

The Incorporated Village of East Hampton, N.Y.
Department of Public Works

172 Accabonac Rd, East Hampton, NY 11937
(631) 324-0641 Fax (631) 324-0566
www.easthamptonvillage.org

Application for Excavation/Utility Work Permit

Date: _____

Permit # _____

Application is hereby made by the undersigned, a firm/corporation, whose name and address are:

To open an area and/or perform work in the Village ROW located at: _____

(State exact location in reference to streets, intersection, existing landmarks or street no. if possible)

For the following purpose: _____

Description of type of work to be done: _____

Date work is to start: _____ Date site will be restored: _____

(ASAP will not be accepted)

(ASAP will not be accepted)

Will there be any work performed in the paved roadway?

Yes No

Is the project considered a Type I action un SEQRA?

Yes No

If so, a public hearing may be required, please refer to Chapter 250-11
(see attached)

Village Official

DISPOSITION:

Approved _____

Denied _____

Conditions and Restrictions

- The Superintendent of Public Works shall be given a minimum of one week's notice by said applicant of the date when it intends to begin the work authorized by this permit.
- This permit shall not be assigned or transferred without the written consent of the Superintendent of Public Works.
- The Superintendent of Public Works reserves the right at any time to revoke or annul this permit should the said applicant fail to comply with the terms and conditions upon which it is granted.
- Sleeves shall be driven UNDER the roadway for all roadway crossings, unless permission to cross otherwise is given in writing by this office. The applicant shall substantiate the need for any pavement opening.
- Work under this permit is to commence within thirty days from the start date given and under no event shall the work exceed 2 months from the start date to the completion of restoration or a \$250 per day fine will be imposed until restoration is completed.
- The permittee shall furnish this office with a telephone number of availability (24hr basis) where a demand for emergency repairs shall be immediately honored; otherwise a fine of \$250 per day will be imposed.
- Before this permit may be issued, applicant must post with the Superintendent of Public Works either a surety bond or cash in form and amount satisfactory to said Superintendent to guarantee performance of said work in accordance with Chapter 250 of the Code of the Incorporated Village of East Hampton
- Applicant shall be responsible for restoration for two years after completion unless extended by the Superintendent of Public Works.
- All work locations shall be secured for public safety with barricades, fences, etc., as needed.
- Barricades, whether in sidewalk or roadway area, shall have prominently displayed, for police convenience, the address and telephone number of responsible person available twenty-four (24) hours to re-establish the same in case of emergency.
- A set of plans showing roadway, curb, shoulder, property line depicting the scope of work proposed must be submitted to the Superintendent of Public Works herewith.

A check in the sum of One Hundred Fifty Dollars (\$150.00) payable to the Village of East Hampton shall be charged per permit. Any job started prior to permit being issued will be subject to a \$250.00 fine and the \$150.00 permit fee.

The applicant agrees to comply with the terms and conditions outlined above and set forth in Chapter 250 of the Code of the Incorporated Village of East Hampton relating to excavation and construction work. Applicant further agrees to indemnify the Inc. Village of East Hampton against any and all damage occasioned said Village in any manner whatsoever by reason of the exercise of said permit.

By checking this box, I acknowledge that I have read and understand the Conditions and Restrictions as stated in this application.

Signature of Applicant

Print Name of Applicant

Phone # / Fax #

24 hr. Emergency Contact Name & Number

INCOMPLETE APPLICATIONS WILL BE DENIED AND RETURNED TO APPLICANT

Chapter 250. STREETS AND SIDEWALKS

[HISTORY: Adopted by the Board of Trustees of the Village of East Hampton 3-31-1950 by Ord. No. VIII of the General Village Ordinances (Ch. 48 of the 1971 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 211.

Peddling and soliciting — See Ch. 214.

Garbage and rubbish — See Ch. 246, Art. I.

Vehicles and traffic — See Ch. 267.

§ 250-1. Permit required for excavation and construction. [Added 7-31-1974⁽¹⁾]

No person, firm or corporation, including public service and utility companies and municipal districts, shall make any excavation in any Village street, highway or sidewalk or construct any sidewalk or curb or make any curb cut along any such street or highway in the Incorporated Village of East Hampton for any purpose without first obtaining a permit therefor from the Superintendent of Highways of the Incorporated Village of East Hampton.

