

PUBLIC HEARING PLL 12-2009 PG. 1
MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON TUESDAY, OCTOBER 13, 2009 AT 7:30 P.M. IN THE COURTROOM AT
VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Toni Pergola Ryan John M. Hofstetter Randi Robinowitz Nicholas Allison
	Village Manager	Richard Slingerland
	Village Attorney	Janet Insardi
	Police Department	James Gaffney
	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 13th of October, 2009, 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. 12-2009, a local law amending Section 176-2 (Escrow Deposit Required) of Article I (Consultant Fees for Land Use Applications) of Chapter 176 (Fees) of the Code of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law No. 12-2009 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: October 5, 2009

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESVOLVED that the Public Hearing on Proposed Local Law 12-2009 be and is hereby opened.

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

Ms. Insardi gave background on this Proposed Local Law. This will expedite the land use application process as escrow accounts will be set up when the applications are filed, not at the applicant's first meeting. The Building Inspector will set the escrow according to what the project entails.

There were no public comments.

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that the Public Hearing on Proposed Local Law 12-2009 be and is hereby closed.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that Proposed Local Law 12-2009 be and is hereby adopted and shall read as follows:

LOCAL LAW NO. 9-2009

A local law amending Section 176-2 (Escrow Deposit Required) of Article I (Consultant Fees for Land Use Applications) of Chapter 176 (Fees) of the Code of the Village of Mamaroneck

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

SECTION 1. Subsection A of Section 176-2 (Escrow Deposit Required) of Article I (Consultant Fees for Land Use Applications) of Chapter 176 (Fees) of the Code of the Village of Mamaroneck is hereby amended to read as follows:

- A. Notwithstanding any inconsistent provision of any local code, rule, regulation, law or ordinance, any Village board, entity or commission (reviewing board) where a permit or approval is required by local law, rule, regulation or ordinance shall, before processing or reviewing any application and permitting use of or construction on, under or adjacent to real property, require the applicant to deposit funds with the Village sufficient to reimburse the Village for all reasonable costs of planning, environmental, engineering, legal, architectural, accounting and/or other consultants deemed appropriate by each reviewing board utilized in connection with the review of any application. When an application is filed, the building inspector shall fix the amount of the initial deposit (escrow) to be made by the applicant. The Village's consultants shall invoice the Village no less frequently than monthly for services in reviewing each application and performing their duties with respect to such application. If at any time during the review process the amount of the escrow account falls below 50% of the initial escrow (as determined by the Clerk-Treasurer), then the applicant shall be required to submit an additional deposit to bring the total escrow up to the full amount of the initial deposit (as determined by the building inspector) unless the Clerk-Treasurer otherwise waives such requirement. Any failure to replenish the escrow shall be governed by § 176-4.
- B. In the event the amount held in escrow by the Village is more than the amount of the actual billing or invoicing, the difference between such amount and the actual billing or invoicing shall be promptly refunded to the applicant after final action is taken on the application.
- C. In the event the amount of escrow is less than the full amount actually charged by the Village's consultants, the applicant shall promptly pay any remaining balance. If the remaining balance is not paid, the unpaid balance shall be added to the Village tax bill.

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SECTION 2. 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. All laws, ordinances, rules and regulations of the Village of Mamaroneck are modified and superseded by this article with respect to their application to fees which may be charged with respect to applications for land use permitting or approvals, except for § 342-124 of the Zoning Code dealing with retention of experts for wireless telecommunications applications.

This Local Law shall modify and supersede, with respect to the properties covered thereby, the provisions of Article 7 of the Village Law of the State of New York, Executive Law Article 42, and Navigation Law Article 4 of the State of New York.

SECTION 4. This Local Law shall become effective immediately upon filing in the office of the Secretary of State.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER