

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, JULY 9, 2007 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE
HALL, MAMARONECK, NEW YORK

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| PRESENT: | Mayor | Philip Trifiletti |
| | Trustees | Thomas A. Murphy Toni Pergola Ryan John M. Hofstetter Anthony Fava |
| | Village Manager | Leonard M. Verrastro |
| | Deputy Village Attorney | Joseph Messina |
| | Police Chief | Edward Flynn |
| | Clerk-Treasurer | Agostino A. Fusco |
| ABSENT: | | None |

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 9th day of July, 2007, at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW NO. 11-2007, a local law amending Chapter A347 (Fees), Chapter A348-13 (Subdivision Regulations), and Chapter A348-4 (Definitions) to define In Lieu Fee, to provide regulations requirement park of playground fees as part of subdivision approvals and to amend the fee schedule.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law No. 11-2007 is on file with the Clerk-Treasurer of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Dated: July 2, 2007

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law 11-2007 is hereby open for discussion.

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| Ayes: | Fava, Hofstetter, Ryan, Murphy, Trifiletti |
| Nays: | None |

Deputy Village Attorney Messina stated that this language is essentially the same as what the Board has recently adopted regarding In Lieu Fees for Site Plans. The portion that was zoning related has already been adopted and this proposed law is in reference to a subdivision setting, where there are no open spaces.

Mr. Galvin, Planning Board Chair, also reminded the Board that this fee is going from \$150, which was adopted in the 1960’s to \$2,500.

There was discussion on what constitutes a subdivision of property and how this differs from site plans. It was noted that there has not been a substantial subdivision in the Village in many years.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law 11-2007, is hereby closed.

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| Ayes: | Fava, Hofstetter, Ryan, Murphy, Trifiletti |
| Nays: | None |

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that Proposed Local Law 11-2007 be and hereby is enacted as Local Law No. 8-2007 and shall read as follows:

LOCAL LAW 8-2007

A Local Law amending Chapter A347 (Fees), Chapter A348-13 (Subdivision Regulations), and Chapter A348-4 (Definitions) to define In Lieu Fee, to provide regulations requiring park or playground fees as part of subdivision approvals and to amend the fee schedule.

SECTION 1. Amendment of Fee Schedule

Chapter A347

| <u>Code Section</u> | <u>Fee Type</u> | <u>Fee</u> |
|--|---|---|
| Chapter A348-13 Reservation of recreational land; payment in lieu of land | Subdivision: Park or playground fees | Amount per dwelling unit or lot (See Fee Schedule Code Section A347- 1) |

SECTION 2. Amendment of Subdivision Regulations. To add regulations requiring park or playground fees as part of subdivision approvals involving dwelling units in the Village of Mamaroneck, Chapter 348 “Subdivision Regulations” of the Mamaroneck Village Code is hereby amended by deleting subsections B and C and replacing them with the below:

Section 348-13.

- B. Reservation of parkland.
 - 1) Findings.
 - (a) The provision of adequate park and recreational facilities for both active and passive recreational pursuits by existing and future residents of the Village is necessary and appropriate to their health, safety and well-being.
 - (b) New residential development will create an additional demand for both active and passive recreational facilities and areas and new facilities and areas will need to be established to meet the needs of residents occupying dwelling units that will be built after enactment hereof.
 - (c) It is fair and appropriate that the new demand be borne substantially or entirely by developers of new residential properties.

- 2) Dedication and reservation of parks and open space. In order to meet the new demand on recreational facilities, land suitable for recreational and park use by the residents of the Village of Mamaroneck, or payment in lieu thereof if the Planning Board finds that no suitable parkland exists as part of the subdivision, shall be required for each new dwelling unit constructed.
- 3) Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited in a Village trust fund to be used by the Village exclusively for park, playground or other recreational purposes, including the acquisition of property. Such payment shall be a condition of subdivision approval and shall be assessed in accordance with the subdivision recreation fee schedule established under Chapter A347 "Fees" in the Village Code. No subdivision plat shall be signed by the Village until such payment has been received by the Village and receipt therefore provided to the Planning Board.
- 4) Notwithstanding the foregoing provisions, if the land included in a subdivision approval under review is a portion of the subdivision plat which has been reviewed and approved pursuant to §§ 7-728 and 7-730 of the Village Law, the Planning Board shall credit the applicant with any land set aside or money donated in lieu thereof under such subdivision approval. In the event of resubdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.

Amend Chapter 348 Subdivision Regulations, Article II Section 348-4 Terms Defined as follows:

Add: IN LIEU FEE — An amount equal to \$2,500 for calendar year 2007, which shall subsequently be adjusted annually by the Planning Board, for all pertinent approvals granted during that calendar year. Each subsequent adjustment shall be based on the change in the December index, unadjusted for seasonal variation, of the United States Department of Labor Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W) U.S. City average, all items (1967=100). Such fee shall be paid to the Village Recreation Site Acquisition and Improvement Fund and used, among other things, to acquire and maintain open space, and increase recreation opportunities. The in lieu fee must be paid prior to the approval of the subdivision and prior to the signing of the subdivision plat by the Chairman of the Planning Board and is calculated based on the index for the year in which the subdivision plat is signed.

SECTION 3. Severability. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village of Mamaroneck hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 4. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Ayes: Fava, Hofstetter, Ryan, Murphy, Trifiletti
Nays: None

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER