

PUBLIC HEARING PLL 13-2009 PG. 1  
MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MAMARONECK HELD ON MONDAY, NOVEMBER 23, 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
	Deputy-Clerk	Sally J. Roberts
ABSENT:		Agostino A. Fusco

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 23<sup>rd</sup> of November, 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.13-2009, a local law amending Section 342-79 (Planning Board action) of Chapter 342 (Zoning) of the Code of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law No. 13-2009 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: November 23, 2009

On motion of Trustee Allison, seconded by Trustee Hofstetter:

RESVOLVED that the Public Hearing on Proposed Local Law 13-2009 be and is hereby opened.

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

Ms. Insardi gave background on this Proposed Local Law. This proposal will put us in conformance with state law and will remove the default site plan approval. As it now stands, if the Planning Board does not act in a certain amount of time, the application is considered approved, which is not in conformance with the state law. She added that this was referred to the county and adjacent

municipalities in compliance with the county charter and correspondence has been received by the county stating that this is a matter for local determination.

Mr. Benny Salanitro of Brook Street appeared. He is in favor of the change; however, in his reading of the state provision, there are two triggers for the 62-day period and he believes that the way the proposed law is written makes it more confusing. The state requires that a public hearing needs to be held 62 days after the application is complete and then a decision needs to be made 62 days upon the close of the hearing. Mr. Salanitro also mentioned the ability to codify the provisions of the law. He believes The 45 day statute in the chapter 342-71 should be changed as well and in 342-72, it does not speak to the 62 days after a hearing is closed.

Ms. Insardi addressed Mr. Salanitro's concerns and that no application is complete until a SEQRA determination has been made. She also stated that there is no intent to preclude the state law, but is in conformance with the state law.

Mr. Norman Rosenblum of Carroll Avenue appeared. He is also in favor of the proposed local law; however, in reviewing the change and speaking with a member of the Planning Board, they asked that this law be sent to the Planning Board as is required. Ms. Insardi stated that this law was referred to the Planning Board; however, the code does not require mandatory referral.

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter:

RESOLVED that the Public Hearing on Proposed Local Law 13-2009 be and is hereby closed.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that Proposed Local Law 13-2009 be and is hereby adopted and shall read as follows:

#### LOCAL LAW NO. 11-2009

A local law amending Chapter 342 (Zoning) of the Code of the Village of Mamaroneck by amending Section 342-79 (Planning Board action)

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

**SECTION 1.** Section 342-79 (Planning Board Action) of Chapter 342 (Zoning) is hereby amended to read as follows:

The Planning Board shall review the site development plan and act on the application within 62 days from and after the time of submission of the complete application. The Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board. In reviewing the site development plan, the Planning Board shall take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and shall set any appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter and according to the general criteria and standards defined in § 342-76.

**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.** 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