plan~~ referred for architectural review and making recommendations to approve, deny, or recommend alternatives relative to a proposed site plan, project or development, is to consider the various aspects of design, with special emphasis on these objectives:

A. To prevent the unnecessary destruction or blighting of the natural landscape or of the achieved man-made environment.

B. To ascertain that architectural treatments have been designed so as to relate harmoniously to significant existing buildings that have a visual relationship to the proposed development.

C. To coordinate compliance with other municipal ordinances that affect visual impact, such as the sign regulations contained in the Zoning Code and dumpster enclosures pursuant to §98-8 of the Code of the Town of Riverhead.

D. To review ~~site plan~~ applications together with the Landmarks Preservation Committee for alterations or demolition of a designated structure or structures within an historic district ~~and make recommendations to the Town Board.~~

§46A-3. Limitations of review.

A. The Architectural Review Board shall not design or assist in the design of any buildings or projects submitted for approval except on request of the proponent or his architect. The Board shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant.

B. Individual initiative and experimentation are to be encouraged.

C. The proponent's failure to take reasonable or timely account of the items discussed at §§ 46A-1 and 46A-2 hereinabove shall justify the Board's ~~disapproving a proposal~~ recommendation to deny or disapprove a project.

D. In its endeavor to improve the quality of a design, the Board shall keep consideration of cost in mind; however, said consideration shall not override the other objectives of this chapter.

E. The Board is not to use architectural review intentionally or inadvertently to exclude housing for minority groups or housing for low- and moderate-income persons.

F. The Board is not to use architectural review intentionally or inadvertently to prohibit or unduly restrict building types, materials or methods or to vary the specific allowances or prohibitions of the Code of the Town of Riverhead, the New York State Fire Prevention and Building Code or other development controls.

Article III. Architectural Review Board

§46A-5. Establishment; membership; terms; vacancies; removal.

A. There is hereby created an Architectural Review Board, which shall act as an advisory body to the Town Board for the purpose of site plan review, ~~as delineated herein, and which shall approve~~ site permit applications submitted pursuant to §108-56 of the Code of the Town of Riverhead, and dumpster enclosures applications pursuant to §98-8 of the Code of the Town of Riverhead. ~~Sign permit and/or dumpster enclosure applications which are disapproved may be appealed to the Town Board.~~ Said Architectural Review Board shall consist of five members who shall be appointed by the Town Board on the recommendation of the Planning Director. Insofar as practicable, all members of the Board shall be competent in matters of design and interested in the design review and development of the Town of Riverhead. Three members shall be architects, designers or landscape architects. One shall be a licensed architect.

§46A-6. Powers and duties.

A. The Architectural Review Board shall have ~~the~~ review powers and duties granted by the articles of this chapter.

B. The Architectural Review Board shall have the ~~power~~ authority to retain consultants, including but not limited to technical experts, engineers, architects and historians to render assistance and advice in connection with any project to fulfill the duties of the Architectural Review Board. Any contract to retain such consultants which involves the expenditure of Town funds shall be subject to the prior approval of the Town Board.

Article V. Operations of Architectural Review Board

§46A-11. Time limitations for sign permits.

The actions and recommendation of the Architectural Review Board with regard to sign permit applications shall coincide with the procedures as delineated in §108-56 of the Code of the Town of Riverhead. The Architectural Review Board shall provide a written report and ~~decision~~ recommendation to the ~~Town Board~~ Building Inspector and the applicant, stating in writing its findings and conclusions, within 30 days of its receipt of said application.

- Underline represents addition(s)
- Strikethrough represents deletion(s)

Dated: Riverhead, New York
March 17, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk