

VILLAGE OF LARCHMONT
PROPOSED LOCAL LAW K of 2016

A local law to amend the Zoning Law by establishing regulations concerning mechanical rock excavation and additional regulations concerning rock blasting

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

Section One. Purpose and Intent.

The purpose of this local law is to establish regulations concerning mechanical rock excavation and additional regulations concerning rock blasting. Mechanical rock excavation and rock blasting operations have the potential to create disturbances and detrimental impacts on aural aesthetics. These regulations will permit mechanical rock excavation and rock blasting with reasonable controls that will protect the health, safety, and welfare of the community.

Section Two. Section 381-7 of the Zoning Law of the Code of the Village of Larchmont, concerning definitions, is hereby amended by adding the following definitions:

EXCAVATION, MECHANICAL ROCK

See "mechanical rock excavation."

MECHANICAL ROCK EXCAVATION

Mechanical rock removal with the use of a mechanical hammer or similar device, but excluding drilling or boring of holes, and excluding the removal of man-made structures such as concrete steps or driveways.

TESTING DAYS

A day when a school is administering a state- or federally-mandated test, PSAT, SAT, ACT, final examination, or other similar test, as long as the school or district posts on its website at the beginning of each school year such dates and provides such information at the beginning of the school year to the Village's Building Department.

Section Three. Section 381-44 of the Zoning Law of the Code of the Village of Larchmont, currently reserved, is hereby added to read as follows:

§ 381-44. Mechanical rock excavation and rock blasting.

- A. Mechanical rock excavation and rock blasting permits required.
 - 1. No person shall engage in mechanical rock excavation or permit such excavation to occur on their lot, unless a mechanical rock excavation permit has first been issued by the Village.
 - 2. No person may perform any rock blasting, or permit such blasting to occur on their lot, unless a rock blasting permit is obtained as set forth in section 107 of the Village Code.
- B. Mechanical rock excavation and rock blasting operations.

1. Mechanical rock excavation and rock blasting operations on a lot, including rock removal, shall be restricted to thirty eight (38) consecutive calendar days, and no new or additional mechanical rock excavation or blasting permit shall be issued for the same lot within eighteen (18) months from the expiration date of any previously issued mechanical rock excavation or blasting permit. In the case of a lot or lots resulting from a subdivision approved after January 1, 2016, these operations, including rock removal, shall be as approved by the Planning Board as a condition of site plan approval or as part of a construction management plan, and the time frame for such operations shall be limited to as few days as reasonably feasible, but in no event shall that time frame exceed 10 days per additional lot beyond the initial thirty eight (38) days.

(a) When such operations are the subject of a subdivision or site plan application(s), the Planning Board, upon a determination that the limitations set forth in this subparagraph are not reasonably feasible, may extend the days by which the operations may occur; such extension must be reasonable under the circumstances.

(b) When such operations are not the subject of a subdivision or site plan application(s) or the operations are underway pursuant to previous approval, the Building Inspector, upon advice and consultation with the Village Engineer or village consulting engineer and for good cause shown, may extend the days by which the operations may occur; such extension must be reasonable under the circumstances, but in no event shall such extension exceed fourteen calendar days.

(c) When such operations are not the subject of a subdivision or site plan application(s) or the operations are underway pursuant to previous approval, only the Planning Board, for good cause shown, may extend the days by which operations may occur by more than fourteen days, and such extension must be reasonable under the circumstances.

2. Mechanical rock excavation and rock blasting operations, including rock removal, shall only be permitted to occur between 8:00 a.m. and 3:30 p.m. on Mondays through Fridays, and shall not be permitted on any Saturday, Sunday, or federal or state public holiday.

3. Mechanical rock excavation and rock blasting operations, including rock removal, are prohibited within 500 feet of any public or private school on testing days.

4. No person performing mechanical rock excavation shall have more than two machines and two hammers operating on one lot at the same time. Rock crushing is prohibited on site.

5. All mechanical rock excavation and rock blasting operations shall comply with the same requirements as set forth in soil moving operations under § 381-42.A.(2)(c).

Section Four. Severability.

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 Five. Effective Date.

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