

**LOCAL LAW NO. 5 OF 2024**

**BOARD OF TRUSTEES  
VILLAGE OF SCARSDALE**

**A LOCAL LAW TO AMEND THE SCARSDALE CODE CONCERNING  
NEWSPAPER PUBLICATION**

A LOCAL LAW to amend the Scarsdale Village Code concerning newspaper notice publication requirements in advance of a public hearing.

**BE IT ENACTED** by the Village Board of Trustees of the Village of Scarsdale as follows:

**Section 1.** Chapter 12 of the Scarsdale Village Code, concerning the Board of Appeals, is hereby amended to add a new Section 12-4, entitled “Notice of hearing” as follows:

**§ 12-4 Notice of hearing.**

Public notice of any appeal or application pending before the Board of Appeals shall be published by the Village Clerk in the official newspaper of the Village of Scarsdale at least once and at least 5 days prior to the date of the public hearing.

**Section 2.** Chapter 18 of the Scarsdale Village Code, Section 18-6 entitled “When meetings and public hearings to be held,” concerning the Board of Architectural Review is hereby amended as follows:

**§ 18-6 When meetings and public hearings to be held.**

Meetings of the Board of Architectural Review shall be held at the call of the Chairman and at such other times as the Board shall determine. The Board may hold a public hearing when it deems the same to be in the public interest. Notice of a public hearing shall be given by the Village Clerk in the official newspaper of the Village of Scarsdale at least once and at least 5 days prior to the date of the public hearing.

**Section 3.** Chapter 51 of the Scarsdale Village Code, Section 51-1 entitled “Setting public hearings; notice to be given,” concerning notice of a public hearing to adopt a local law is hereby amended as follows:

§ 51-1 **Setting public hearing; notice to be given.**

Before voting upon the enactment of a local law, public notice shall be given by the Village Clerk by causing the same to be published once in the official newspaper of the Village of Scarsdale at least once and at least 5 days prior to the day fixed for such public hearing.

**Section 4.** Chapter 182 of the Scarsdale Village Code, Section 182-3 entitled “Committee for Historic Preservation,” concerning the Operation of the Committee is hereby amended to add a new Subsection E(3) as follows:

§ 182-3 **Committee for Historic Preservation.**

...

**E.** Operation of the Committee.

- (1) The Building Inspector shall advise the Committee, in writing, as soon as practical, of each and every application filed with the Building Department for a permit to demolish all or any substantial part of any building in the Village. A substantial part of any building shall be defined as more than 50% of the existing square footage consisting of any combination of the front, rear and side elevations and the interior structure, including inside walls and floors, but excluding the basement area.
- (2) Within 60 days after the submission of a completed application as determined by the Building Department, the Committee shall conduct one or more meetings, where public input shall be taken in a form and manner as prescribed by the Committee, to consider and decide whether the applicant is entitled to a certificate to demolish the building or, based upon the criteria set forth in § 182-5, the building in question appears to be one of substantial historical importance, and, as such, should be preserved. If the Committee determines that the building appears to meet such criteria and should be preserved, the Committee shall promptly advise the Building Inspector to inform the applicant of its determination and the applicant's right to appeal the Committee's determination to the Board of Trustees and/or file a hardship application with the Board of Trustees.
- (3) The Committee may hold a public hearing on a completed application when it deems the same to be in the public interest. Notice of a public hearing shall be given by the Village Clerk in the official newspaper of the Village of Scarsdale at least once and at least 5 days prior to the date of the public hearing.

**Section 5.** Chapter 254 of the Scarsdale Village Code, Section 254-10.1 entitled “Site plan for land-disturbing activities in adjoining property buffer,” Subsection C(1), concerning notice of a public hearing in connection with an application to disturb an adjoining property buffer is hereby amended as follows:

§ 254-10.1 **Site plan for land-disturbing activities in adjoining property buffer.**

...

C. A public hearing shall be held by the Planning Board on the site plan application.

- (1) Public notice of any such hearing shall be published by the Clerk in the official newspaper of the Village of Scarsdale at least once and at least 5 days preceding the date of the hearing.
- (2) Applicant to mail public notice of the hearing to proximate property owners. Each applicant seeking approval of a site plan pursuant to this section shall serve the public notice setting forth the location of the property, the nature of the application and the time and place of the hearing upon all owners of property, any part of which is within 200 feet of any point on the boundary of the lot, or lots, involved in the application. As an exception, for properties larger than 15 acres in area, notice shall be sent to all owners of property within 200 feet of the activity covered by the application. Such notice shall be served by certified mail not less than 10 days, or by personal service not less than seven days, prior to the date of the hearing thereon. If service has been effected by mail, a receipt from the post office of such mailing shall constitute proof. Each such notice shall be in a form as prescribed by the Board.
- (3) Further notice shall not be required in the event of a continuance unless the Board shall direct the giving of such notice.
- (4) At least two days prior to the hearing, the applicant shall file with the Clerk proof, in affidavit form, that such required notice in satisfactory form and substance has been served.

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**Section 6.** Chapter A319 of the Scarsdale Village Code, Section A319-12 entitled “Notice of public hearing,” concerning the Planning Board’s notice of a public hearing is hereby amended as follows:

§ A319-12 **Notice of public hearing.**

Unless otherwise provided under New York State Law, public notice of any such hearing shall be published by the Clerk in the official newspaper of the Village of Scarsdale at least once and at least 5 days preceding the date of the hearing.

**Section 7.** Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapters 12, 18, 51, 182, 254 and A319 of the Scarsdale Village Code are otherwise to remain in full force and effect and are otherwise ratified, readopted and confirmed.

**Section 8.** Numbering for Codification

It is the intention of the Village of Scarsdale and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Scarsdale; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

**Section 9.** Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 10.** Effective date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.