

LOCAL LAW 15 – 2023

A Local Law to amend of the Code of the Village of Mamaroneck regarding land use application notice requirements.

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK
AS FOLLOWS:**

Section 1.

Section 6-6(A) of the Code of the Village of Mamaroneck is amended to read as follows:

- A. Every application for a permit for the construction or reconstruction, as defined in § 6-3 herein, of any building or structure within the Village of Mamaroneck shall be referred by the Building Inspector to the Board of Architectural Review within five days of the date of the application, provided that it conforms in all respects to all other applicable laws and ordinances. The applicant must comply with the notification requirements set forth in chapter 372 of this Code (Land Use Application Notice Requirements).

Section 2.

Section 192-6 of the Code of the Village of Mamaroneck is amended as follows:

§ 192-6. Notice of application.

The applicant must comply with the notification requirements set forth in chapter 372 of this Code (Land Use Application Notice Requirements).

Section 3.

Section 192-8 of the Code of the Village of Mamaroneck is amended as follows:

§ 192-8. Notice of hearing.

The applicant must comply with the notification requirements set forth in chapter 372 of this Code (Land Use Application Notice Requirements).

Section 4.

Section 240-21(D) of the Code of the Village of Mamaroneck is amended to read as follows:

D. Public hearing notification and review procedure for permit applications.

- (1) Upon receipt of a permit application that complies in material respect with all applicable submission requirements, the Building Department shall refer the application to the Harbor and Coastal Zone Management Commission for review and determination, and circulate the application to the Village's engineering consultant, Commission counsel and staff, other Commission consultants as determined to be necessary and appropriate, the Harbor Master, the Clerk-Treasurer and the Village Manager for their review and comment. The Harbor and Coastal Zone Management Commission shall calendar a public hearing for each

application in accordance with the Commission's Rules of Procedure.

- (2) The applicant must comply with the notification requirements set forth in chapter 372 of this Code (Land Use Application Notice Requirements).

Section 5.

Section 240-29(B) of the Code of the Village of Mamaroneck is amended as follows:

- B. For the actions of all other Village agencies, except as otherwise provided in § 240-29H, the agency, upon the calendaring of an application on its agenda, shall forward a copy of the CAF, the application or a description of a proposed direct action, and supporting documentation to the Harbor and Coastal Zone Management Commission for its review. The applicant must comply with the notification requirements set forth in chapter 372 of this Code (Land Use Application Notice Requirements).

Section 6.

Section 342-69 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-69 Submission of application; variance request.

All applications for required special permits shall be made to the Building Inspector, who will refer them to the Board of Appeals or the Planning Board, as may be required by this chapter. If the applicant requests a variance in conjunction with the special permit because of unnecessary hardship, the application must state the circumstances constituting the basis for such request. The applicant must comply with the notification requirements set forth in chapter 372 of this Code (Land Use Application Notice Requirements).

Section 7.

Section 342-77(E) of the Code of the Village of Mamaroneck is amended as follows:

E. Notice.

The applicant must comply with the notification requirements set forth in chapter 372 of this Code (Land Use Application Notice Requirements).

Section 8.

Section 342-94(B) of the Code of the Village of Mamaroneck is amended as follows:

B. Notice.

The Board is not permitted to act upon any application for a variance or a special permit without first holding a public hearing. The applicant must comply with the notification requirements set forth in chapter 372 of this Code (Land Use Application Notice Requirements).

Section 9.

The Code of the Village of Mamaroneck is amended by adding Chapter 372 (Land Use Application Notice Requirements), as follows:

Chapter 372 Land Use Application Notice Requirements

§ 372-1 Purpose and intent.

The Board of Trustees encourages public participation in the land use application review process in the Village of Mamaroneck. Public participation requires meaningful and regular notice of the approval process often through proceedings by multiple land use boards over an extended period of time. Modern technology makes it possible to provide that notice. The purpose of this article is to establish a uniform, integrated and effective procedure for providing notice to residents who may have an interest in land use applications and of the public meetings at which those applications will be discussed.

§ 372-2 Definitions.

For purposes of this Article XX, the following terms shall have the meanings set forth in this section:

LAND USE APPLICATION

A referral to the Board of Architectural Review under Chapter 6, Board of Architectural Review; an application for permission to conduct a regulated activity in a wetland under Chapter 192, Freshwater Wetlands; an application for a permit to construct or reconstruct a marine structure under Article VI of Chapter 240, Management of Coastal Zone, Harbor and Vessels; a determination of consistency to be made by the Harbor and Coastal Zone Management Commission under Article VIII of Chapter 240, Management of Coastal Zone, Harbor and Vessels; an application for site plan approval under Article XI of Chapter 342, Zoning; an application for a special permit application under Article X of Chapter 342; a variance under Article XIII of Chapter 342; and approval of a subdivision plat under Chapters 58 and A348.

LAND USE REVIEW BOARD

The Board of Architectural Review, the Harbor and Coastal Zone Management Commission, the Planning Board and the Zoning Board of Appeals.

§ 372-3 Notice of application required.

The applicant with respect to every land use application, must, at least 10 days prior to the first date at which the application will be discussed or considered at a meeting or hearing of any land use review board, post a sign satisfying the requirements of subsection A of this section at the property that is the subject of the application or applications and provide notice of the application satisfying the requirements of subsection B of his section by certified mail, to the record owner of every property within 200 feet of any boundary line of the site that is the subject of the application.

A. The sign must:

- (1) be erected not more than 10 feet from the front yard boundary of the property that abuts a public road and be conspicuous to the public;
- (2) if the front yard of the property does not abut a public road, be erected in a different location, approved by the Building Inspector, that can readily be seen by the public;
- (3) not be obscured by vegetation;
- (4) be positioned no less than 2.5 feet and no more than three feet above the ground;
- (5) be at least 30 inches by 20 inches in size;
- (6) consist of sturdy and serviceable material containing a white background with black letters;
- (7) read as follows, in legible lettering at least two inches high: "ON THIS SITE A (describe action set forth in the application) IS PROPOSED. THIS MATTER WILL FIRST BE DISCUSSED AT A MEETING OF THE (identify each land use review board to which an application is being made) ON (give date) AT (give time) AT (give location)"; and
- (8) remain posted until the land use application has, or the land use applications have, been approved, denied, withdrawn or become inactive, and be removed within 10 days after that date.

B. The mailed notice must:

- (1) state the name of the applicant;
- (2) identify the location of the property with respect to which approval has been requested;
- (3) identify each specific approval that will be requested and the land use review board or boards to which each application is being made;
- (4) state the nature of the construction or other land development activity that would be conducted if the approvals are granted;
- (5) state, to the extent known, the date, time and place of the first public meeting of each land use review board at which the application will be considered;
- (6) provide a website, if available, and a telephone number where additional information with respect to the application or applications can be obtained; and
- (7) include a statement that all documents and maps that constitute the application or applications are available for public inspection at the office of the Planning Department of the Village of Mamaroneck.

§ 372-4 Proof of notice.

At least five days prior to the first public meeting at which the application will be considered, the applicant must submit to the Building Department a sworn statement that the applicant has complied with section 372-3 by posting the required sign and making

the required mailing. The statement must be accompanied by proof of mailing from the United States Postal Service. If the applicant does not make this submission in a timely fashion, the application will be removed from the calendar until due proof of the notice required by this article is submitted.

§ 372-5 Effect of failure to give required notice.

Failure to comply with any of the provisions of this article may be a basis for denying an application.

Section 10.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 11.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 12.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.