

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, JULY 6, 2009 AT 5:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

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| 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 | Edward Flynn |
| | Clerk-Treasurer | Agostino A. Fusco |
| ABSENT: | | None |

The Mayor announced that as this is not the normal day or time of a Regular Board Meeting, this Public Hearing will be opened but the law will not be voted on this evening to give those residents who did not or could not make the meeting an opportunity to be heard.

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 6th day of July, 2009, at 5:30 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. 8-2009, a local law amending Chapter 296 (Streets and Sidewalks) of the Village of Mamaroneck by amending §§296-14 (Repair rates and deposits), 296-15 (Repair by property owner, notice, cost-sharing program) and by adding an Article III entitled "Street Obstructions".

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law No. 8-2009 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: June 30, 2009

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law 8-2009 be and is hereby opened.

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

Mr. Slingerland gave background on this Proposed Local Law reporting on the number of locations in the Village that have been required to have license agreements with the Village as they have structures that are on Village property. What the Board is looking to do is solve a problem that residents have asked be resolved. There are many walls that preserve grade below or above street level that come out to the curb and this proposed local law would give residents the opportunity to maintain these walls. There are also residents who have requested they be allowed to erect fences in front of their homes on Village property. Right now the law requires that fences be 10 feet from the curb and this new law would shorten that distance to 5 feet from the curb. There is also a provision that the construction of any structures have to meet engineering standards and/or zoning provisions. There will be a one time permit fee paid by the resident for any structure that is built, but no yearly license fee.

Mr. Norman Rosenblum of Carroll Avenue, declared candidate for Mayor in the November 2009 election, appeared. Mr. Rosenblum asked for clarification on who is responsible for overseeing and administering the 50/50 program as Section 2; paragraphs C and D seem to be contradictory. Ms. Insardi stated that these paragraphs existed in the current code and that is something that can be addressed.

Ms. Suzanne McCrory of The Crescent appeared. Ms. McCrory believes that this law is too permissive and sent an email to the Board outlining her concerns. Some of her other concerns are: the law does not make public safety the highest priority as many street do not have sidewalks and the building of structures 5 feet from the edge of the roadway would make for unsafe passage; there is no uniform measurement device therefore outlawing certain things in one section and then permitting them in the following section; as the zoning code does not apply on municipal property residents could build dog runs and lap pools in the Village right of way; the proposed law allows planting of trees under power and cable lines and the potential for the proliferation of impervious surfaces in the right of way. She would like to see our right of ways being clean and green. Ms. McCrory also believes that a case by case or block by block approach might be better and better handled by the Planning Board and not by a universal law.

Mayor Savolt stated that the Village of Mamaroneck is unique as many other municipalities do not allow structures in the right of way. However, there are many situations in the Village where residents have put things in the right of way and are now requesting license agreements with the Village to "legalize" these structures. Mayor Savolt also stated that none of the preexisting structures will be grandfathered in and therefore may have to be removed.

Mr. Stuart Tiekert of Beach Avenue appeared. Mr. Tiekert specifically commented on the planting of trees and how this law allows residents to plant trees in the right of way. Mr. Tiekert commented that Section 296.11 outlaws the planting of specific trees because of the damage they do to roadways. Perhaps it should be reflected that the Village has accepted a list of trees recommended to be planted. Mr. Tiekert assumes that after these trees are planted, they become the responsibility of the Village to maintain. If that is true, we should be sure that they are planted properly. Mr. Tiekert also asked what the difference is between isolated and ungrouped, as is written in Section 269-19a. Mr. Tiekert wonders why in this law it states that a resident can plant a tree when the Tree Committee submitted a plan outlining where to plant trees and were told that if the Village told residents that they could plant trees, it would open the Village up to potential disaster. Mr. Slingerland stated that he told the Tree Committee that the Village would prefer that residents make donations for the plantings of trees so that they are planted correctly in safe places. Mr. Tiekert agreed, but feels that this law states otherwise.

There were no other comments from the public or Board.

Ms. Insardi suggested closing the Public Hearing as there were substantive changes suggested be made to the law. The Proposed Local Law can then be redrafted and submitted for Public Hearing at a later meeting.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law 8-2009 be and is hereby closed.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER