VILLAGE OF LARCHMONT
PROPOSED LOCAL LAW M of 2016

A local law to amend the site plan regulations of the Zoning Law
by increasing the regulation of the demolition of improvements and
condition of lots following demolition

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 increase the regulation of the demolition of improvements and the condition of lots following demolitions. Existing law requires site plan approval for the demolition of over 20% of the gross square footage of existing improvements located on a single lot within any twenty-four month period. This local law provides that such approval must also include demolition management and site restoration plans and that, in the event a site plan application for new improvements is pending, demolition cannot occur until all permits and approvals for the new improvements have been obtained.

[moved to recodification law]
**Section Two**. Paragraph 381-68-E.F. of the Code of the Village of Larchmont is hereby revised by adding the following subparagraphs:

(1) The Planning Board shall not issue site plan approval for any demolition until the Planning Board approves a demolition management plan and site restoration plan. The demolition and site restoration plans shall include, but not be limited to:

(a) the time frames during which which demolition and site restoration may occur and must be completed;

(b) a requirement to fill all exposed below-grade areas with soil and that the lot be graded to match adjacent grades, all in compliance with the quality of soil and documentation provisions set forth in § 381-42.A.(2)(b), and for which the maximum quantity of soil that may be imported set forth in § 381-42.A.(2)(b)(1) shall not apply;

(c) a requirement that all above-ground and overhead utilities be removed;

(d) where, upon satisfaction of the condition provided below, the Planning Board permits the foundation and/or other below-grade infrastructure or materials to remain on the lot, a requirement that a survey showing the locations and dimensions of such foundation and below-grade infrastructure and materials to remain after demolition be filed with the Building Department;

(e) a plan to protect, to the extent feasible, trees and other vegetation during demolition operations;

(f) a post-demolition landscaping plan in accordance with the Planning Board's requirements, which shall include maintenance of such landscaping and a prohibition against bare areas of soil; and

(g) a prohibition against chain link fencing and gates when demolition is complete.

(2) If a site plan application for new improvements is pending, the Planning Board shall require that demolition not occur until the new improvements have all required permits and approvals.

(3) Where an applicant seeks approval for the foundation and/or other below-grade infrastructure or materials to remain on the lot, the applicant shall submit a certified statement from the applicant's engineer that the foundation and such infrastructure and materials and the methods proposed to cover them are structurally sufficient and will not, under reasonably expected circumstances, cause any instability on the lot within the next ten years.

(4) Exceptions. Where the Building Inspector determines that the improvement or part thereof creates an immediate threat to the health, safety, or welfare of the community, or for other exigent circumstances, the Building Inspector may permit demolition to occur without the Planning Board having first issued site plan approval, including a demolition management plan and site restoration plan. The applicant must either concurrently during demolition, or immediately thereafter if it is not feasible to do so concurrently, seek approval from the Planning Board of a site plan and post-demolition site restoration plan, which shall include the same provisions referenced in subparagraph (1) above, and failure to seek such approvals shall be a violation subject to the penalties in the following subparagraph.

(5) Penalties. In addition to any other penalties provided for violation of this site plan law, any person violating any of the provisions of this paragraph 381-68-E.F. of the Code of the Village of Larchmont shall be guilty of a violation (i.e., not a misdemeanor or felony) punishable by a fine of up to $5,000.00. Each day a violation continues shall constitute a separate offense.

**Section Three**. 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, Board, 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 Four**. Effective Date.

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