[1]: *Editor's Note: This ordinance repealed original § 48-1, Permit required for changing grade of street, gutter or sidewalk, amended 10-16-1970.*

§ 250-2. Application for permit; bond. [Added 7-31-1974⁽¹⁾]

- A. An application, in writing, along with a fee of \$150, shall be filed with the Superintendent of Public Works on forms which he may provide or in such other manner as he shall prescribe, which application shall state, among other things, the nature, location, extent and purpose of the proposed excavation or construction and the estimated days or parts thereof to complete the proposed excavation or construction. Any excavation started prior to a permit being issued will be subject to a fine of \$250 and the one-hundred-fifty-dollar permit fee. **[Amended 10-2-1991 by L.L. No. 13-1991; 9-18-1998 by L.L. No. 17-1998; 5-20-2005 by L.L. No. 11-2005; 12-19-2008 by L.L. No. 14-2008]**
- B. An application to excavate shall contain or shall be accompanied by an agreement on the part of the applicant, in form acceptable to the Superintendent of Highways of the Incorporated Village of East Hampton, to replace the street, highway or sidewalk, pavement, curb or gutter in proper condition, and such application shall be accompanied by a surety bond in such form and of such surety company as may be approved by the Superintendent of Highways and in an amount determined by said Superintendent of Highways as a guarantee to the Incorporated Village of East Hampton of the performance of the aforementioned agreement by the applicant. In lieu of such surety bond, the applicant may deposit with the Superintendent of Highways a sum of money which shall be deemed by said Superintendent to be adequate to pay all of the expenses to which the Village may be put to replace the street, highway or sidewalk, pavement, curb or gutter, in proper condition, but in no case less than \$25. Upon completion of the work to the satisfaction of the Superintendent of Highways and in accordance with the applicant's agreement, the aforementioned bond or money deposited thereof shall be returned to the applicant. In the event of failure of the applicant or the bonding company to replace or repair such street, highway or sidewalk, pavement, curb or gutter within the time provided in the application, the same shall be replaced or caused to be replaced by the Highway Department of the Incorporated Village of East Hampton, and the cost thereof paid out of the sum so deposited or charged against the bond, as the case may be.
- C. Public service and utility companies and municipal districts may, at their option, file with the Village Clerk a surety bond in form acceptable to the Superintendent of Highways of the Incorporated Village of East Hampton in the amount of \$20,000 to cover all applications for excavations made within the term of the bond. **[Amended 2-20-1981 by L.L. No. 1-1981; 12-19-2008 by L.L. No. 14-2008]**
- D. The applicant shall provide to the Superintendent of Highways of the Incorporated Village of East Hampton, in addendum to any curb cut application, a stamped and sealed survey identifying the location and extent of the proposed driveway, demonstrating adequate line of sight along said driveway, as well as identifying the location of any power lines, trees, and signs within the Village right-of-way abutting the subject property. **[Added 4-17-2009 by L.L. No. 5-2009]**
- E. The Superintendent of Highways of the Incorporated Village of East Hampton may, at his discretion, require the applicant to schedule a preconstruction meeting with the Department of Public Works to coordinate or resolve any notification, design,

construction, demolition, excavation, traffic control, and/or other technical or logistical issues relating to proposed work in the public right-of-way. The applicant shall coordinate as necessary with the Department of Public Works of the Incorporated Village of East Hampton and the Police Department of the Incorporated Village of East Hampton regarding traffic control. **[Added 4-17-2009 by L.L. No. 5-2009]**

[1]: *Editor's Note: This ordinance repealed original § 48-2, Excavations, in highways requiring removal of concrete.*

§ 250-3. Notice to public utilities. **[Added 7-31-1974⁽¹⁾]**

Any person making any highway excavation, pursuant to a permit granted hereunder, must give notice to all public service and utility companies or municipal districts having lines, mains or other property in the highway right-of-way and file a copy of said notification with the Superintendent of Highways before any work shall commence.

[1]: *Editor's Note: This ordinance repealed original § 48-3, Excavations in sidewalks requiring removal of concrete.*

§ 250-4. Guarding of excavations. **[Added 7-31-1974⁽¹⁾]**

Any person making an excavation or doing any construction work within the terms of this chapter shall erect and maintain suitable barriers or guards around the excavation or construction site for the protection of persons using the streets or sidewalks, shall set and maintain during the hours of darkness sufficient lights or flares to properly illumine the area and shall take all other necessary precautions for the protection of the Village and the property of others. Barriers or guards shall have displayed, for police convenience, the address and telephone number of a responsible person available 24 hours to reestablish the same in case of emergency.

[1]: *Editor's Note: This ordinance repealed original § 48-4, Excavations in highways which are not concreted.*

§ 250-5. Provision of rights-of-way. **[Added 7-31-1974⁽¹⁾]**

Any person doing any construction covered by this chapter shall provide a right-of-way for pedestrians and vehicular traffic so as not to unduly impede the flow of such traffic.

[1]: *Editor's Note: This ordinance repealed original § 48-5, Permit and bond required for excavations, amended 10-16-1960.*

§ 250-6. Insurance requirements for excavations. **[Added 10-16-1970]**

Each applicant, upon the receipt of a permit for a street excavation, shall provide the Village with an acceptable certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work. Such insurance shall cover any and all possible hazards of whatsoever kind or nature, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the Building Inspector in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than \$250,000 for each person and \$500,000 for each accident, and for property damages, an amount not less than \$50,000 with an aggregate of \$100,000 for all accidents. Public utilities and authorities may be permitted to file a certificate of insurance annually.

§ 250-7. General excavation and construction provisions. **[Added 7-31-1974⁽¹⁾]**

- A. Openings in concrete pavement or asphalt on concrete shall be ten feet by ten feet or to the nearest joint if within five feet. Mix shall be of "High Early." Asphalt not on concrete base shall be a minimum of four feet by four feet or at least 18 inches on either side of undisturbed subgrade. Concrete shall be saw cut and asphalt shall be cut with a cutter wheel or with such other equipment as approved by the Superintendent of Highways.
- B. A minimum depth of two inches of stone mix shall be placed as a temporary surface in any pavement crossing, which in turn shall be placed upon a well-stabilized base, and shall be maintained to the same grade as adjacent pavement.
- C. Sleeves shall be driven for all highway crossings and no tunneling will be allowed. The need for pavement openings shall be substantiated by the permittee.
- D. All trench openings shall be fully compacted either by jetting or power tampers. Jetting shall consist of at least four feet on center of both sides of the trench and power tampering lifts shall not exceed 12 inches.

- E. Final courses.
 - 1. Final surfacing shall consist of a base course of five inches of stone screenings compacted with a five-ton roller or pneumatic type of compactor.
 - 2. Wearing courses shall consist of a total of four inches of Type 1A, Item 51 asphalt and edges of repair shall be painted with suitable material to seal and join existing pavement.
- F. No trees shall be cut or trimmed, either above or below ground, without the permission of the Superintendent of Highways of the Incorporated Village of East Hampton. The applicant or permittee shall pay for any trees damaged without permission of or as directed by the Superintendent of Highways.
- G. Drainage along rights-of-way shall not be obstructed.
- H. Topsoil, fertilizer and grass seed shall be applied to all shoulder areas disturbed by excavation or construction.
- I. All work shall be done to the satisfaction of the Superintendent of Highways of the Incorporated Village of East Hampton.
- J. Permits will not be issued during the months of December, January, February or March except to a public utility, service company or a municipal district where a case of emergency exists.

[1]: *Editor's Note: This ordinance repealed original § 48-7, Depositing building or other materials on streets or highways, amended 10-16-1970.*

§ 250-8. Removal of stone or earth from streets or highways. [Amended 10-16-1970]

It shall not be lawful for any person or corporation to dig, remove, carry away or cause the same to be done, any stone, earth or gravel from any public street, highway, sidewalk or public place in the Village of East Hampton without written permission from the Mayor or the Board of Trustees.

§ 250-9. Posting of signs, handbills or notices on public property or placed on poles, trees, posts or structures; writing on streets and sidewalks. [Amended 10-16-1970; 10-19-1990 by L.L. No. 9-1990; 7-30-1993 by L.L. No. 14-1993]

- A. Except when otherwise permitted, it shall not be lawful for any person to post or hang or cause to be posted, hung or exhibited in any manner any handbill, notice or placard or sign upon any post, telegraph, telephone or electric light pole, tree or fence, bridge or wall of a building or other object in any street or on any road or roadway right-of-way, any public place or public property whether in commercial or residential neighborhoods within the Village of East Hampton. Only the following signs shall be permitted on public property:
 - 1. Legal notices.
 - 2. House number of the residence in conformance with § 8-12E.
 - 3. Names of the residents. For each residence, one sign may be erected not exceeding four square feet listing the names of the residents occupying the residence.
 - 4. One sign per property announcing that the property on which the sign is posted is protected by a security system, provided that said sign does not exceed one square foot in size.
- B. Except for public utilities and law enforcement officials, it shall not be lawful for any person to write or paint on or otherwise mark or deface any street, sidewalk or other public place in the Village of East Hampton and it shall not be lawful for any person to apply crayons, chalk, paint or similar substance to any street, sidewalk or other public place in the Village of East Hampton.

§ 250-10. Obstructing streets or highways. [Amended 1-17-1986 by L.L. No. 2-1986⁽¹⁾]

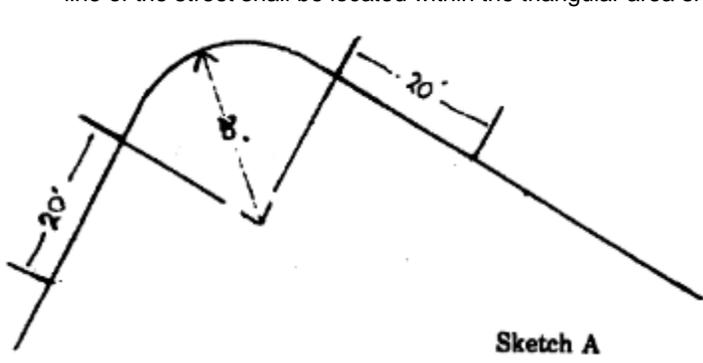
- A. It shall not be lawful for any person or corporation to encumber or obstruct any street, highway or sidewalk of the Village so as to hinder, impede or delay free travel along the same for a longer time than five minutes during any hour without written permission from the Mayor or the Board of Trustees, but nothing contained in this section shall prohibit persons from

placing goods, merchandise and household furniture on the sidewalks for the purpose of loading or unloading same, provided that it is done without unreasonable delay.

B. The Board of the Village of East Hampton hereby finds that road obstructions, such as shrubbery, hedges, trees, vegetation, rock walls and fences, create highway hazards by interfering with vision and proper sight distance on streets and highways, at corners and intersections of streets and highways. It is the aim of the Village Board to reduce such road hazards caused by the above and similar objects which are responsible for causing property damage, personal injury and fatalities due to vehicular accidents.

C. Visual obstructions on streets and highways prohibited.

1. No shrubbery, hedge or other natural growth or fence (except a transparent fence, such as chicken wire, in which the solid area is not more than 5% of the total area of the fence) or wall over three feet higher than the apex at the center line of the street shall be located within the triangular area shown shaded in Sketch A, at the intersection of two roads.



2. No limbs or foliage on any tree shall obstruct vision or be permitted to grow nearer to the ground than eight feet, where such limbs or foliage overhang the street or highway or are over or upon land within the triangular area as shown in Sketch A.
 3. No shrubbery, hedges, trees, vegetation, rock walls and fences shall be located on private property or shall be permitted to grow on private property so as to hinder, impede or delay free travel along any street, highway or sidewalk so as to interfere with the proper vision or use thereof.
- D. Enforcement. This chapter shall be administered and enforced by the Department of Public Works of the Village of East Hampton with the assistance of the Police Department and Code Enforcement Officers of the Village of East Hampton, as set forth below: **[Amended 6-3-2010 by L.L. No. 5-2010]**

1. Upon the determination of the Department of Public Works that a violation exists, pursuant to the provisions of **§ 250-10B** or **250-10C** hereof, it shall send a written notice specifying the violations and requiring compliance within 10 days thereafter. Such notice shall be served upon a person of suitable discretion in charge of the subject premises and by mailing a copy thereof, addressed to the owner of record of such land, if he is other than the person served at the address shown on the last preceding assessment roll. If said land is vacant and there is no one available to be served on said property, then a certified mailing of such violation notice to the owner of record shall be sufficient.
2. In the event that the notice specified in Subsection **A** of this section is not complied with after a period of 10 days from date of service, then the Police Department or a Code Enforcement Officer may issue and serve an appearance ticket to the owner of record of such land and/or the person or company responsible for maintaining the obstruction.
3. In addition to any other penalty provided under the law for noncompliance, the Village Board may, in its discretion, authorize the Department of Public Works to remove the visual obstruction.
4. The expenses incurred by the Department of Public Works, pursuant to Subsection **D(3)** of this section, shall be paid by the owner or occupant of the premises or by the person who caused or maintained such obstruction. The Department of Public Works shall file among his records an affidavit stating, with fairness and accuracy, the items of expense incurred in removing said obstruction. The Village Board may institute a suit to recover such expenses against any person liable for such expenses or may cause such expenses to be charged against the property as a lien.

[1]: Editor's Note: original § 48-10, Obstructing streets or highways, amended 10-16-1970, was repealed 1-17-1986 by L.L. No. 1, 1986.

§ 250-11. Permit required for erection of poles or wires. [Amended 5-14-1954]

- A. No person or corporation shall erect or cause to be erected in or upon any street, lane, alley or public place or private lot, any pole, post or bracket or any similar structure for the purpose of stringing or placing thereon telephone, telegraph or electric light wires or string any such wires in, over or upon any streets or public places or private lots within said Village without the approval of the Board of Trustees.
- B. The Board of Trustees may, in granting permission for the erection of poles, posts or brackets or any similar structures, specify the type of construction and location thereof which shall be deemed appropriate to the building district (zone) within which the erection is proposed and best suited to secure public safety and welfare.
- C. Any person or corporation, including a public utility, that is granted permission to replace an existing pole with a new pole shall remove its cables, terminals, conductors and other fixtures necessary for transmitting electric, telephone, cable television or other telecommunications service from the old pole within 15 days of erecting the new pole and shall remove the old pole itself within no more than 30 days of erecting the new pole. **[Added 11-21-2014 by L.L. No. 20-2014^[1]**
- D. Any person or corporation violating any of the provisions of this section shall be liable for the cost of removing the cause of said violation, provided that the same is not removed within five days after said person or corporation has had notice of such violation. **[Amended 10-16-1970]**

[1]: *Editor's Note: This local law also provided for the redesignation of former Subsection C as Subsection D.*

§ 250-12. Animals or fowl at large to be impounded and sold. [Amended 10-16-1970]

No person shall cause, authorize or permit any horses, cattle, sheep, swine, goats or fowl, ducks or geese to run at large upon the streets or public grounds, and in case any police officer of this Village shall find any such animal or animals running at large, said police officer is hereby authorized to impound the same animal or animals and sell them at public auction to the highest bidder after reasonable notice, and, out of the proceeds, to pay the cost of keeping and sale and the penalty enforced by this chapter, and the remainder, if any, to be returned to the owner of such animal or animals.

§ 250-13. Signs or other projections over streets or sidewalks.

- A. No person shall erect any signs, shed, roof or projection (except awnings; see Chapter 278-4G and Chapter **278** definitions) from or opposite any building in or over or upon any of the streets or sidewalks of the Village without written permission from the Trustees. **[Amended 10-16-1970; 12-15-1995 by L.L. No. 34-1995]**
- B. Any such sign, shed, roof or projection now erected or existing or which shall hereafter be erected shall be removed by the owner or occupant of the adjoining property within 10 days after notice from the Trustees to remove the same or, in default thereof, said Trustees shall cause the same to be removed at the expense of the owner or occupant of the premises.

§ 250-14. Barbwire fences.

No person shall use or maintain fences of barbwire or similar construction along the boundary of any streets or grounds of or within the Village unless by special permit of the Mayor or the Board of Trustees.

§ 250-15. Permit and bond or deposit required for moving buildings over streets. [Amended 10-16-1970; 1-21-1994 by L.L. No. 3-1994; 3-21-1997 by L.L. No. 6-1997]

- A. No person or corporation shall move any building or structure or object of similar bulk or weight which requires similar operation for moving upon, into, in or across any public street or public place in the Village of East Hampton unless a permit has previously been granted by the Mayor or Board of Trustees and said person or corporation has paid to the Village Treasurer or his deputy the sum of \$100 for a license, received a license to do said moving and filed with the Village Clerk \$2,500 cash or bond with sufficient surety, approved by the Mayor or Board of Trustees, in the sum of \$2,500, conditioned

for the payment of all costs, expenses and damages sustained by the Village or any person or persons by reason of the moving of the object or structure for which the license is sought and granted.

- B. The license herein provided for shall be issued by the Clerk upon presentation of a written application thereof, the bond herein required endorsed and a liability insurance certificate in the amount of \$1,000,000 naming the Village as an additional insured.

§ 250-16. Tying animals to trees along streets; tethering animals.

No person shall tie or hitch any horse, team of horses or animal or animals to any tree along any street or sidewalk of said Village or allow any cows or other animals on his premises to be so tied or chained that they will not be within the confines of the owner's property and not within the limits of any highway adjoining or adjacent to said property.

§ 250-17. Injuring or removing shade trees along streets or highways.

No person shall in anywise mutilate, cut down, remove, injure or destroy shade trees planted along public highways, streets or sidewalks without a permit from the Mayor or Board of Trustees, and this shall apply to all hedgerows and ditches lying within the boundaries of said public highway in said Village.

§ 250-18. Distributing handbills or advertisements on streets, in yards or on porches.

No person, firm or corporation shall distribute, deposit or place or cause to be distributed, deposited or placed any handbills, circulars or other advertising matter in any street, in any yard or upon any porch or any vehicle in the Village of East Hampton.

§ 250-19. Construction of curbs and gutters.

All curbing and gutters hereinafter constructed in the Village of East Hampton shall be of monolithic construction and shall conform to the following dimensions:

- A. The floor of the gutter shall be 30 inches wide from the face of the curb and shall be six inches deep.
- B. The curb shall be six inches high and not less than six inches thick.

§ 250-20. Penalties for offenses. [Amended 10-16-1970]

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

§ 250-21. Irrigation and sprinkler systems. [Added 6-19-1992 by L.L. No. 13-1992]

All irrigation and sprinkler systems shall be installed on the property they service, shall not drain onto any public street, roadway or any neighboring property and shall be provided with such facilities to ensure that they do not drain onto any public street, highway or neighboring properties.

§ 250-22. Parking along grassed shoulders or rights-of-way. [Added 2-17-2006 by L.L. No. 2-2006]

All vehicles and trailers and equipment shall be parked, whenever possible, on the property of the private premises that are being visited. No vehicle, equipment or trailer shall be parked upon or driven across any Village-owned grassed shoulder or right-of-way in a manner that causes damage to such ground, grass, or sidewalk. The operator of a vehicle, trailer, or equipment shall place temporary protective measures on the ground in order to avoid damage to a grassed road shoulder when parking on the shoulder cannot be avoided. No person or entity may park any vehicle, trailer or equipment upon the paved portion of any Village roadway in any manner which restricts, encumbers or obstructs such roadway.

§ 250-23. Residential driveways. [Added 4-17-2009 by L.L. No. 5-2009]

A. Definitions. For the purpose of this section, certain words and terms shall have the following meanings:

CORNER ANGLE

The angle formed by the projected intersection of the driveway center line and the roadway center line.

DRIVEWAY OPENING

The width of the driveway along the roadway edge of pavement, including any tapers or radii.

DRIVEWAY WIDTH

The width of the driveway, not including any tapers or radii.

INTERSECTION

A place or area where two public roads meet, whose limits are defined by its stop line.

B. Requirements. The following requirements shall apply to any driveways accessing the Village right-of-way:

1. No person shall construct a driveway within the Village right-of-way and/or alter Village improvements for such a purpose (including any sidewalk or curb) without the approval of the Superintendent of Highways of the Incorporated Village of East Hampton, as specified in § **250-2**.
2. No driveway serving one lot shall have a driveway width greater than 14 feet within the Village right-of-way.
3. All driveway openings shall use a radius-type transition.
4. All driveway corner angles shall be between 60° and 120° (arc degree).
5. No driveway shall be located within 25 feet of any road intersection, except where no alternative location is available along the frontage of the subject property, in which case the driveway location shall be located in such a way as to minimize any risk to public safety, subject to evaluation by the Department of Public Works.
6. No residential property shall be allowed more than two curb cuts along any one side of frontage or a total of more than three curb cuts.
7. No residential property shall be allowed more than one curb cut along any one side of frontage upon which there is situated a building or structure which does not conform to minimum front yard setback requirements, as specified in § **278-3**.
8. No residential property shall be allowed more than one curb cut along any one side of frontage whose length is less than 160 feet.
9. All driveways within the Village right-of-way shall be constructed with a minimum of six inches of stabilized soil subbase and four inches of compacted aggregate.
10. Upon completion of demolition, excavation, and construction in the Village right-of-way, the applicant shall restore to the satisfaction of the Department of Public Works any road asphalt, curbs, sidewalks, vegetation, signage, and/or other public property damaged during the course of work. For this purpose, the Superintendent of Highways for the Incorporated Village of East Hampton may, at his discretion, prepare standard specifications detailing these and any additional technical requirements to the applicant.
11. No driveway shall extend beyond any side yard property line.
12. No driveway shall be constructed to facilitate the parking of vehicles within the Village right-of-way.
13. No driveway shall pitch any pavement area within the subject property towards the Village right-of-way, except where the applicant provides stormwater drainage structures for said pavement area in compliance with the requirements specified in § **121-9D**.
14. All driveways shall be located away from any trees in the Village right-of-way, in accordance with the minimum distances specified in Figure 250-23B(14), following.

Figure 250-23B(14)
Minimum Tree Setback

Tree Diameter Range	Minimum Setback Formula
d_{DBH}(diameter at breast height in inches)	D_s(inches)
$d_{DBH} \leq 4''$	$D_s = 60''$
$4'' < d_{DBH} < 12''$	$D_s = 15'' \times d_{DBH}$
$d_{DBH} \geq 12''$	$D_s = 9'' \times d_{DBH}$

15. The Superintendent of Highways shall have the discretion to waive any of the requirements set forth in this section, except the requirement for the prior approval of the Superintendent of Highways, in those cases where the Superintendent of Highways finds that unique physical conditions on a particular site or the safety of pedestrians or vehicles on the adjacent street or roadway warrant a waiver of one or more of the requirements set forth herein. In reviewing requests for waivers from the requirements set forth in this section, the Superintendent of Highways shall consider the following:

- (a) Whether the applicant has demonstrated that the waiver requested is the minimum necessary in terms of the number and extent of requirements waived;
- (b) Whether the applicant has demonstrated that the proposed driveway is in compliance with the requirements of Chapter **267**, Vehicles and Traffic;
- (c) Whether the applicant has demonstrated that the waiver requested will have a positive impact on public safety, traffic, vehicle circulation, egress, and/or the environment.

C. Appeals.

- 1. The Village of East Hampton Zoning Board of Appeals shall hear and decide appeals and requests for waivers from the requirements of this section.
- 2. In reviewing such applications, the Zoning Board of Appeals shall, as part of the standard criteria, consider the following:
 - (a) Whether there will be any adverse impact on public safety;
 - (b) Whether there will be any adverse impact on traffic;
 - (c) Whether there will be any adverse impact on the environment;
 - (d) Whether there will be any adverse impact on the ability of the Village to maintain and improve the public right-of-way;
 - (e) Whether there will be any adverse impact on future development in the area;
 - (f) Whether the grant will be in the best interest of the local community.
- 3. The applicant should make a reasonable effort to conform to the requirements of this section and to demonstrate that the appeal request is the minimum necessary in terms of the number and extent of requirements waived.
- 4. Upon consideration of the factors of Subsection **C** and the purposes of this section, the Zoning Board of Appeals may attach such conditions to the granting of waivers as it deems necessary to further the purposes of this section.

D. Penalties for offenses.

- 1. For any violation of the provisions of this section, the owner or general agent of premises where such violation has been committed or shall exist, and any design professional, contractor, subcontractor, or any other person taking part in or assisting in any such violation, shall be liable to a fine or penalty of not more than \$250 for each and every week that a violation continues or 10 days in jail, or both, for each violation.

2. Any person, including but not limited to any owner, design professional, contractor, or subcontractor, who fails to comply with a written order of the Office of Code Enforcement or Department of Public Works within the time fixed for compliance therewith, or who knowingly violates any of the applicable provisions of this chapter or any order, notice, directive, permit, or certificate of the Office of Code Enforcement or Department of Public Works, shall be liable to a fine or penalty not more than \$250 or 10 days in jail, or both, for each violation.