

Local Law No. 4 – 2024

This local law shall be known as the “Update of the Procedures for Site Plan Review of Non-Residential Development” Law.

BE IT ENACTED by the Town Board of the Town of Mamaroneck

Section 1 – Purpose:

Based upon the Planning Board’s experience in handling applications for site plan review, certain aspects of the process are updated by this local law to make the process run more smoothly both for applicants and the Planning Board.

Section 2 – Amendment of a current section of the Mamaroneck Code:

Section 177-9 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

§ 177-9 Pre-submission conference.

- A. Prior to the submission of a site plan application, the applicant and/or the applicant’s authorized representative shall meet in person or virtually with a group consisting of some or all of the following persons: the Building Inspector, the Director of Building Code Enforcement and Land Use Administration, the Engineer, the Town’s Consulting Engineer, the Environmental Planner or Coordinator, the Attorney for the Planning Board, the Attorney for the Town and any other Town employees or outside consultants invited to the conference by the Town. The purpose of such conference shall be to discuss proposed uses or development, identify potential issues and review the procedural requirements for a site plan application so that the applicant will have a better understanding of the process for site plan approval.

- B. An application for site plan approval involving a parcel that requires variances of any kind for its proposed use must include a copy of the resolutions adopted by the Board of Appeals granting such variances. If a requisite variance has not been obtained at the time such application is filed, the applicant may include with the application a list of all variances that the proposed site plan will require. The Planning Board may consider the application but will not grant site plan approval until the applicant presents a copy of the resolutions adopted by the Board of Appeals granting such variances. The grant of a variance shall not require the Planning Board to grant site plan approval.

- C. If a use for which a special use permit already has been issued will continue, and if such special use permit is still in effect, the application for site plan approval shall contain a copy of the most recent special use permit.
- D. If the application for site plan approval will require a new or amended special use permit, the application for site plan approval shall be accompanied by an application for a special use permit.

Section 3 – Amendment of a current section of the Mamaroneck Code:

Section 177-10 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

§ 177-10 Contents of application; filing.

- A. Within six months of the later of the pre-submission conference or the grant of all required variances, the applicant shall file with the Building Department an application for site plan approval, which shall include signed and sealed full-size (36" x 24" or at a different scale if necessary to be legible) and reduced-size (11" x 17") copies of a detailed development plan prepared by a New York State licensed architect or a New York State licensed professional engineer under his/her professional seal and a copy of a certified survey prepared by a New York State licensed surveyor under his/her professional seal on which is superimposed the site, as it exists at the time of the application. Unless the Building Department requests a different number, there shall be at least three (3) full-size copies, nine (9) reduced-size copies of the aforementioned items and one copy in a digital format acceptable to the Engineer. The size, type and quantity of all additional submissions shall be the same as the original submission.

The detailed development plan shall contain the information specified below:

- (1) A map showing the applicant's entire property and adjacent properties, including all improvements thereon, and streets, within a radius of five hundred (500) feet from the perimeter of the site, at a scale of not more than fifty (50) feet to the inch and all easements, licenses, leases, covenants and other restrictions, if any, other than zoning, that affect the proposed use of the land.
- (2) The present and the proposed use, location, height and design of all existing and proposed buildings and structures whether or not designated for demolition or removal, including front, rear and side elevations.
- (3) Any proposed division of buildings and structures.

- (4) Any proposed division of any building into units of separate occupancy.
- (5) The proposed spatial arrangement of land uses.
- (6) Existing topography and proposed grade elevations at intervals of two (2) feet or less, unless the Engineer determines that such information is unnecessary for site plan review.
- (7) The location of all existing watercourses, waterbodies, intermittent streams wetland areas, designated floodplains, rock outcroppings, wooded areas and other significant existing features.
- (8) The configuration of all existing and proposed public and private roads, drives and walkways.
- (9) Proposed final grades, including detailed information relative to methods to be used to retain, stabilize and/or refurbish regraded areas.
- (10) The location of all proposed parking and truck-loading/unloading areas, with access and egress drives thereto.
- (11) The directional flow of traffic and the location of all proposed traffic safety devices, including but not limited to signage, pavement markings, signals and equipment.
- (12) The location of any proposed outdoor storage.
- (13) The location and description of all existing and proposed site improvements, including, but not limited to, drainage pipes, drains, culverts, ditches, bridges and/or other drainage works, retaining walls, medians, dividers and fences. Drainage information shall be provided by a New York State licensed professional engineer, furnished under his/her seal.
- (14) The location of all proposed and existing easements.
- (15) The location of any special and/or zoning district lines.
- (16) A description of the method of water supply and sewage and garbage disposal and recycling facilities and the proposed location of such facilities and their proposed connection to existing public facilities.
- (17) The location, height and size of all proposed signs.

- (18) A landscaping plan showing the location, height, description, quality and design of all existing and proposed landscaping and buffer areas, including, but not limited to, the plantings proposed to be removed, moved or added and an explanation of how the plantings that remain and the plantings proposed to be added will be protected and maintained.
 - (19) The location, height and design of all proposed lighting, power and communication facilities.
 - (20) The layout of all above and below-ground utilities serving the site that are not mentioned herein.
 - (21) Letters or permits in the applicant's possession at the time the application is filed from all other agencies having jurisdiction with their comments, if any, on the site development plan
 - (22) The location of fire and other emergency zones, including, but not limited to the location of fire hydrants, access drives, gates and appurtenances.
 - (23) The location, height, design and direction of all exterior and rooftop structures and facilities, including, but not limited, the placement of noise baffles and appropriate screening and a statement that all are in accordance with the provisions of Chapter 240 of the Code of the Town of Mamaroneck and such other provisions of law as may be applicable.
 - (24) The proposed location and design of all accessible parking and accessible routes required pursuant to the New York State Uniform Fire Prevention and Building Code or any Code that replaces it.
 - (25) Any other pertinent information as the Building Inspector, Director of Building Code Enforcement and Land Use Administration, the Town Engineer, the Deputy Town Engineer or the Planning Board may deem appropriate to determine and provide for the proper enforcement of this chapter.
- B. The applicant shall submit proof that he/she/it has the right to use the site. Such proof can be in the form of a deed, a lease, an easement, a license or some other form of permission acceptable to the counsel for the Planning Board. A copy the deed showing the site's present owner shall be submitted. If the applicant is not the sole owner of the property, the application shall include a notarized letter from the other owners consenting to the application for site plan approval unless such approval is provided on the submitted application form.

- C. If the site plan indicates a development in stages, a supplementary plan shall be submitted contemporaneously with the proposed site plan, showing the total contemplated development and the proposed phasing.
- D. Subsequent applications to alter or amend an approved site plan, which are not exempt from site plan review pursuant to § 177-7C of the Code of the Town of Mamaroneck, need only contain documents and information which directly relate to the proposed alteration or amendment. However, the alteration will be considered in the context of the entire previously approved site plan. The size, type and quantity of all additional submissions shall be the same as required by § 177-10A of the Code of the Town of Mamaroneck.
- E. Nothing hereinabove shall preclude the Planning Board from requesting that additional documents be filed (i) in order for the application to be deemed complete or (ii) in connection with the Planning Board's review of the application.

Section 4 – Amendment of a current section of the Mamaroneck Code:

Section 177-12 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

§ 177-12 Public hearing and action by Planning Board.

- A. Public hearing
 - (1) Unless a public hearing has been waived pursuant to § 177-12A(3), below, a public hearing on a site plan application shall be opened by the Planning Board, within 62 days after the Engineer certifies that a properly completed application has been received within the meaning of Town Law § 274-a (8). Notwithstanding such certification, the Planning Board may determine that an application is incomplete and if it does, it shall identify the required items that are missing therefrom. Such application shall not be considered received within the meaning of Town Law § 274-a (8) until the Engineer certifies that the applicant has supplied the missing items. A public hearing on a site plan application previously determined not to have been received within the meaning of Town Law § 274-a (8) shall be opened by the Planning Board within 62 days after the Engineer's certification that the applicant has supplied the missing items. For applications certified as complete by the Engineer between June 1 and August 31, the number of days within which a public hearing shall be opened shall be 90 days, not 62 days.
 - (2) Notwithstanding the provisions of paragraph A. (1), the public hearing shall be opened only

(i) if the Building Inspector or the Director of Building Code Enforcement and Land Use Administration has certified that the proposed site plan meets all requirements of Chapter 240 of the Code of the Town of Mamaroneck and/or all requirements of any variances granted by the Board of Appeals, and

(ii) if the Secretary to the Planning Board has certified that the applicant has complied with the notification procedures of Chapter 144 of the Code of the Town of Mamaroneck for site plan applications where compliance therewith is mandated.

(3) In its discretion, the Planning Board may waive the requirement for a public hearing if it makes written findings setting forth why such waiver is not inconsistent with the purpose of this chapter.

B. Action by Planning Board.

(1) Within 62 days after the date on which the public hearing is closed, or within 62 days after the meeting at which the Planning Board determines to waive the requirement for a public hearing, the Planning Board shall either approve, disapprove or approve with conditions the site plan application and shall specify the conditions of site plan approval, if any. When a public hearing is closed, or the Planning Board's determination to waive a public hearing occurs in June, July or August, the time within which the Planning Board must act upon such application shall be 90 days, not 62 days.

(2) A resolution disapproving a site plan application shall include written findings for the disapproval.

(3) Applications for alterations or amendments to an approved site plan shall be acted upon in the same manner as the application for the approval of the original site plan. The fact that a hearing was held or waived for the original application shall not predetermine how an application for an amended site plan is to be processed.

Section 5 – Amendment of a current section of the Mamaroneck Code:

Section 177-14 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

§ 177-14 Filing of approved site plan; expiration of approval.

A. Five signed and sealed copies of the approved site plan shall be revised by or on behalf of the applicant to include all conditions imposed by the Planning Board. When such conditions are properly incorporated into the revised site plan, it shall be signed and dated by the Engineer. The Secretary to the Planning Board shall transmit signed copies of the

approved site plan, as so revised, to the applicant, the Engineer, the Building Inspector or the Director of Building Code Enforcement and Land Use Administration and the Environmental Planner.

- B. The approval of a site plan or an amendment to a site plan shall expire automatically, without notice given to the applicant or the applicant's representative, if a building permit is not obtained within twenty-four (24) months from the date of such approval. If the Engineer determines that there is no substantial change in the approved site plan and in the condition of the site and/or its environs prior to the date such approval will expire, the Planning Board may extend its approval for a period of up to one (1) year. If an approval is extended, such approval shall expire automatically, without notice given to the applicant or the applicant's representative, if a building permit is not obtained within the period of the extension period.

Section 6 – Amendment of a current section of the Mamaroneck Code:

Section 177-18 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

§ 177-18 Penalties for offenses.

- A. A person who violates any provision of this chapter shall be guilty of an offense within the meaning of NY Penal Law § 10.00 (1). Upon conviction for violating any of sections of this chapter, the convicted person and/or entity shall be punished by a fine of not less than two-hundred fifty and no/100ths (\$250.00) dollars and not more than one thousand and no/100ths (\$1,000.00) dollars per violation per day, except that a person and/or entity convicted of placing any structure which requires site plan approval or an amendment to a site plan approval without first obtaining such approval shall be punished by a fine of not less than one thousand and no/100ths (\$1,000.00) dollars and not more than two thousand five hundred and no/100ths (\$2,500.00) dollars per day.
- B. Nothing in this section shall limit the Town from seeking other or additional remedies, including but not limited to injunctive relief and/or the issuance of stop work orders, if a person (i) places any structure which requires site plan approval or approval of an amendment to a site plan approval without first obtaining such approval or (ii) fails to comply with an approved site plan or an approved amendment thereof or (iii) fails to comply with any of the terms or conditions of the Planning Board resolution that approved such site plan or amendment thereof.

Section 7 – Severability:

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any

other provisions of this Local Law, which may be implemented without the invalid or unconstitutional provisions.

Section 8 – Effective Date:

This Local Law shall become effective upon filing with the Secretary of State.