

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village  
(Select one:)

of Mamaroneck

FILED  
STATE RECORDS

JUL 05 2016

DEPARTMENT OF STATE

Local Law No. 10 of the year 2016

A local law See Attached - Does not fit  
(Insert Title)

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village  
(Select one:)

of Mamaroneck

as follows:

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 9 of 2016 of the (County)(City)(Town)(Village) of Mamaroneck was duly passed by the Board of Trustees on March 14 2016, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*)  
on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local (Elective Chief Executive Officer\*)  
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

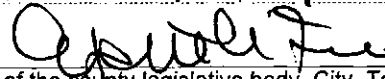
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3-15-16

(Seal)

SEAL OF THE COUNTY OF ALBANY

## Local Law 10 - of 2016

To amend the Chapter 6 of the Code of the Village of Mamaroneck to amend the references to "Director of Building, Code Enforcement and Land Use Administration" to be replaced with Building Inspector, and amend the notice period for continued hearings from two weeks prior to every meeting, to two weeks prior to the first meeting, and one week prior to all subsequent meetings when the application review is continued

### SECTION 1.

Village Code Chapter 6 entitled "Architectural Review, Board of", is amended to read as follows:

#### Chapter 6. Architectural Review, Board of

##### § 6-1. Findings.

The Board of Trustees of the Village of Mamaroneck finds that certain undesirable effects may arise from an extreme design of buildings or structures. Excessive uniformity of nearby structures and excessive incongruity of a building or structure in proximity with more typical buildings or structures may adversely affect the desirability of a neighborhood by reason of comfort, general welfare of the inhabitants and stability of assessed valuation, and, further, it may so depreciate the immediate vicinity that a disproportion exists between the taxes and the costs of municipal services.

##### § 6-2. Purpose.

The purpose of this chapter is to promote and protect the health, safety, comfort and general welfare of the community by preventing excessive uniformity and excessive incongruity of design of buildings or structures, to encourage the most appropriate use of the land, to promote the public prosperity and to conserve the value of buildings or structures and property.

##### § 6-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### CENTRAL BUSINESS DISTRICT

All commercial and retail uses on both sides of Mamaroneck Avenue from the New York State Thruway Bridge south to the Boston Post Road and from

Richbell Road to Barry Avenue on the Boston Post Road, and shall include all commercial and retail uses within the legal confines of the Village of Mamaroneck.

[Added 10-5-1982 by L.L. No. 11-1982, effective 10-12-1982]

## CONSTRUCTION AND RECONSTRUCTION

Any erection of, addition to or structural alteration in any structure or building where the estimated cost is more than \$10,000. Estimated cost shall be deemed or

computed pursuant to § 126-14 of Article I of Chapter 126, Building Construction, of this Code.

## STRUCTURE

Includes an assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

### § 6-4. Creation; membership; terms.

There is hereby created a Board of Architectural Review, which shall consist of five members who shall serve without compensation. All members of the Board shall be residents of the Village and shall be specially qualified, by reason of training or experience in architecture, land development, city planning, real estate, landscape architecture or other relevant business or profession or by reason of civic interest and sound judgment, to judge the effects of a proposed building or structure upon the desirability, property values and development of surrounding areas; and at least one member of the Board shall be a registered architect in the State of New York. The members of the Board shall be appointed and the Chairman thereof shall be designated by the Board of Trustees. The term of office of each member shall be three years, except that the initial appointments of two members shall be for terms of one year, of two members for two years and of one member for three years. The Board of Trustees shall have the power to remove any member for cause after public hearing. Vacancies shall be filled for the unexpired term of any member whose place has become vacant. The Board of Architectural Review shall appoint its Acting Chairman and Secretary.

### § 6-5. Meetings; procedures; rules and regulations.

Meetings of the Board of Architectural Review shall be held at the call of the Chairman and at such other times as the Board may determine, but shall be held within 18 days of the date of any application for a building permit referred to the Board as required in § 6-6 below. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. A majority of said Board shall constitute a quorum for the transaction of business. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official actions. The Board shall have power, from time to time, to adopt, amend and repeal rules and regulations, not inconsistent with law or the provisions of this chapter, governing its procedure and the transaction of its business and for the purpose of carrying into effect the standards outlined in § 6-7 hereof. Such rules, regulations and amendments thereto shall be approved by the Board of Trustees, and a copy thereof shall be filed in the Clerk-Treasurer's office.

### § 6-6. Construction subject to review and approval.

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.

(1)

Every applicant that submits an application to the Building Inspector, which is subsequently referred to the Board of Architectural Review, must post a notification sign on the property which is the subject of said application within three days of acceptance of the application by the Board of Architectural Review and must maintain the posted sign in place until the Board of Architectural Review has rendered its final decision approving or denying said application. The sign shall be erected not more than 10 feet from the front yard boundary of the property that abuts a public road and must be conspicuous to the public. The bottom edge of the sign so erected shall be positioned no less than 2.5 feet and no more than three feet above the ground. If the sign's visibility is obscured by vegetation, the applicant must cut the vegetation to a degree sufficient to maintain clear visibility of the sign from the road. If the front yard of the property does not abut a public road, a sign shall be posted in a location that can readily be seen by the public. A sign erected under this provision must be removed within 10 days after the Board of Architectural Review has rendered its final decision approving or denying said application.

(2)

In the event that an application shall be withdrawn or become inactive, the applicant shall remove the sign within five business days of withdrawing the application or of receiving notice from the Board of Architectural Review that the application has been designated inactive. For the purposes of this section, any application which has not appeared on the Board of Architectural Review's agenda for six or more months shall be designated inactive. The Board of Architectural Review shall notify the applicant, in writing, that the application has become inactive and instruct the applicant to remove the sign until such time as the application shall be reactivated. Once the application is reactivated, the sign shall be posted within three days.

(3)

Said sign shall be at least 30 inches by 20 inches in size, consist of sturdy and serviceable material containing a white background with black letters and shall 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 BE DISCUSSED AT A BOARD OF ARCHITECTURAL REVIEW MEETING ON (give date) AT (give time) AT (give location)."

The applicant shall update said sign at least two weeks prior to the first Board meeting in which the applicant's matter will be heard, and at least one week prior to all subsequent meetings when the application review is continued.

(4)

Prior to the commencement of any public hearing or, if no public hearings are required, prior to the rendering of any decision disposing of any application, the applicant shall submit a sworn certification verifying placement and maintenance of the required notice sign. If the certification is not timely submitted, any scheduled public hearings shall be cancelled, subject to rescheduling, and any dispositive action by the Board of Architectural Review shall be deferred until timely certification is submitted. In the event of repeated or continued noncompliance with the sign posting and certification requirements, the application may be dismissed at the discretion of the Board of Architectural Review.

B.

Except as noted herein, all construction or reconstruction in the Central Business District, irrespective of estimated cost, shall be subject to review and approval by the Board of Architectural Review. See § 6-3 for the definition of the geographical limits of the Central Business District.

[Added 10-5-1982 by L.L. No. 11-1982, effective 10-12-1982]

C.

For the purpose of this chapter, all signs, as described in the Sign Ordinance,[1] shall be subject to review and approval by the Board of Architectural Review, and any appeal or variance therefrom shall be to the Board of Appeals in accordance with the rules and regulations of the procedures set forth.

[Added 10-5-1982 by L.L. No. 11-1982, effective 10-12-1982]

[1]

Editor's Note: See Ch. 286, Signs.

D.

For the purpose of this chapter, all construction or reconstruction, including signs, shall preferably follow architectural standards involving color, materials and design requirements established for the Central Business District.

[Added 10-5-1982 by L.L. No. 11-1982, effective 10-12-1982]

§ 6-7. Disapproval of application; standards.

A.

The Board of Architectural Review may disapprove any application for a permit referred to it, provided that such disapproval shall be by the majority vote of Board members, and provided that the Board finds that the building or structure for which the permit was applied would, if erected, be so detrimental to the desirability, property value or development of the surrounding area as to provoke one or more of the harmful effects set forth in § 6-1, by reason of:

(1)

Excessive similarity to any other building or structure existing or for which a permit has been issued or to any other building or structure included in the same permit application, within 250 feet of the proposed site, in respect to one or more of the following features of exterior design and appearance.

(a)

Apparently identical facade.

(b)

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

(c)

Other significant identical features, such as but not limited to material, roofline and height or other design elements, provided that a finding of excessive similarity shall state not only that such similarity exists, but, further, that it is of such a nature as to be expected to provide, beyond reasonable doubt, one or more of the harmful effects set forth in § 6-1.

(2)

Excessive dissimilarity in relation to any other building or structure existing or for which a permit has been issued or to any other building or structure included in the same permit application, within 250 feet of the proposed site, in respect to one or more of the following features:

(a)

Cubical contents.

(b)

Gross floor area.

(c)

Height of building or height of roof.

(d)



Other significant design features, such as material or quality of architectural design.

(3)

Inappropriateness of design in respect to one or more of the following features:

(a)

Quality of architectural design.

(b)

Nature of material to be used in construction.

(c)

Compatibility of design features of structure with terrain on which it is to be located.

B.

Any finding by the Board of excessive dissimilarity or inappropriateness shall state not only that such dissimilarity or inappropriateness exists, but, further, that it is of such a nature as to be expected to provide, beyond reasonable doubt, one or more of the harmful effects set forth in § 6-1, and that the finding is not based on personal preference as to taste or choice of architectural style.

§ 6-8. Procedure of Director following decision of Board.

A.

The Building Inspector shall refuse any permit application disapproved as provided in § 6-7. If the Board of Architectural Review shall approve or fail to act on any permit application referred to it under § 6-6 within 30 days of the date of such application, the Building Inspector shall forthwith issue the permit as applied for.

B.

The Building Inspector shall forthwith issue an order to stop all work of construction or reconstruction if an applicant proceeds with his work after his application has been disapproved by the Board or if the applicant proceeds with his work in a manner not consistent with the conditions or specifications under which the Board approved the plans for the structure or building.

§ 6-9. Submission of advisory opinions by Board.

The Board shall, when requested by the Village Board of Trustees, submit an advisory opinion to said Board with respect to the construction or reconstruction of any public building, public monument or any other matters of architectural design referred to it by the Board of Trustees.

§ 6-10. Appeals.

Any person aggrieved by the action of the Board of Architectural Review in disapproving a permit application and of the Building Inspector in denying such permit because of such disapproval may take an appeal therefrom to the duly constituted Board of Appeals of the Village of Mamaroneck, in the same manner as is provided for zoning appeals, and such Board of Appeals, after proceeding in the same manner as is provided for zoning appeals and with the same power and authority therein vested in passing upon appeals before it under the provisions of law and the Zoning Ordinance of the Village of Mamaroneck,[1] and in the exercise thereof, may reverse or affirm the action of the Board of Architectural Review and of the Director of Building, Code Enforcement and Land Use Administration.

[1]

Editor's Note: See Ch. 342, Zoning.

#### § 6-11. Effect of provisions on other legislation.

This chapter shall supersede the provisions of Chapter 126, Building Construction of the Code of the Village of Mamaroneck, as amended, and applicable provisions of the laws of the State of New York to the extent that they conflict with or are contrary to the provisions of this chapter.

#### SECTION 2. SEVERABILITY

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, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

#### SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.