

PUBLIC HEARING PLL7-2008 p. 1

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, JULY 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
	Village Attorney	Janet M. Insardi
	Police Department	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 14<sup>h</sup> day of July, 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. 7-2008, a local law to adopt the Westchester County Greenway Compact Plan (*The Greenprint for a Sustainable Future...the Westchester Way*) and to amend Chapters 58 (Planning Board), 342 (Zoning) and A348 (Subdivision Regulations) of the Code of the Village of Mamaroneck in order to incorporate consideration of Greenprint policies in land use applications, update the subdivision regulations and fees and authorize the Planning Board to review all subdivision applications as more fully set forth in the text of the local law.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law No. 7-2008 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: June 12, 2008

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Public Hearing on Proposed Local Law 7-2008 be and is hereby opened.

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

Village Attorney Insardi informed the Board that the proposed local law, the EAF and a draft Part 2 of the EAF were circulated to all interested parties by letter dated June 12, 2008 pursuant to the General Municipal Law and also for the purposes of designating a lead agency according to the requirements of SEQRA. One letter was received in response from the County Planning Department. County Planning “applauds” the Village for taking this step to become a participating community in the Hudson River Valley Greenway Compact Plan and recommend that the Board adopt the proposed local law, as *Greenprint for a Sustainable Future* promotes the policies of *Westchester 2025* and encourages regional cooperation....the Village’s participation in the Compact Plan program will open financial and other benefits for Mamaroneck as well as other participating communities.”

Mayor Savolt stated that *Greenprint* is a set of planning guidelines developed by the Greenway and adopted by Westchester County in 2004. At that time, the County asked municipalities to adopt these principles and incorporate them into their land use codes. A copy of that request was received by the Village in 2006 and the Village received a reminder in 2008. Mayor Savolt further stated that when a community adopts this, it makes them eligible for grants from the Greenway. As the Board is in the process of reviewing the Village Code and these policies make environmental sense, they have decided to adopt these policies. Copies of these guidelines were sent to all land use committees.

The Village Attorney stated that currently the Village Code does not provide for review of all subdivisions of property and because of that, smaller subdivisions evade environmental review. As the Board as well as residents are very concerned about flooding, drainage and other environmental issues, this local law addresses these concerns. By giving the Planning Board jurisdiction over all subdivisions the Village can better ensure that environmental issues are reviewed and addressed. Ms. Insardi also stated that this policy is commonplace in other municipalities. Trustees Ryan and Hofstetter both feel that this is a win-win situation for the Village, as it will lead to a best practices policy and can lead to financial and technical assistance. Trustee Murphy stated that currently if a homeowner is dividing or reapportioning a lot and it is zoning compliant there is no committee reviewing the subdivision and the environmental impact this may have. Ms. Insardi stated that this will bring the Village into compliance with SEQRA and New York State Real Property Laws.

There were no comments from the audience on this proposed local law.

Ms. Insardi notified the Board as they previously classified this as an Unlisted action and stated its intent to declare itself lead agency; at this time they need to declare lead agency status and adopt a determination of significance pursuant to SEQRA.

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Board of Trustees of the Village of Mamaroneck declares itself lead agency in accordance with SEQRA in regard to the adoption of Proposed Local Law 7-2008.

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

On motion of Trustee Ryan, seconded by Trustee Murphy:

RESOLVED that the Board of Trustees of the Village of Mamaroneck adopt a Negative Declaration pursuant to SEQRA in connection with the adoption of this local law (an unlisted action).

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law 7-2008 be and 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 7-2008 be and is enacted as Local Law 7-2008 and shall read as follows:

#### LOCAL LAW NO. 7-2008

A local law to adopt the Westchester County Greenway Compact Plan (*The Greenprint for a Sustainable Future...the Westchester Way*) and amend Chapters 58 (Planning Board), 342 (Zoning) and A 348 (Subdivision Regulations) 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. Purpose and Intent

1. The consideration of subdivision plats by the Planning Board is part of a plan for the orderly, efficient and economic development of the Village. To achieve this goal, and to better reflect changes to Village Law § 7-728 that have occurred since the Villages regulations were drafted in 1964, the subdivision regulations must be updated to ensure there are adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of the Village's population.
2. Pursuant to the provisions of Section 44-0119 of the Environmental Conservation Law of the State of New York, the Village of Mamaroneck hereby adopts the Statement of policies, principles and guides detailed in *The Greenprint for a Sustainable Future...the Westchester Way*, the Westchester County Greenway Compact Plan, by which the Village of Mamaroneck becomes a participating community in the Greenway Compact.

3. Proposals to amend the Compact Plan may be made from time to time by the Hudson River Valley Greenway Communities Council (hereinafter referred to as "Greenway Council") in response to requests from participating communities. Within 90 days of receipt of any such proposal from the Greenway Council, the Board of Trustees of the Village of Mamaroneck shall determine by resolution whether to accept or to reject such proposed amendment. Any proposed amendment so accepted shall be considered an amendment of the Compact Plan as adopted by the Village of Mamaroneck. Any proposed amendment rejected by the Village of Mamaroneck will not be considered to be an amendment of the Greenway Plan for the Village of Mamaroneck, and notice of such rejection shall promptly be provided to the Greenway Council.
  
4. It is stated policy of the Village of Mamaroneck that, to the extent the Village amends its current, or enacts new, land use laws and regulations, such new or amended laws and regulations, where appropriate, should be designed to be consistent with the Compact Plan.

**SECTION 2.** Section 58-3, of the Code of the Village of Mamaroneck entitled "Planning Board," is hereby amended in part to read as follows

§ 58-3. Approval of plat required; exception.

The Building Inspector is hereby directed to withhold the issuance of any building permit on any lot which did not exist as a lot, as shown by the records of the Division of Land Records of Westchester County or as shown by the Tax Map of the village, as of June 1, 2008, unless a plat showing such lot has been approved by the Planning Board.

**SECTION 3.** The definition of subdivision contained in Section A348-4 of Chapter A348, entitled "Subdivision Regulations", is hereby amended in part to read as follows:

§ A348-4. Terms defined.

**SUBDIVISION** - The division of any parcel of land into two (2) or more lots, plots, sites or other divisions of land for immediate or future sale or for building development, with new streets or highways, including any extension of an existing street, and including re-subdivision.

**SECTION 4.** Section A348-5 of Chapter A348 is hereby amended to increase the application fee and read as follows:

C. Each application for approval of a preliminary plat shall be accompanied by a fee of three hundred dollars (\$300).

**SECTION 5.**

To implement the Compact Plan in the Village of Mamaroneck, the Chapter 342 of the Code of the Village of Mamaroneck is hereby amended by the addition of the following provision:

§ 342-9 (D) By Local Law No. 7- 2008 the Village of Mamaroneck has adopted the Westchester County Greenway Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the Village. In its discretionary actions under this zoning Chapter, the reviewing agency should take into consideration said statement of policies, principles and guides, as appropriate.

#### SECTION 6.

To implement the Compact Plan in the Village of Mamaroneck, Chapter 348 of the Code of the Village of Mamaroneck is hereby amended by the addition of the following provision:

§ A 348-11 (H) By Local Law No. 7- 2008 the Village of Mamaroneck has adopted the Westchester County Greenway Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the Village. In its discretionary actions under this Chapter, the reviewing agency should take into consideration said statement of policies, principles and guides, as appropriate.

#### SECTION 7.

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.

Nothing in this Local Law adopting the Compact Plan, or in becoming a participating community in the Compact Plan is intended, or shall be construed (a) to limit the home rule authority of the Village under State Law to make local land use and zoning decision, (b) to authorize any other entity to supersede the Village's land use laws and regulations or to impose any requirements on the Village, or (c) to prevent the Village in its sole discretion from adopting a local law at a later date for the purpose of withdrawing from the Greenway Compact or Westchester County Greenway Compact Plan.

#### SECTION 8.

If any part of 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 too other persons or circumstance, 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 9.

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.

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF MAMARONECK

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER