

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, JANUARY 14, 2008 AT 7:30 P.M. IN THE COURTROOM
AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Thomas A. Murphy Toni Pergola Ryan John M. Hofstetter Randi Robinowitz
	Village Manager	Leonard M. Verrastro
	Interim Village Attorney	Steven Silverberg
	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 14th day of January, 2008 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. 1-2008, a local law known and cited as the Extension of Interim Development Moratorium for Multifamily Dwellings within the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law No. 1-2008 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: January 4, 2008

On motion by Trustee Ryan, seconded by Trustee Murphy:

RESOLVED that the Public Hearing on Proposed Local Law 1-2008 is hereby open for discussion.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt
Nays: None

Interim Village Attorney Silverberg explained to the residents that this a moratorium that was adopted by the Board for a one year period, extended for a six month period which ran out last week. This proposed local law is for a further extension of this for a four month period. A draft report has been received from the Village Planner and Mr. Silverberg believes that this extension gives the Board ample time to review the report and make any changes to the code it feels necessary.

Mr. Glen Tibbett asked the Board if this is the only moratorium that is currently in place. Trustee Ryan stated that there is also a moratorium on fast food establishments. Mr. Tibbett asked that if a four month extension is approved, that language be included stating that if proposed litigation is decided upon before that period ends, the moratorium will end at that period in time. Mr. Silverberg stated that as soon as new litigation is adopted, the moratorium would no longer be in effect. Trustee Murphy agreed with Mr. Tibbett, however, this has been a complicated subject but he believes that having this report is a good starting point and he believes that it can be wrapped up before the four month period.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law 1-2008 is hereby closed.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that Proposed Local Law 1-2008 be and hereby is enacted as Local Law No. 1-2008 and shall read as follows:

LOCAL LAW NO. 1-2008

A Local Law known and cited as the Extension of Interim Development
Moratorium for Multifamily Dwellings within the Village of Mamaroneck

Be it enacted by the Board of Trustees of the Village of Mamaroneck as follows:

SECTION 1.

Purpose and Intent. Previously the Village Board of the Village of Mamaroneck adopted a Local Law number 2 -2007 Entitled "Interim Development Moratorium for Multifamily Dwellings within the Village of Mamaroneck" which law, as previously extended, expired on January 9, 2008. The Village is continuing to study the issues related to construction of additional multifamily dwellings in the Village of Mamaroneck, has received a preliminary report from its planning consultants and is awaiting the completion of the work necessary to implement modifications to the Zoning Code. Therefore in order to

adequately address the deficiencies in the existing code, it is necessary and appropriate to extend the moratorium for four months. Without placing a moratorium on applications pending revision of the code, the Village will be faced with additional multifamily dwellings without having an opportunity to fully address all of the issues raised. This protection of the public interest and welfare includes the prevention of premature, inconsistent or improper development which could prejudice the integrity and objectives as set forth above and could result in a use which may be inconsistent with and in violation of the intent of such planning studies.

SECTION 2.

This Local Law shall apply to all properties located within the Village.

SECTION 3.

Scope of Controls.

- A. During the effective period of this Local Law:
 - 1) No building permit or certificate of occupancy shall be issued by the Building Inspector for the construction of a multifamily dwelling with six or more dwelling units or the expansion of an existing multifamily dwelling that would cause it to have a total of more than six dwelling units regardless of the fact that an application therefore has been filed with the Building Inspector prior to the effective date of this law.
 - 2) The Planning Board shall not grant any preliminary or final approval of a site plan or any special permit for a multifamily dwelling with six or more dwelling units.
 - 3) The Zoning Board of Appeals shall not grant any variance or special permit for a multifamily dwelling with six or more dwelling units.
- B. The foregoing restrictions shall not apply to (1) certificates of occupancy for any and all construction made pursuant to building permits issued prior to January 8, 2007; or (2) any application that was filed with a land use board or agency of the Village prior to January 8, 2007.
- C. The Village Board reserves the right to direct the Building Inspector to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

SECTION 4.

No Consideration of Applications. No applications for construction affected by this Local Law or for approvals for site plan, variance or special permit shall be considered by any board or agency of the Village while this Local Law is in effect. Nothing in this Local Law shall preclude an applicant for such proposed construction from having a maximum of two informal conferences with an appropriate board or agency while this Local Law is in effect. The foregoing restrictions shall not apply to any application that was filed with a land use board or agency of the Village prior to January 8, 2007.

SECTION 5.

Term. This Local Law shall be in effect for a period of four months from the date of its effective date.

SECTION 6.

Penalties. Any person, firm or corporation that shall construct, erect, enlarge or alter any building or structures in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by the laws, rules and regulations of the Village for violations; and
- B. Injunctive relief in favor of the Village to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

SECTION 7.

Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 8.

Superseding Other Laws.

- A. All laws, ordinances, rules and regulations of the Village are modified and superseded by this Local Law with respect to their application to the properties designated under this Local Law for the term of this Local Law.

- B. This Local Law shall modify and supersede, with respect to the properties covered by this Local Law and, for the term of this Local Law, the provisions of Article 7 of the Village Law of the State of New York and any other law, rule or regulation inconsistent with this local law.

SECTION 9.

Hardship.

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Village Board, in writing, for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application for construction or a variance, special permit or site plan during the pendency of this Local Law.
- B. Procedure. Upon submission of a written application to the Village Clerk by the property owner seeking a variation of this Local Law, the Village Board shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days written notice in the official newspaper of the Village. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Village Board shall, within thirty (30) days of the close of said public hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Village Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Village Board shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.
- C. Any party aggrieved by the determination of the Village Board on an application for a variation from the strict compliance with this Local Law may appeal said decision to the Supreme Court, State of New York, Westchester County, pursuant to Article 78 of the Civil Practice Law and Rules within thirty (30) days of the filing of said decision in the Office of the Village Clerk.

SECTION 10.

Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State, and is subject to review and renewal by resolution of the Village Board for an additional period of time, effective immediately.

Trustee Ryan stated that she believes this is an important issue and the four month extension should be ample time to review the report and make a recommendation. Trustee Hofstetter agreed.

Mayor Savolt stated that a report has been received by the Village Planners. It is a fairly extensive report that compares Floor Area Ratios with other communities. The Board will review this as quickly as they can.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER