

Minutes of Regular Meeting of the  
Board of Trustees of the  
Village of Larchmont, NY  
**held on Monday, November 21, 2016**  
**at the Village Center, 119 Larchmont Avenue**

**PRESENT:** Mayor Lorraine Walsh  
Deputy Mayor Carol Miller  
Trustees John Komar  
Peter Fanelli  
Malcolm Frouman

**ABSENT:** None

**Also Present:** Dep. Clerk Rilley, Attorney Staudt,  
Treasurer Brucciani, Administrator Datino

Mayor Walsh welcomed all in attendance and called the meeting to order at 7:38 PM.

Mayor Walsh spoke about the fire that took place on November 6<sup>th</sup> at 1912 Palmer Avenue. The fire caused damage to 2 stores and the 12 apartments in the building. The apartment dwellers escaped without injury but were left homeless and without any of their possessions. As of today some have found homes but others haven't. Donations of clothing, food and gift cards began to come in immediately from the community. Some residents opened their homes to those who were in the fire while they looked for a new apartment.

The Mayor then thanked the fire departments from the Village and Town of Mamaroneck, New Rochelle, Pelham and Pelham Manor, Greenville and Scarsdale for their assistance in bringing the fire under control.

Mayor Walsh then presented a proclamation to retiring crossing guard Barbara Thomas. For many years Ms. Thomas was stationed at the corner of Chatsworth and Forest Park Avenues making sure children of the Village, including the Mayor's crossed the street safely. Ms. Thomas thanked the Mayor, the Board and all the residents of the Village. She added that all the children she crossed for all the years were hers.

Chief Poleway made the following report.

1. Thanksgiving holiday quickly approaching, I would like to remind everyone that if you are going to drink alcohol – please do not drive. Historically, the Wednesday before Thanksgiving and the Thanksgiving weekend are some of the most active times for our bars and restaurants. College students return home and relatives travel into the Village for family gatherings and this often creates environments where the consumption of alcohol occurs. So, if you are going to consume alcohol, don't drive, choose a sober designated driver or call a taxi to ensure safe travel. For the well-being of everyone - please don't drink and drive. The police department will have additional DWI patrols on duty over the Thanksgiving weekend to enforce driving while impaired laws and to keep all of our motorists and pedestrians safe.
2. During the holiday season, there will be an increase of police officers on foot patrols in the business districts in an effort to interact with the public and business owners and create a safe environment for those that are conducting business and shopping within the village. Business owners are reminded to contact the police if they would like an escort while making bank deposits for their businesses at any time during the day.

**Mayor's Comments**  
**Fire at 1912 Palmer Ave**  
**11/6/16**

**Police Chief's Report**

Police Chief's Report  
Con't.

3. Yesterday was another violent and deadly day for the law enforcement community as four police officers were shot in three different states – one fatally. San Antonio police officer Detective Benjamin Marconi who was 50 was ambushed and executed as he was writing a summons in his marked patrol vehicle while in front of police headquarters at approximately 11:45 a.m. He was shot twice in the head and appears to have been targeted because of his uniform and the assassin is still at large. Detective Marconi was a 20 year veteran and the father of two. Elsewhere, a St. Louis police sergeant was shot twice in the face at 7:30 p.m. Sunday night, but was expected to survive and was hospitalized in critical condition. An officer in Gladstone, Missouri was shot and sustained non-life threatening injuries and another officer in Sanibel, Florida was shot and injured. In 2016, 58 state, county and local officers have been shot and killed while on duty with no end in sight. This assault on our nation's law enforcement community is troubling and unacceptable and needs to stop. My thoughts and prayers are with all those officers and their families that have been affected by this violence.
4. As of October 15<sup>th</sup> the police department has responded to over 300 calls for service including 32 aided cases and 31 motor vehicle accidents. In addition, there were four penal law arrests that included two felonies and two vehicle and traffic law misdemeanors. The detectives also served two warrants of arrest for individuals that failed to return to village court and they were subsequently remanded to the County jail.
5. See something – Say something –I would like to remind everyone to stay vigilant in reporting any suspicious activity that may be observed over the upcoming holiday. If you observe something that may be suspicious, please, do not keep it to yourself – call the 24 hour NYS Terrorism Tips Line at 866 SAFE-NYS (866-723-3697) or call the Larchmont Police Department at (914) 834-1000 or simply dial 911.

I recently had the privilege of attending a 10 week course of study at the FBI National Academy down in Quantico, Virginia. I was a member of class 265 that consisted of 241 men and women in the law enforcement community and they represented 48 states and 24 different countries. It was a unique and rewarding experience and certainly one of the highlights of my career. The Academy ran from July 11<sup>th</sup> and concluded with our graduation on September 16<sup>th</sup>. The training included an intensive academic course of study in topics related to leadership, counterterrorism, communications, forensics, managing organizational change, as well as officer fitness and wellness. In addition, there was a strenuous physical fitness component to the academy. We were required to attend 3 to 4 PT sessions each week and every Wednesday we were put through an intense physical challenge as a class. The culminating physical activity was a 6.1 mile obstacle course designed by the Marines and it is affectionately known as "The Yellow Brick Road". It was difficult, but I was able to complete it and received a yellow brick in recognition of my efforts and that brick is now proudly displayed in my office. The most important component of attending the National Academy is ultimately the networking that occurs amongst the classmates and the friendships that are formed as a result. I have continued to stay in touch with my classmates and now have personal contacts throughout the country and in many different parts of the world.

I am the first police officer from Larchmont to have attended and graduated from the National Academy and hopefully, in time, there will be others. I would like to take a moment to acknowledge and thank the mayor and the board for their support and allowing me to take advantage of this wonderful opportunity and enriching experience.

Police Chief's Report  
Con't.

The Chief then wished everyone a safe and Happy Thanksgiving.

Chief Caparelli made the following report.

Fire Chief's Report

1. The Larchmont Fire Department responded to an alarm of fire at 1912 Palmer Avenue on November 6, 2016 at 0317 am. The first arriving units were met with visible fire from the third floor windows and residents exiting the building. Lt. Doherty initiated an all hands response from 60 Control which summoned personnel and apparatus from the TMTD, NRTD, PFD, PMFD, GFD, SFD and the VMFD as well as a recall of all off duty Larchmont career personnel and Volunteers. The duty crew of Lt. Doherty, FF Allen and FF DiGilio immediately began to fight the fire and evacuate the remaining residents, some of which were still sleeping and not aware of the ongoing fire. Operations continued for approximately 6 hours with personnel inside fighting the fire as well as extensive exterior operations until the fire was brought under control at approximately 10 am. I am happy to report that no residents were injured and only 1 firefighter sustained non-life threatening injuries when he became disoriented in the smoke and stepped off the roof falling approximately 12 feet to the ground. He has since been released from the hospital and is recovering. The building sustained substantial fire damage to the third floor and extensive water and smoke damage to the rest of the building. The latest from the building owner is that he is waiting for his insurance agency to determine if the building will be demolished or repaired above the first floor store fronts. I would like to thank the departments who responded to our call for aid and extend our most sincere sense of appreciation for their work in extinguishing this fire.
2. The Fire Department's annual Inspection was held this past Friday and I would like to thank the members of the Board who attended and supported us. The dinner was attended by neighboring departments and guests from agencies we deal with on a daily basis. Everyone had a wonderful time.
3. The Career staff will be sponsoring the third annual Light up Larchmont event in Constitution Park on December 3, 2016 from 3pm to 6pm. There will be a tree lighting, pictures with Santa, music and refreshments free of charge. Please make every effort to attend.
4. The Fire Department received all the equipment specified in the grant awarded to us by the Department of Homeland Security. The Hose and related water distribution equipment was delivered and is now in service replacing old worn out hose, valves, nozzles and fittings some of which were over 20 years old.
5. Tonight, the Volunteer staff will be attending a Defensive Driving course here at the fire house in keeping with the Village's insurance carrier's request that all drivers of Village vehicles complete this class before operating a Village owned vehicle.

All apparatus and equipment are in service and operational.

All Fire Inspections and Code Enforcement efforts are ongoing.

Trustees Reports

Trustee Miller gave the following report.

Recreation

1. Recreation Committee met on November 10<sup>th</sup>. Items discussed were:  
Reviving the Pet Parade, Paddle Tennis Clinics to be run through Continuing Ed, Spring and Summer Tennis and a possible clinic in April.
2. Bike lanes should be ready by May 1, 2017 in time for the return of the Tour de Larchmont on May 5<sup>th</sup>.
3. The Larchmont Run, "Sprint to Flint" will take place on June 16, 2017.
4. The next Recreation Committee meeting will be held on December 16<sup>th</sup>.

Friends of the Library

1. Meet the Author, on December 12<sup>th</sup>, Jennifer Armstrong will read from her book, "Seinfeldia".
2. "Larchmont" a movie created by 2 local residents, Ben Zuckert and William Seife, will be screened on December 18<sup>th</sup>. Both of these programs will take place at the Village Center (behind the Library) at 4:00 PM with refreshments served at 3:30 PM.

Trustee Frouman made the following report.

1. Catherine Kassenoff formerly of the Governor's office is joining the Committee on the Environment.
2. Committee on the Environment Chair, Kristen Anderson, has scheduled monthly meetings through June.

Robbins, S.  
Catalano, A.  
Woodard & Curran  
Byron Pl. Pump Station  
Project

Next Steve Robbins and Anthony Catalano from Woodard and Curran spoke to Board about the Byron Place Pump Station Project. Mr. Robbins, the Project Manager, said the station was built in 1925 that had one steel tank with a building that houses two pumps. A second tank was added in the fifties with upgrades in the eighties. The Village decided to do upgrades to the station by improving the pumping capacity, electrical efficiency, heating and insulation, controls and record keeping. The pump rehabilitation began in the spring and last week Con Ed brought power to the site. Testing should begin soon.

Construction is on budget and there have been minimal changes orders and no contract changes that would have to be approved by the Board. Woodard and Curran are recommending that the Village move forward with Phase 2 which is the replacement of the two tanks with one larger concrete tank. The bid documents are being prepared, with construction to begin in the spring.

Mayor Walsh said that the last time her and Mr. Robbins spoke, bid documents were ready but they were waiting for the Department of Health approval, she asked what the status was.

Mr. Robbins replied that the Department of Health sent their comments but this will not be an issue moving forward.

Mayor Walsh asked if the pumps also require an inspection by the Department of Health.

Mr. Robbins said once the disinfecting and testing is completed, the Health Department will perform an inspection.

On motion of Trustee Miller, seconded by Trustee Komar, and unanimously carried, it was:

**RESOLVED**, that the Public Hearings adjourned from the October 17, 2016 meeting, to consider and take comment on proposed local laws A-Q, 2016 be opened.

Mayor Walsh said that tonight’s public hearing was adjourned at last month’s meeting and at that time there were 17 land use laws on the agenda. 11 of those laws have remained the same and are on the agenda. Comments will be taken for Proposed Laws A,B,C,D,E,F,H,I,N,P,Q tonight. When the public hearing is closed the Board will consider the resolution to adopt. The Village has received responses from Westchester County Planning, the CZMC and the Planning Board regarding the proposed laws. Changes have been made to the balance of the laws and tonight a new public hearing will be set for December 19th to take comments on them. Proposed Local Law “L” is gone and now part of Proposed Local Law “M” and an additional Law “R” has been added.

The following made comments on the proposed local laws:

- Sarah Bauer
- Hendi Susanto
- Sally Robling
- Michael Puglisi-read a prepared statement
- Carol Cassaza
- Theresa Finck
- Kim Tofalli
- Stacey Caffrey
- Joel Weinberg
- Mike McCrum

Comments were made on: Changes to the proposed laws, trees and removal permits, mansion sized properties, character of the Village, the Board and the fear of lawsuits from developers, defining subdivision of residential or commercial properties, historic law, duration of the moratorium and the Board of Architectural Review not taking comments.

Mayor Walsh and Attorney Staudt replied to some of the comments that were made.

*Mayor Walsh-* the 11 laws for this public hearing with the exception of a half of a sentence, are the same that have been worked on by everyone and came to be agreed upon. Only change was in law “D” in “C2” that says, “It will not be deemed feasible to require such relocation or removal where doing so would substantially interfere with a permitted use.” The Mayor asked the Attorney to comment

*Attorney Staudt-* the language included gives the Planning Board more latitude to require improvements to be moved to save a tree than the suggested language of tying it to the standard of financial hardship. The key to the sentence is “substantially interfere with a permitted use.” It is not substantially interfere with a proposed improvement, in zoning law, use and area requirements are separated. When you are talking about use you are talking about the use. What this sentence means is that improvements can be required to be changed as long as doing so won’t substantially interfere with the right to use the property for one-family residential purposes. Think of the dialogue that may occur between a planning board and an applicant, the planning board would say ‘we would like you to shift this house 3 ft. to the right then we think you can save that tree or not put that garage there, move it back’. The applicant would say ‘that substantially interferes with the permitted use’. The answer is no. The permitted use is to use the property for one-family residential purposes. If you do that you can still use the property for one-family residential purposes.

**RESOLUTION**

Open P.H.  
Proposed L.I.  
A to Q 2016

**Comments**

- Bauer, S.
- Susanto, H.
- Robling, S
- Puglisi, M.
- Cassaza, C
- Finck, T.
- Tofalli, K.
- Caffrey, S.
- Weinberg, J.
- McCrum, M.

P. H. Con't.

However if we make the standard significant financial effect, the applicant can make a very good argument 'that if you make me move the garage back there and I have to do more excavation or you make me take 600 sq. ft. off the house, that's going to cost \$20,000', that is a substantial financial effect. In my opinion the language in there gives the Planning Board more flexibility to protect trees than the language that has been suggested by speakers tonight.

On motion of Trustee Miller, seconded by Trustee Komar, and unanimously carried, it was:

**RESOLUTION**

Close P. H.

**RESOLVED.** that the Public Hearings be closed.

**RESOLUTION**

Local Laws

On motion of Trustee Frouman, seconded by Trustee Fanelli, and unanimously carried, the following resolution was adopted:

B

C

D

E

F

H

I

N

SEQRA

**RESOLUTION DETERMINING SIGNIFICANCE OF LOCAL LAWS B, C, D, E, F, H, I, AND N OF 2016 PURSUANT TO SEQRA**

WHEREAS, the Board of Trustees (the Board) of the Village of Larchmont (the Village) has proposed the adoption of the following local laws:

<u>Proposed Local Law</u>	<u>Title</u>
B of 2016	A local law to strengthen stormwater management controls during and following development
C of 2016	A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets
D of 2016	A local law to amend the Zoning Law regarding tree removal, preservation, and planting in connection with subdivision and site plan approval
E of 2016	A local law to amend the Zoning Law by establishing maximum gross residential floor area ratios for one-family dwellings within certain districts and by requiring increased setbacks under certain circumstances
F of 2016	A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts
H of 2016	A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts
I of 2016	A local law to amend the Zoning Law by establishing standards for the location and dimensions of single and shared driveways in certain districts
N of 2016	A local law to amend the subdivision regulations of the Zoning Law by revising the definition of subdivision, adding provisions concerning lot arrangement and dimensions and ensuring consideration of the land's character

(collectively, the Proposed Local Laws); and

WHEREAS, the Board, the only involved agency, reviewed and accepted the Environmental Assessment and by resolution dated September 19, 2016, determined that adoption of the Proposed Local Laws are Unlisted actions under the New York State Environmental Quality Review Act and implementing regulations (collectively, SEQRA); and

WHEREAS, the Board has reviewed the criteria of significance set forth in the SEQRA regulations, and has reviewed and accepted Part 3 of the EAFs prepared by the Village’s consultants, attached hereto,

NOW, THEREFORE, BE IT RESOLVED that for the reasons set forth in the Negative Declaration forms attached hereto, the Board of Trustees finds that adoption of the Proposed Local Laws will not have a significant adverse impact on the environment and thus no Environmental Impact Statement is required.

On motion of Trustee Komar, seconded by Trustees Miller, and unanimously carried, the following resolution was adopted:

**RESOLUTION TO ADOPT PROPOSED LOCAL LAWS A, B, C, D, E, F, H, I, N, P, AND Q OF 2016**

WHEREAS, the Board of Trustees is considering taking an action to adopt the following proposed local laws:

<u>Proposed Local Law</u>	<u>Title</u>
A of 2016	A local law to move the separate Site Plan Approval and Subdivision of Land chapters of the Village Code into the Zoning Law
B of 2016	A local law to strengthen stormwater management controls during and following development
C of 2016	A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets
D of 2016	A local law to amend the Zoning Law regarding tree removal, preservation, and planting in connection with subdivision and site plan approval
E of 2016	A local law to amend the Zoning Law by establishing maximum gross residential floor area ratios for one-family dwellings within certain districts and by requiring increased setbacks under certain circumstances
F of 2016	A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts
H of 2016	A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts

**RESOLUTION**

Adopt Proposed Local Laws

A

B

C

D

E

F

H

I

N

P

Q of 2016

establishing standards for the location and dimensions of single and shared driveways in certain districts

- N of 2016 A local law to amend the subdivision regulations of the Zoning Law by revising the definition of subdivision, adding provisions concerning lot arrangement and dimensions and ensuring consideration of the land's character
- P of 2016 A local law to amend the Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees
- Q of 2016 A local law to amend the grandfathering provisions of the Zoning Law following amendments

(collectively, the Proposed Local Laws); and

WHEREAS, public hearings on the Proposed Local Laws were scheduled for October 17, 2016, at 7:30 p.m., and notice of such public hearings was timely published in the newspaper and circulated in accordance with applicable laws and regulations; and

WHEREAS, all requisite referrals and notices of the Proposed Local Laws and public hearings to the Westchester County Planning Board, neighboring municipalities, and other entities were timely made; and

WHEREAS, on October 3, 2016, the Village received a response from the Westchester County Planning Board affirming that these are matters for local determination; and

WHEREAS, the Board referred the Proposed Local Laws to the Village's Planning Board/Commission and received comments in favor of their adoption; and

WHEREAS, the Board referred the relevant Proposed Local Laws to the Town of Mamaroneck / Village of Larchmont Coastal Zone Management Commission (the CZMC) and, in a letter dated October 26, 2016, the CZMC stated that it had determined that the relevant Proposed Local Laws are consistent with the policies in the Local Waterfront Revitalization Program (the LWRP) and that the Village should move forward with their adoption; and

WHEREAS, the Village held numerous work sessions during which the Proposed Local Laws were discussed, and during such work session members of the public were invited to share their thoughts and did so; and

WHEREAS, the Village also received written public comments on the Proposed Local Laws; and

WHEREAS, public hearings on the Proposed Local Laws were duly opened on October 17, 2016, and adjourned to November 21, 2016, and during both sessions public comments on the Proposed Local Laws were heard, and the public hearings were closed on November 21, 2016;

NOW, THEREFORE, BE IT RESOLVED: that the Board of Trustees ratifies the CZMC's opinion that adoption of the Proposed Local Laws is consistent with the LWRP, finds that the Proposed Local Laws are required in the public interest and are in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and such findings are set forth in the statement attached hereto,

AND BE IT FURTHER RESOLVED: that the Board of Trustees hereby adopts proposed the Proposed Local Laws, and that upon adoption, the Proposed Local Laws will become local laws designated as follows:

<u>Proposed Local Law</u>	<u>(Adopted) Local Law</u>	<u>Title</u>
A of 2016	# 7-2016	A local law to move the separate Site Plan Approval and Subdivision of Land chapters of the Village Code into the Zoning Law
B of 2016	# 8-2016	A local law to strengthen stormwater management controls during and following development
C of 2016	# 9-2016	A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets
D of 2016	# 10-2016	A local law to amend the Zoning Law regarding tree removal, preservation, and planting in connection with subdivision and site plan approval
E of 2016	# 11-2016	A local law to amend the Zoning Law by establishing maximum gross residential floor area ratios for one-family dwellings within certain districts and by requiring increased setbacks under certain circumstances
F of 2016	# 12-2016	A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts
H of 2016	# 13-2016	A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts
I of 2016	# 14-2016	A local law to amend the Zoning Law by establishing standards for the location and dimensions of single and shared driveways in certain districts

- N of 2016 # 15-2016 A local law to amend the subdivision regulations of the Zoning Law by revising the definition of subdivision, adding provisions concerning lot arrangement and dimensions and ensuring consideration of the land's character
- P of 2016 # 16-2016 A local law to amend the Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees
- Q of 2016 # 17-2016 A local law to amend the grandfathering provisions of the Zoning Law following amendments

(collectively, the Local Laws)

AND BE IT FURTHER RESOLVED: that the Board of Trustees directs Village staff to file, publish and circulate the Local Laws in accordance with applicable law and regulations.

**FINDING STATEMENT REGARDING PROPOSED LOCAL LAWS A, B, C, D, E, F, H, I, N, P, AND Q OF 2016**

- A of 2016 A local law to move the separate Site Plan Approval and Subdivision of Land chapters of the Village Code into the Zoning Law
- B of 2016 A local law to strengthen stormwater management controls during and following development
- C of 2016 A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets
- D of 2016 A local law to amend the Zoning Law regarding tree removal, preservation, and planting in connection with subdivision and site plan approval
- E of 2016 A local law to amend the Zoning Law by establishing maximum gross residential floor area ratios for one-family dwellings within certain districts and by requiring increased setbacks under certain circumstances
- F of 2016 A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts
- H of 2016 A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts
- I of 2016 A local law to amend the Zoning Law by establishing standards for the location and dimensions of single and shared driveways in certain districts
- N of 2016 A local law to amend the subdivision regulations of the Zoning Law by revising the definition of subdivision, adding provisions concerning lot arrangement and dimensions and ensuring consideration of the land's character

Findings Statement  
Proposed Local laws  
A-B-C-D-E-F-H-I-N-P & Q 2016

- P of 2016 A local law to amend the Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees
- Q of 2016 A local law to amend the grandfathering provisions of the Zoning Law following amendments

(collectively, the “Proposed Local Laws”).

Earlier this year, the Board of Trustees (the Board) of the Village of Larchmont (the Village) enacted a temporary moratorium on certain land use applications that are pending or may subsequently be filed within the Village, during which the Board, working with the Village’s planning consultants, consulting engineers, attorneys, and staff, studied, identified, and formulated a plan to address present and future development impacts and needs, especially with respect to the manner in which increases in housing and buildings, both in terms of number and scale, should be regulated in various zoning districts. This plan culminated in the introduction of seventeen proposed local laws addressing issues such as stormwater regulation, demolitions, maximum floor area ratios, grading and soil importation and exportation, and retaining walls.

The Board held numerous work sessions on both the conceptual ideas and the seventeen proposed local laws, and at each work session, the members of the public in attendance were invited to participate in the discussions, and many did so. As a result of such discussions, written comments, and other public comments, some of the seventeen proposed local laws were revised substantively and will be considered at a later date. The remaining Proposed Local Laws identified above are the subject of these findings and will be taken in turn.

**Consistency with Comprehensive Master Plan and Comprehensive Zoning Scheme**

The Board finds that Proposed Local Laws are consistent with the Village’s Comprehensive Master Plan (the Plan) in that they fall within the stated objective to achieve a “safe, healthy, pleasant, convenient, and economically sound environment for all of Larchmont’s residents and businesses,” even as the Village grows (Plan, pp. 82). For example, the Plan provides that “[t]hroughout most of its area, the Village should limit the types of residential development to those which will be compatible with its present character;” and “[a]ll dwellings should provide sufficient area, privacy, comfort, and convenience to meet accepted standards for healthy family living;” and “[t]he attractiveness of the landscape should be preserved and enhanced, wherever possible. Monotony in any future development should be avoided” (Plan, pp. 82-83). As set forth in more detail below, the Proposed Local Laws will help protect the Village’s character, landscape, and the general health, safety, and welfare of its residents, businesses, and visitors.

**PLL A of 2016: A local law to move the separate Site Plan Approval and Subdivision of Land chapters of the Village Code into the Zoning Law**

Entitled, “A local law to move the separate Site Plan Approval and Subdivision of Land chapters of the Village Code into the Zoning Law,” PLL A is purely administrative in nature. While this local law does not effect any substantive changes, the Board finds that moving the separate laws into the Zoning Law will effect greater continuity and ease of reference and that it is in the best interest of the Village to adopt PLL A.

**PLL B of 2016: A local law to strengthen stormwater management controls during and following development**

As its title, “A local law to strengthen stormwater management controls during and following development,” suggests, PLL B strengthens various existing stormwater management regulations set forth in Article II, “Stormwater Management and Erosion and Sediment Control,” of Chapter 335 of the Village Code. The Village consists of a one-square mile area that is already heavily developed. Current regulations are based on the minimum state mandates and require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) only where one acre of land or more is to be disturbed. On recommendation from the Village’s consulting engineers who have been working for the Village for approximately ten years and who have been intimately involved in many projects throughout the Village, this local law reduces the threshold that triggers the preparation of a SWPPP. The local law also encourages and requires the use of green infrastructure practices, implements tighter regulations concerning the handling of stormwater, and sets more readily distinguishable standards on which applicants and developers can base their stormwater management designs. Furthermore, the local law provides for more proactive inspection practices to avoid future issues, including the need to unearth stormwater management controls for inspection purposes, which should increase efficiency and decrease costs.

This Village is no stranger to flooding in certain areas, and these revisions to the Village’s stormwater controls are in keeping with the Village’s comprehensive zoning plan and are specifically designed to help guard against increased flooding and the mismanagement of stormwater, in terms of both quality and quantity. They will promote health and general welfare of both the community and the environment, and, by helping to curtail excessive stormwater run-off and additional flooding, also help conserve the value of buildings and other property. This local law, therefore, is in furtherance of the purposes set forth in Article 7 of the New York State Village Law. For these reasons, the Board finds that it is in the best interests of the Village to adopt PLL B.

**PLL C of 2016: A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets**

Trees are critical to the environment and ecosystem, and as stated in the legislative intent of PLL C, trees provide necessary shade, green space and aesthetic appeal, impede soil erosion, aid water absorption, buffer noise, and provide other benefits and generally enhance the quality of life within the Village. PLL C, entitled, “A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets,” offers greater regulation concerning the Village’s public trees, resulting in both greater protection of existing trees and trees to be planted in the future. The regulations also impose stiffer penalties for violations, which should act as an increased deterrent. For these reasons, the Board finds that it is in the best interests of the Village to adopt PLL C.

**PLL D of 2016: A local law to amend the Zoning Law regarding tree removal, preservation, and planting in connection with subdivision and site plan approval**

The benefits of trees are as stated above, and older, larger trees tend to have a greater benefit than younger, smaller trees whose root systems are not as substantial, canopies are narrower, and which do not take up as much water. The loss a healthy 100-year-old tree, for example, can affect not only the property in which the tree is growing, but the community in general. The loss of many trees can have a greater impact. The Board finds that increased oversight and regulation of the preservation of such trees, to the extent feasible, and other vegetation during the development review process is necessary. PLL D, entitled, "A local law to amend the Zoning Law regarding tree removal, preservation, and planting in connection with subdivision and site plan approval," will serve to protect trees and other vegetation on private property both during the planning stage and during development. The local law also provides that in certain instances, the Planning Board may require the installation of supplemental trees. For the reasons set forth herein, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL D.

**PLL E of 2016: A local law to amend the Zoning Law by establishing maximum gross residential floor area ratios for one-family dwellings within certain districts and by requiring increased setbacks under certain circumstances**

As stated above, when the Board enacted the temporary moratorium earlier this year, it did so to have the opportunity to study and assess present and future development impacts and needs, especially with respect to the manner in which increases in housing and buildings, both in terms of number and scale should be permitted. Recently, the Village has experienced an increase in the construction of new or modified homes that are out-of-scale and disharmonious with others nearby. Such homes create more impervious areas, decrease open space and light and air, can often create a feeling that the land is overcrowded, and can endanger the visual character of the community, among other impacts to the health, safety, and welfare of the Village.

In addition to being open for public comment during the public hearing sessions, the concept proposed that led to the drafting of the local law and the proposed local law itself were the topic of many discussions during public work sessions. At these work sessions, members of the public in attendance were invited to participate in a collaborative way. Initially, members of the public suggested that the Village increase minimum required yards / setbacks, but it was noted that such increased regulations would render a large number of properties non-conforming, which creates a whole host of other issues. Instead, new regulations consisting of maximum floor area ratios combined with increased setbacks under certain circumstances were developed. As a result of additional discussions with members of the public during public meetings, certain exemptions from the calculations of gross floor area ratio were added to allay concerns over the inclusion of all basement space in such calculations.

These new regulations will have the effect of limiting the overall bulk or scale of new or modified homes while preserving to balance the desire of residents to enlarge their homes with the preservation of neighborhood character so that the homes are not or do not appear to be out-of-scale with the neighborhood. When triggered, the increased minimum side yard setbacks will reduce the scale of the façade facing the street and increase the green space and separation between homes. Great effort was made to ensure that these new regulations would be reasonable in their overall effect and achieve the balance described above. In one hypothetical under the new regulations, for example, a home consisting of 4,100 square feet of floor area would be permitted on a 6,000 square foot lot in the R-5 zoning district, even when factoring in the increased setbacks and proposed lot coverage regulations (see discussions below). In contrast, under the current regulations, a home consisting of 6,930 square feet of floor area would be permitted on the same 6,000 square foot lot. In the R-15 zoning district under the current regulations, a home of 16,362 square feet of floor area could be constructed on a 17,000 square foot lot; under the proposed regulations, a home of 7,400 square feet of floor area would be permitted.

Under the new regulations, homes of substantial size will still be permitted, but their impact on their neighborhood will be mitigated and more controlled. For the reasons set forth herein, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL E.

**PLL F of 2016: A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts**

As part of the Village's intent to further protect the environment, open and green space, PLL F, entitled, "A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts," limits the extent to which a lot may be covered by structures, man-made materials, and paved surfaces (as defined in the local law). These regulations will also have a positive impact on stormwater runoff, as there will be less to impede absorption and infiltration into soils, and may reduce the footprints of new and modified homes, in keeping with the Village's intent to limit the overall bulk or scale of new or modified homes. For these reasons, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL F.

**PLL H of 2016: A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts**

As stated above, the Village is a one-square mile area that is already heavily developed. As the demand for generators and heating, ventilating, and/or air conditioning equipment increases, it has become necessary to regulate various aspects to preserve and protect the health, safety, and welfare of the community. These types of equipment can be very loud, for example, and when placed in close proximity to a neighbor's property, can have a negative effect on the neighbor's quality of life. The Board finds that it is appropriate to impose reasonable regulations over the location of such equipment, require screening, and cross-reference the maximum sound pressure levels with the Village's existing noise law. For the reasons stated herein, PLL H, entitled, "A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts," is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL H.

**PLL I of 2016: A local law to amend the Zoning Law by establishing standards for the location and dimensions of single and shared driveways in certain districts**

In keeping with the intent to protect the health, safety, and welfare of the community, the Board has proposed driveway regulations through PLL I, entitled, "A local law to amend the Zoning Law by establishing standards for the location and dimensions of single and shared driveways in certain districts." These spatial regulations will also preserve open space, neighborhood character, and visual aesthetics, as well as avoid certain traffic issues that often occur when a driveway is located near an intersection. For these reasons, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL I.

**PLL N of 2016: A local law to amend the subdivision regulations of the Zoning Law by revising the definition of subdivision, adding provisions concerning lot arrangement and dimensions and ensuring consideration of the land's character**

PLL N is entitled, "A local law to amend the subdivision regulations of the Zoning Law by revising the definition of subdivision, adding provisions concerning lot arrangement and dimensions and ensuring consideration of the land's character." The Village's current subdivision regulations are applicable to the division of land into three or more lots. PLL N provides that the Village's subdivision regulations apply to the division of land into two or more lots. In addition to the tearing down and replacement of a home on a single lot, the Village has experienced recently an increase in the number of applications seeking to turn one lot into two or more lots. Some of those applications, however, did not need formal subdivision approval pursuant to the Village's subdivision regulations. Given the potential impacts of creating additional lots, especially in an area the size of the Village that, as has been said previously, is heavily developed, the Board finds that it is prudent to subject such actions to the standards set forth in the Village's subdivision regulations. The additional provisions in the local law concerning lot arrangement, lot dimensions, and lot character, are also prudent to avoid future issues by requiring these factors to be considered during the application review process.

These additional regulations will protect the health, safety, and welfare of the community, and are in keeping with Village’s policy to consider subdivisions as part of a plan for the orderly, efficient, and economical development of the Village. For these reasons, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL N.

**PLL P of 2016: A local law to amend the Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees**

PLL P of 2016, entitled, “A local law to amend the Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees,” establishes a streamlined procedure for handling application fees, and a stricter procedure for handling consultant fees when such consultants are retained by the Village in connection with the review of a land use application. While this local law does not change the existing provision that the applicant is required to bear the actual expense of the fees, this procedure will eliminate the need for the Village to float the funds to pay the consultants and wait to be reimbursed by the applicant. This new procedure will also create more efficiency in the Village by cutting down on staff time often needed to follow up on such reimbursements. For these reasons, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL P.

**PLL Q of 2016: A local law to amend the grandfathering provisions of the Zoning Law following amendments**

Given the number of amendments proposed to the Zoning Law, the Board finds that it is prudent to adopt PLL Q, entitled, “A local law to amend the grandfathering provisions of the Zoning Law following amendments,” to clarify the effect of these amendments on existing structures, generators, HVAC units, etc. This local law provides that, where so specified, existing legal nonconformities may remain or be rebuilt. In other words, generally speaking, the existing grandfathering provisions of the Zoning Law are being expanded to include buildings, structures, generators, and outdoor HVAC equipment to take into account, for example, the new generator and HVAC regulations. The Board, for example, finds that it would not be reasonable, upon adoption of PLL H, to force

**TO READ ADOPTED LOCAL LAWS SEE ATTACHED**

**RESOLUTION**  
Set Public Hearing  
Proposed Local Laws  
**G-J-K-M-O-R**  
12/19/16

On motion of Trustee Frouman, seconded by Trustee Fanelli and unanimously carried, it was:

**RESOLVED**, that a Public Hearing is hereby scheduled by the Village Board of the Village of Larchmont to be held in the Courtroom in Village Hall, 120 Larchmont Avenue, on Monday, December 19, 2016 at 7:30 PM, to consider and take comments on the following:

Proposed Local Law G to revise the Zoning Law by regulating the location and dimensions of retaining walls and the land surrounding them

Proposed Local Law J to amend the Zoning Law by adding regulations concerning changes of grade and soil movement

Proposed Local Law K to amend the Zoning Law by establishing regulations concerning mechanical rock excavation and additional regulations concerning rock blasting

Proposed Local Law M to amend the site plan regulations of the Zoning Law by prohibiting site plan approval for proposed demolition that is subject to additional zoning regulations

Proposed Local Law O to amend the Zoning Law by increasing coordination among the Village’s land use boards

Proposed Local Law R to amend the grandfathering provisions of the Zoning Law

On motion of Trustee Miller, seconded by Trustee Komar, and unanimously carried, the following resolution was adopted:

WHEREAS, the Village of Larchmont Board of Trustees is considering the enactment of the following proposed Local Laws;

Proposed Local Law G to revise the Zoning Law by regulating the location and dimensions of retaining walls and the land surrounding them

Proposed Local Law J to amend the Zoning Law by adding regulations concerning changes of grade and soil movement

Proposed Local Law K to amend the Zoning Law by establishing regulations concerning mechanical rock excavation and additional regulations concerning rock blasting

Proposed Local Law M to amend the site pan regulations of the Zoning Law by prohibiting site plan approval for proposed demolition that is subject to additional zoning regulations

Proposed Local Law O to amend the Zoning Law by increasing coordination among the Village’s land use boards

Proposed Local Law R to amend the grandfathering provisions of the Zoning Law

And

WHEREAS, pursuant to various state and local laws and regulations, the Board of Trustees must refer the proposed local laws to various governmental entities, and

**NOW, THEREFORE, BE IT**

**RESOLVED** that Village staff is directed to refer all proposed Local Laws listed above to other governmental entities in accordance with applicable laws and regulations.

On motion of Trustee Miller, seconded by Trustee Komar, the vote on the following resolution was as follows:

- AYES: Mayor Walsh, Dep. Mayor Miller, Trustee Komar, Trustee Fanelli, Trustee Frouman
- NAYS: None
- ABSTAINS: None

**RESOLUTION**  
**Refer Proposed**  
**Local Laws to other**  
**Governmental**  
**Entities**

**RESOLUTION**  
**Auth. issuing**  
**\$500,000 bonds for**  
**Palmer Ave**  
**Reconstruction**

**RESOLUTION**

Con't.

A **RESOLUTION** authorizing subject to permissive referendum, the issuing of an additional \$550,000 bonds of the Village of Larchmont, Westchester County, New York, to pay part of the costs of the Reconstruction of Palmer Avenue, in and for said Village.

On motion of Trustee Frouman, seconded by Trustee Miller, the vote on the following resolution was as follows:

**RESOLUTION**

Auth. issuing \$900,000 of **bonds** **Water Storage & Distribution System**

AYES: Mayor Walsh, Dep. Mayor Miller, Trustee Komar, Trustee Fanelli, Trustee Frouman  
NAYS: None  
ABSTAINS: None

A **RESOLUTION** authorizing subject to permissive referendum, the issuing of an additional \$900,000 bonds of the Village of Larchmont, Westchester County, New York, to pay part of the costs of the Reconstruction of Various Elements of the Water Storage and Distribution System, in and for said Village.

**Addressing the Board**

**Porter, C.**  
**Cassaza, C.**  
**Caffrey, S.**  
**Akin, C.**  
**Brock, C.**  
**Smith, L.**  
**Tofalli, K.**

Mayor Walsh opened the meeting to anyone who wanted to address the Board on a non-agenda item. Below are those who spoke:

Carla Porter  
Carol Cassaza  
Stacey Caffrey  
Carol Akin  
Cheryl Brock  
Laura Smith  
Kim Tofalli

Topics they spoke on were the adopted and proposed local laws, historic preservation, changes made to the local laws adopted this evening and whether they were weakened.

The Mayor thanked everyone for their comments and added that the laws have not been weakened and they should be read in their entirety to see what has been changed.

**RESOLUTION**

**Minutes**  
10/17/16

On motion of Trustee Fanelli, seconded by Trustee Frouman and unanimously carried, it was:

**RESOLVED.** to approve the minutes of the meeting held on October 17, 2016

**RESOLUTION**

**Work Session Minutes**  
10/24/16

On motion of Trustee Miller, seconded by Trustee Fanelli, and unanimously carried, it was:

**RESOLVED.** to approve the minutes of the work session meeting held on October 24, 2016

On motion of Trustee Miller, seconded by Trustee Komar, and unanimously carried, it was:

**RESOLVED.** that Abstract Audit Voucher # 7, dated November 21, 2016 in the amount of \$354,745.43, per copies filed with the Clerk, be paid, subject to confirmation and approval of Trustee Miller.

On motion of Trustee Miller, seconded by Trustee Fanelli, and unanimously carried, the meeting adjourned at 9:54 PM.

VILLAGE OF LARCHMONT  
LOCAL LAW # 7-2016

A local law to move the separate Site Plan Approval and  
Subdivision of Land chapters of the Village Code into the Zoning Law

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

**Section One.** Purpose and Intent.

Currently, the Village of Larchmont's Site Plan Approval and Subdivision of Land laws are not part of the Village's Zoning Law and are codified in separate chapters in the Code of the Village of Larchmont (the Village Code). Because of the continual interplay among these three land use laws, it is more practical to include the Site Plan Approval law (currently chapter 361 of the Village Code) and Subdivision of Land law (currently chapter 367 of the Village Code) in the Zoning Law. This local law is a recodification of those provisions, with additional revisions to reflect such codifications.

**Section Two.** Sections 381-67 and 381-68 of the Zoning Law of the Village, which sections are currently designated as reserved, are hereby moved into article VIII, and shall remain reserved for future use.

**Section Three.** New article VIII-A is hereby created within the Zoning Law of the Village Code and entitled, "Site Plan Approval." All sections within current chapter 361 shall be recodified into this new article VIII-A as follows:

Article VIII-A. Site Plan Approval

- § 361-1, entitled "Legislative intent," shall be recodified as § 381-68-A.
- § 361-2, entitled, "Definitions," shall be recodified as § 381-68-B.
- § 361-3, entitled, "Delegation of authority," shall be recodified as § 381-68-C.
- § 361-4, entitled, "Applicable standards," shall be recodified as § 381-68-D.
- § 361-5, entitled, "Compliance and approval required," shall be recodified as § 381-68-E.
- § 361-6, entitled, "Exemptions," shall be recodified as § 381-68-F.
- § 361-7, entitled, "Application procedure," shall be recodified as § 381-68-G.
- § 361-8, entitled, "Waiver of submission requirements," shall be recodified as § 381-68-G.
- § 361-9, entitled, "Filing of approved site plan," shall be recodified as § 381-68-I.
- § 361-10, entitled, "Application fee," shall be recodified as § 381-68-J.
- § 361-11, entitled, "Performance guaranty," shall be recodified as § 381-68-K.
- § 361-12, entitled, "Inspection of improvements," shall be recodified as § 381-68-L.
- § 361-13, entitled, "Conflicting legislation; greater restrictions," shall be recodified as § 381-68-M.
- § 361-14, entitled, "Tree removal; penalties for offenses," shall be recodified as § 381-68-N.
- § 361-15, entitled, "Penalties for noncompliance," shall be recodified as § 381-68-O.

**Section Four.** Section 381-69 of the Zoning Law of the Village Code, which section is currently designated as reserved, is hereby moved into new article VIII-A, and shall remain reserved for future use.

**Section Five.** New article VIII-B is hereby created within the Zoning Law of the Village Code and entitled, "Subdivision of Land." All sections within current chapter 367 shall be recodified into this new article VIII-B as follows:

Article VIII-B. Subdivision of Land

- § 367-1, entitled "Legislative authority," shall be recodified as § 381-69-A.
- § 367-2, entitled "Declaration of policy; inconsistent legislation," shall be recodified as § 381-69-B.
- § 367-3, entitled "Definitions," shall be recodified as § 381-69-C.
- § 367-4, entitled "Application requirements," shall be recodified as § 381-69-D.
- § 367-5, entitled "Consideration of preliminary layout by Board," shall be recodified as § 381-69-E.
- § 367-6, entitled "Meetings of Board and subdivider; notice of decision," shall be recodified as § 381-69-F.
- § 367-7, entitled "Final layout approval," shall be recodified as § 381-69-G.
- § 367-8, entitled "General requirements and standards," shall be recodified as § 381-69-H.
- § 367-9, entitled "Preliminary layout requirements," shall be recodified as § 381-69-I.
- § 367-10, entitled "Final layout and plat requirements," shall be recodified as § 381-69-J.
- § 367-11, entitled "Detailed construction drawing requirement," shall be recodified as § 381-69-K.
- § 367-12, entitled "As-built drawing," shall be recodified as § 381-69-L.
- § 367-13, entitled "Dedication of streets," shall be recodified as § 381-69-M.
- § 367-14, entitled "Endorsement by County Health Department required," shall be recodified as § 381-69-N.
- § 367-15, entitled "Plat changes after approval prohibited," shall be recodified as § 381-69-O.
- § 367-16, entitled "Endorsement of plat," shall be recodified as § 381-69-P.
- § 367-17, entitled "Status of parks and reserved areas," shall be recodified as § 381-69-Q.
- § 367-18, entitled "Acceptance of streets, parks or reserved areas," shall be recodified as § 381-69-R.
- § 367-19, entitled "Completion of improvements or bond required," shall be recodified as § 381-69-S.

**Section Six.** The definition of "Site Plan" in article II of the Zoning Law of the Village Code is hereby revised to read as follows:

**SITE PLAN**

Documentation that complies with the requirements of article VIII-A of this chapter, "Site Plan Approval."

**Section Seven.** Subparagraph 381-49.A.(1) of the Zoning Law of the Village Code is revised to replace the phrase "Chapter 361 of the Code" with "article VIII-A of this chapter".

**Section Eight.** Subparagraph 381-51.B.(9) of the Zoning Law of the Village Code is revised to replace "\$ 367-11" with "\$ 381-69-K".

**Section Nine.** Subparagraph 381-51.E.(1)(a) of the Zoning Law of the Village Code is revised to replace the phrase, "Chapter 361, Site Plan Approval, of the Code of the Village of Larchmont," with "article VIII-A, Site Plan Approval, of this chapter."

**Section Ten.** As recodified pursuant this local law, new subparagraphs 381-68-M.A. and 381-68-M.C. of the Zoning Law of the Village Code, formerly subparagraphs 361-13.A. and 361-13.C. of the Village Code, are hereby revised to read as follows:

A. Should any provision of this article VIII-A conflict or be inconsistent with any provision of article VIII-B of this chapter, concerning subdivision of land, then the provisions of article VIII-B shall govern.

C. In the event that this article VIII-A conflicts or is inconsistent with any other Village law, then it is the intention that the most comprehensive or strict requirement shall apply.

**Section Eleven.** As recodified pursuant to this local law, new § 381-69-D of the Zoning Law of the Village Code, formerly § 367-5 of the Village Code, is hereby revised by replacing the phrase "\$§ 367-8 through 367-18 of these requirements" with "\$§ 381-69-H. through 381-69-R. of this chapter."

**Section Twelve.** As recodified pursuant to this local law, new paragraph 381-69-G.A. of the Zoning Law of the Village Code, formerly paragraph 367-7.A. of the Village Code, is hereby revised by replacing the phrase "\$§ 367-8 through 367-18 of these regulations" with "\$§ 381-69-H. through 381-69-R. of this chapter."

**Section Thirteen.** As recodified pursuant to this local law, new paragraphs 381-69-J.A. through 381-69-J.G. of the Zoning Law of the Village Code, formerly paragraphs 367-10.A. through 367-10.G. of the Village Code, are hereby revised to replace all references to "\$ 367-9" with "\$ 381-69-I."

**Section Fourteen.** As recodified pursuant to this local law, new paragraphs 381-69-K.A. through 381-69-K.F. of the Zoning Law of the Village Code, formerly §§ 367-11.A. through 367-11.F. of the Village Code, are hereby revised to replace all references to "\$ 367-9" with "\$ 381-69-I."

**Section Fifteen.** As recodified pursuant to this local law, new § 381-69-M of the Zoning Law of the Village Code, formerly § 367-13 Village Code, is hereby revised to replace "\$ 367-7" with "381-69-G."

**Section Sixteen.** As recodified pursuant to this local law, new § 381-69-S of the Zoning Law of the Village Code, formerly § 367-19 Village Code, is hereby revised to replace the phrase "\$§ 367-8 through 367-18 of these requirements" with "\$§ 381-69-H. through 381-69-R. of this chapter."

**Section Seventeen.** As recodified pursuant to this local law, anywhere within new article VIII-A, §§ 381-68-A through 381-68-O, the phrase "this chapter" appears, it shall be replaced with the phrase "this article VIII-A."

**Section Eighteen.** As recodified pursuant to this local law, the definition of "Site Plan" in § 381-68-B of the Zoning Law of the Village Code, formerly in § 361-2 of the Village Code, is hereby amended by replacing "\$ 361-7B" with "\$ 381-68-G.B."

**Section Nineteen.** 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 Twenty.** Effective Date.

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

VILLAGE OF LARCHMONT  
LOCAL LAW # 8-2016

A local law to strengthen stormwater management  
controls during and following development

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 strengthen various existing stormwater management regulations set forth in Article II, "Stormwater Management and Erosion and Sediment Control," of Chapter 335, "Stormwater, Drainage and Water Pollution Control," of the Code of the Village of Larchmont. The revisions set forth herein reduce the minimum area of land development activity, as defined, that triggers the need for a stormwater pollution prevention plan (SWPPP), specify additional information that must be provided in the SWPPP, and provide additional standards and guidance for evaluating the impact of the proposed land development activity on the rate and volume of stormwater runoff and the methods by which to mitigate such impacts.

Section Two. Subparagraph 335-23.B.(7) of the Code of the Village of Larchmont, concerning the purpose of the article, is hereby revised in its entirety to read as follows:

- (7) Require the use of green infrastructure practices to control stormwater runoff such as protecting natural areas, reducing impervious cover, and runoff reduction techniques to the maximum extent practicable for land development activities that would result in a certain net increase in impervious coverage; for all other land development activities, encourage the use of green infrastructure practices to the maximum extent practicable.

Section Three. Subparagraph 335-23.D.(2) of the Code of the Village of Larchmont, concerning applicability and fees, is hereby revised in its entirety to read as follows:

- (2) The Stormwater Management Officer, as designated by the Village Board of Trustees, shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable board or agency. The Stormwater Management Officer and reviewing board of agency may (1) review the plans, or (2) if the Stormwater Officer or reviewing board or agency deems it necessary or appropriate, engage the services of an appropriate consultant to review the plans, specifications and related documents, and the applicant shall bear the actual expense thereof, fund an escrow account as set forth in section 381-98 of the Village Code, and be bound by the provisions of section 381-98. The Stormwater Management Officer may delegate any powers granted or duties imposed by this article.

Section Four. The definition of LAND DEVELOPMENT ACTIVITY in section 335-24 of the Code of the Village of Larchmont is hereby revised in its entirety to read as follows:

LAND DEVELOPMENT ACTIVITY

Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 500 square feet, or activities disturbing less than 500 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Section Five. Subparagraph 335-25.B.(1) of the Code of the Village of Larchmont, concerning the contents of SWPPPs, is hereby revised in its entirety to read as follows:

- (1) All SWPPPs shall conform to the Design Manual and provide the following background information and erosion and sediment controls:

Section Six. Subparagraph 335-25.B.(1) of the Code of the Village of Larchmont, concerning the contents of SWPPPs, is hereby revised by adding new subparagraphs (q) through (t) and by revising subparagraphs (o) and (p) to take into account new subparagraphs (q) through (t), all to read as follows, :

- (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable;
- (p) Any existing data that describes the stormwater runoff at the site;
- (q) Explanation with calculations of anticipated earthwork quantities;

- (r) Comparison of pre-construction impervious coverage area to post-construction impervious coverage area;
- (s) Description and documentation of any existing and/or proposed green infrastructure practices; and
- (t) Using standards set in § 335-28, demonstration of no net increase in peak stormwater runoff from, at a minimum, the 50-year design storm.

Section Seven. Subparagraph 335-25.B.(2)(b) of the Code of the Village of Larchmont, concerning qualified land development activities, is hereby revised in its entirety to read as follows:

- (b) Condition B: stormwater runoff from land development activities disturbing one-half acre or more.

Section Eight. Subparagraphs 335-25.B.(3)(b), (c), and (e) of the Code of the Village of Larchmont, concerning additional requirements for SWPPPs, are hereby revised in their entirety to read as follows:

- (b) Description of each post-construction stormwater management practice, including documentation of the planning process for stormwater management using green infrastructure as outlined in the Design Manual.
- (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice, including green infrastructure;
- (e) Comparison of post-development stormwater runoff conditions with pre-development conditions, including a comparison study of both peak runoff rates and total runoff volume;

Section Nine. Paragraph 335-25.B. of the Code of the Village of Larchmont, concerning the content of SWPPPs, is hereby revised by adding new subparagraph (4) to read as follows:

- (4) SWPPPs for land development activities as defined in § 335-24 that will result in a net increase in the site's impervious coverage of 100 square feet or more shall contain documentation of the planning process for stormwater management using green infrastructure as outlined in the Design Manual, and documentation of the green infrastructure to be included and its conformance to the Unified Stormwater Sizing Criteria within the Design Manual.

Section Ten. Paragraph 335-25.C. of the Code of the Village of Larchmont, concerning the preparation and certification of SWPPPs, is hereby revised in its entirety to read as follows:

- C. Plan certification. Unless otherwise permitted or prohibited by the current SPDES permit, the SWPPP shall be prepared by a Registered Landscape Architect, Certified Professional in Erosion and Sediment Control (CPESC), or licensed Professional Engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this article.

Section Eleven. Paragraph 335-27.A. of the Code of the Village of Larchmont, concerning maintenance and repair of stormwater facilities during construction, is hereby revised by adding new subparagraph (5) to read as follows:

- (5) All subsurface stormwater management practices and facilities shall be inspected by a qualified inspector prior to backfill.

Section Twelve. Paragraph 335-28.A. of the Code of the Village of Larchmont, concerning additional stormwater control and no net increase in runoff rate, is hereby revised in its entirety to read as follows:

- A. Notwithstanding any of the foregoing, any applicant for any demolition or building permit shall be required to offset by on-site retention the increase in the rate of peak stormwater runoff from the proposed development from, at a minimum, the 50-year design storm, or, if the site disturbance is greater than one acre, from the 100-year design storm, all in accordance with New York State Department of Environmental Conservation stormwater management requirements. As part of an application for a demolition or building permit, all applicants shall demonstrate the no net increase in stormwater runoff through analysis using the SCS Curve Number or Rational Methods. Due to site constraints, sensitive areas, or areas requiring more caution due to issues such as existing flooding, density, or congestion, the Stormwater Management Officer may waive certain provisions of this section 335-28 or require enhanced mitigation of stormwater runoff.

Section Thirteen. Paragraph 335-28.B. of the Code of the Village of Larchmont, concerning exceptions, is hereby revised by adding new subparagraph (1) to read as follows and by renumbering the existing subparagraphs appropriately:

- (1) This section 335-28(A) shall not apply to sites with less than 500 square feet of site disturbance where it is demonstrated that there is no change in total runoff volume and peak flow.

Section Fourteen. 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 Fifteen. Effective Date.

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

VILLAGE OF LARCHMONT  
LOCAL LAW # 9-2016

A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets

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

**Section One.** Chapter 263 of the Code of the Village of Larchmont (Trees) is hereby repealed and replaced with the following Chapter 263 (Trees) to read as follows:

ARTICLE I. Legislative Intent and Definitions

§ 263-1. Legislative Intent.

The preservation and maintenance of trees is necessary to protect the health, safety, environment, ecosystems and general welfare of the inhabitants of the Village of Larchmont. Trees provide necessary shade, green space and aesthetic appeal, impede soil erosion, aid water absorption, buffer noise, and provide other environmental benefits and generally enhance the quality of life within the Village. The destruction and damage of trees and the indiscriminate and excessive cutting of trees cause barren and unsightly conditions, create surface drainage problems, increase municipal costs to control drainage, impair stability of real property values and adversely affect the character of the community.

The purpose of this chapter is to promote and protect public safety, the general welfare and the environment by regulating the planting, maintenance, and removal of trees on certain property within the Village of Larchmont.

§ 263-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**PARK TREES**

Trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the Village or to which the public has free access as a park.

**STREET TREES**

Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Village.

**OWNER**

Any person or entity, other than the Village of Larchmont.

**VILLAGE ARBORIST**

An certified arborist who is engaged by the Village from time to time.

Article II. Dutch Elm Disease

§ 263-3. Powers and immunities in regard to Dutch elm disease.

The Board of Trustees of the Village of Larchmont hereby elects to exercise and enjoy by its appropriate officers and employees the powers and immunities prescribed and granted in §§ 164, 165 and 167 of Article 14 of the Agriculture and Markets Law with respect and in regard to the Dutch elm disease within the limits of said Village.

§ 263-4. Effective upon approval of Commissioner.

This article shall be effective only upon the approval of the Commissioner of Agriculture and Markets and under his direction or that of his representatives.

Article III. Park Trees and Street Trees

§ 263-5. Establishment of Parks and Trees Committee.

There is hereby created and established a Village Parks and Trees Committee, an expanded designation of the former Parks Committee, which shall serve in an advisory capacity to the Board of Trustees, the Village Engineer, the General Foreman of the Department of Public Works, and the Village

Administrator. Membership shall consist of up to 14 persons, who shall be nominated and appointed by the Board of Trustees.

§ 263-6. Terms of office of Committee members.

The term of each member's office shall be three years, with the exception of the first year of the Committee's existence in which four members shall be given a two-year term. All terms may be renewed. In the event of a vacancy, a successor shall be appointed to fill the unexpired portion of the term.

§ 263-7. Duties and responsibilities of Committee.

The Committee shall provide the Village Board with advice regarding Village parks and the planting of trees within the Village and, when requested by the Village Board, shall consider, investigate, make findings and report and recommend upon any special matter or question coming within the scope of its work.

§ 263-8. Committee operation.

The Mayor shall appoint the Chairman with the approval of the Board of Trustees. The Committee shall make its own rules and regulations and keep a record of its proceedings. A majority of the members shall be a quorum for the transaction of business.

§ 263-9. Review by Village Board.

The Village Board shall have the right to review the acts and decisions of the Parks and Trees Committee. Any person may appeal from any ruling or order of the Parks and Trees Committee to the Village Board, who may hear the matter and make a final decision.

§ 263-10. Recommended species of trees.

The Parks and Trees Committee or other designee of the Village Board of Trustees shall develop and maintain a list of recommended species of trees which he/she recommends as suitable for planting in the Village of Larchmont, which will be on file with the Village Clerk.

§ 263-11. Spacing of trees.

A. To achieve ideal growing conditions, street or park trees shall be planted, except for special planting designed or approved by the Committee, according to the following guidelines:

- (1) Small trees, up to 25 feet high: 30 feet apart.
- (2) Medium trees, up to 40 feet high: 40 feet apart.
- (3) Large trees, up to 60 feet high: 50 feet apart.

B. When necessary, modification may be made by the Committee, Village Engineer or General Foreman.

§ 263-12. Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be determined by the Committee. If a tree is being planted to replace a tree larger than the prescribed size, the Committee may allow the planting of a tree comparable to the removed tree, provided that it is known to be of a type whose roots will not displace the sidewalk or curb.

§ 263-13. Distance from street corners and fire hydrants.

No street tree or park tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersection of curbs or curblines. No street or park tree shall be planted closer than 10 feet from any fireplug or closer than four feet from any gas or water curb boxes. These distances may be reduced at the recommendation of the Parks and Trees Committee where warranted by special circumstances.

§ 263-14. Maintenance, removal and care of Park Trees and Street Trees.

A. The Village shall study, investigate, develop and/or update annually and administer a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and other public areas. Such plan shall be presented annually to the Village Board for its approval.

B. The following acts as to Street Trees and Park Trees are prohibited: No one, except the Village, shall remove any such tree. No one, except the Village removing or maintaining them, shall chop or cut into such trees or scar their trunks. No one shall drive nails into their trunks or limbs, build fires near trunks or under branches nor pour or deposit substances injurious to growth on soil near such trees, including oil, gasoline, tar, creosote, salt or other injurious substances.

C. The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs on all streets, alleys, avenues, lanes, squares parks and other public grounds as it may deem necessary to ensure public safety or to preserve or enhance the symmetry and beauty of property of the Village.

D. No person other than the Village shall plant any tree, shrub or other vegetation within the limits of any public street, right-of-way, park or other public place. The planting of trees by the Village in such locations may be requested through the Parks and Trees Committee.

E. It shall be a goal of the Village that all stumps of street trees shall, within one year, be removed level with or below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

F. The removal of stumps of park trees shall be determined on an individual-case basis, taking into account safety, aesthetics and the environmental value of allowing the stump to deteriorate naturally.

G. Stump removal shall be as complete as the Village budget allows.

H. Special attention shall be given to newly planted trees for the first three years of their siting in order to ensure their health and beauty, recognizing that such new trees represent an investment of Village resources.

I. Any person may request to have the Village Arborist evaluate the condition of a Park or Street Tree. This request must be made to the Village Department of Public Works.

J. No person shall fasten or tie any animal to or attach any sign, bill, card, notice or advertisement to any tree or shrub in any public street, right-of-way, park or public place or allow any animal under his/her control to injure any such tree or shrub.

K. Any person, including public utilities, their agents, servants and employees, is prohibited from climbing trees with the aid of spurs. Any wires of public utilities passing among the branches of trees shall be properly insulated so as to prevent damage to said trees. Guy wires shall not be attached to trees in such a manner as to girdle or restrict growth. When it is necessary to attach any guy wires or cables, such devices shall be attached by means of lag hooks screwed into the trunks or by eyebolts passing through the trunk, and then only with the permission of the Village Department of Public Works.

L. When it is necessary to remove limbs to make clear passage for wires and where the removal of such limbs might injure a tree or spoil its symmetry or otherwise mar its appearance, it shall be necessary to obtain a permit from the Building Department before starting such work. It shall not be necessary to secure a permit for the usual periodical removal of small branches to allow the free passage of wires, but any such work will be subject to inspection by the Village Arborist, and where such work is not up to standard, any expense incurred by the Village in repairing the same will be charged to the public utility responsible.

Article IV. Trees Owned by Parties other than the Village

§ 263-15. Responsibilities of owner

A. The owner of any tree or bush overhanging or otherwise adversely affecting any street or right-of-way within the Village shall, at his/her own expense, maintain such tree or bush so that it shall not obstruct the light from any street lamp, create a traffic safety hazard or obstruct or hinder passage on any street or sidewalk so that there shall be a clear space of eight feet above the

surface of the street or the full width of the sidewalk, as the case may be.

B. The owner shall remove, at his/her own expense, all dead, diseased or dangerous trees or bushes, broken or decayed limbs or branches which constitute a danger to the safety of the public.

§ 263-16. Removal of trees; owner expense.

The owner of any tree or bush which the Village deems to constitute a hazard to life or property or to harbor insects or disease which constitutes a potential threat to other trees within the Village shall remove such tree or bush at his own expense within 30 days of written notice to such owner by the Village.

§ 263-17. Prerogative of Village; liability of owner.

The Village shall have the right to take any action which would otherwise be required of any owner pursuant to this article and, if the owner has been given not less than 30 days' written notice of the intention of the Village to do such work and has failed to have such work done, to recover the cost of such action from said owner.

ARTICLE V. Enforcement and Penalties

§ 263-18. Enforcement and Penalties for offenses.

A. This chapter shall be enforced by the Village Building Inspector, Code Enforcement Officer and/or such other party as the Village Board of Trustees may designate from time to time.

B. Any person violating any of the provisions of this chapter shall be guilty of a Violation (i.e. not a misdemeanor or felony) and shall be fined not more than \$500. Each day the violation continues shall constitute a separate offense.

C. In addition thereto, any person violating any provision of this chapter shall be subject to a civil penalty enforceable and collectible by the Village in the amount of \$200 each day the violation continues for every tree.

D. In addition thereto, any person who removes, destroys or damages a Park Tree or Street Tree to the extent that the Village Arborist recommends it be replaced, shall pay to the Village the cost the Village will incur to replace the tree in kind or, if such tree was so large and mature that it cannot be reasonably replaced in kind; the cost of planting multiple trees, in such location(s) as the Village determines, to replace its value to the Village.

**Section Two.** 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 Three.** Effective Date.

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

VILLAGE OF LARCHMONT  
LOCAL LAW # 10-2016

A local law to amend the Zoning Law regarding tree removal, preservation,  
and planting in connection with subdivision and site plan approval

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

**Section One.** Section 381-68-N of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced with the following Section 381-68-N to read as follows:

§ 381-68-N Work in anticipation of a Site Plan application; Trees; Penalties for tree removal.

A. Definitions.

(1) For purposes of this § 381-68-N the term Mature Tree shall mean any deciduous tree with a trunk measurement of eight inches or greater in diameter at fifty four inches above the ground on the uphill side; or any evergreen tree with a height of fifteen feet or more above the ground on the uphill side.

(2) For the purposes of this § 381-68-N the term Landscape Plan shall mean a plan prepared by and bearing the seal of a Landscape architect. Provided, however, in an appropriate case, the Planning Board may permit the Landscape Plan to be prepared by an arborist or other qualified professional. If applicants wish to have the Landscape Plan prepared by a party other than a registered Landscape Architect, this topic should be discussed with the Planning Board at the pre-submission conference. The Landscape Plan shall show the proposed landscaping for the project. Without limiting the generality of the foregoing, the Landscape Plan shall provide the specific details regarding removal and planting of trees as is provided below. It shall be within the authority of the Planning Board to approve, disapprove or require modifications to the Landscape Plan. The purpose of this § 381-68-N is to provide for and encourage the preservation and maintenance of trees for their benefits which include, but are not limited to, soil stabilization, drainage control, oxygen production, shade, and aesthetic appeal.

B. Prohibition on site work.

(1) No site work in anticipation of Site Plan Approval may be performed until such Site Plan Approval is obtained. Without limiting the generality of the foregoing, no filling, excavating, removal of any topsoil, gravel, dirt, sand, shrubs, trees or any other such material for the purpose of erecting a building or structure or otherwise for the purpose of construction may be carried out anywhere on the subject property until Site Plan Approval, if required for the proposed construction, is first obtained for the proposed construction.

(2) If the prohibition set forth in Subsection B(1) above is violated, no Site Plan application will be processed until the violation is remediated in accordance with a remediation plan approved by the Planning Board. The Planning Board may require, among other things, that such remediation plan provide for the replacement in kind of any trees, shrubs, or other material which has been removed in violation of this Section. Additional penalties as provided for in Subsection D. below shall also apply.

C. Landscape plan; preservation of mature trees and other vegetation

(1) Each application for Site Plan Approval shall include a Landscape Plan which must show, unless otherwise determined by the Planning Board, (i) all existing Mature Trees on the entire property which is the subject of the Site Plan application, (ii) which Mature Trees are to be removed or destroyed, specifying their types and sizes, and (iii) the reasons they are being removed and/or destroyed. The Planning Board shall have the authority to require new trees to be planted, and, with input from the Parks and Trees Committee, to specify their location and type, and to require replacement of existing trees in kind or with such trees of such type as the Planning Board (with input from Parks and Trees) determines are appropriate in the circumstances.

(2) The applicant shall design the development plan in such a manner as to minimize the number of Mature Trees to be removed or destroyed in order to

accommodate the development. Where feasible, the Planning Board may require proposed improvements to be relocated or removed in order to preserve Mature Trees. It will not be deemed feasible to require such relocation or removal where doing so would substantially interfere with a permitted use.

(3) On sites in the Village's "R", "W" and "MF" Zoning Districts which are devoid of Mature Trees or sparsely populated with such trees, the Planning Board may require the installation of supplemental trees. A baseline design standard for such supplementation shall be that the trees have a diameter of at least three inches and that there will be an overall density of one tree for three thousand square feet of land area or fraction thereof.

(4) In addition to the requirements for Mature Trees, the Planning Board shall also have the authority to require the preservation or enhancement of other vegetation on the site. The reasons for requiring such preservation or enhancement may include, but shall not be limited to, aesthetic value due to species or location, or that removal of existing vegetation would excessively alter drainage or effect the stability of slopes.

(5) The Construction Management Plan for the project shall include the methods that will be employed to protect existing trees and other vegetation on the site during construction. The Planning Board shall have the authority to approve, disapprove or require the modification of such Construction Management Plan.

(6) Trees which have been designated for preservation, including supplemental trees, shall be deemed to be required site improvements, and their preservation and replacement, as necessary, including the replacement of trees damaged during construction, shall remain the responsibility of the applicant and subsequent property owners. In addition to any other bonding required by the Planning Board in connection with the Site Plan Approval, the Planning Board shall require a bond, letter of credit or cash deposit, calculated to provide sufficient funds for the replacement of trees to be preserved or supplemental trees which may be damaged during construction. Such bonding shall be for a period of at least one year after all improvements in connection with the Site Plan have been completed. Prior to release of the bond or other security, the trees shall be inspected to insure that they have not been damaged and that future growth will be characteristic of the species.

(7) The requirements herein for tree preservation shall not apply to lots for existing houses in a new subdivision, provided that such lots and houses will not be altered to accommodate development of the subdivision. However, this provision shall not relieve the subdivider and Site Plan applicant of the responsibility to include in the tree preservation plan for the subdivision/Site Plan any Mature Tree located within 50 feet of a new lot or required subdivision improvement. When lots for existing houses have been excluded from the tree preservation plan, the landscape architect shall set forth on the plan which lots have been excluded and shall certify that the plan does include all Mature Trees located within 50 feet of a new lot or other subdivision improvement and that surrounding development will not substantially alter the environment of the trees on such lot.

D. Violations; penalties. It shall be a violation of law for any person or entity to remove, damage or fail to preserve any tree or vegetation which they were not permitted to remove or damage, or which they were required to preserve, pursuant to the terms of this Section 381-68-N of the Code of the Village of Larchmont.

(1) In addition to any other penalties provided for violation of this Site Plan law or failure to adhere to the details of an approved site plan, any person violating any of the provisions of this Section 381-68-N 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 \$500.00. Each day a violation continues shall constitute a separate offense, and

(2) No building, demolition or excavation permit may be issued, and if previously issued shall be revoked, nor shall any certificate of occupancy be issued until such violation is cured in accordance with Subsection (3) below, and

(3) Any person or entity who removes, damages, destroys or fails to preserve any tree or other vegetation in accordance with this Section 381-68-N shall replace, in kind, each and every tree and other vegetation which has been removed, damaged or

destroyed. If such a tree was so large and mature that it cannot reasonably be replaced, the Building Inspector, upon advice of the Village Arborist, may require the planting of multiple trees. If multiple trees cannot be planted on the site of the violation, other available spaces on public property may be used to accommodate the balance of the required planting.

**Section Two.** Section 381-69-H of the Code of the Village of Larchmont is hereby amended by adding thereto a new Subsection R to read as follows:

R. The provisions of Section 381-68-N of the Site Plan Article of this Code shall apply as well to Subdivisions and Subdivision applications. In each case where Section 381-68-N uses the words "Site Plan", these words, for purposes of this Section 381-69-H.R, shall be deemed to read "Subdivision". Where Section 381-69-N uses the phrase "this Section 381-69-N", it shall be deemed for the purposes hereof to read "this Section 381-69-H.R".

**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, 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 Four.** Effective Date.

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

VILLAGE OF LARCHMONT  
LOCAL LAW # 11-2016

A local law to amend the Zoning Law by establishing maximum gross residential floor area ratios for one-family dwellings within certain districts and by requiring increased setbacks under certain circumstances

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

**Section One.** Purpose and Intent.

The character of residential neighborhoods in the Village of Larchmont comes from the diversity of the size and design of homes. The construction of new or modified homes that are out-of-scale and disharmonious with those homes to which they are adjacent or proximate endanger the visual character of the community, and have the potential to cause additional impacts on the health, safety, and the quality of life in the Village.

This local law establishes maximum gross residential floor area ratios (FAR) for all one-family homes in the One-Family Residence and Waterfront Coastal Zone Districts. It is intended to balance the desire of residents to enlarge their homes with the preservation of neighborhood character by limiting the size of homes so they are not (or do not appear to be) out-of-scale with those that currently exist in the neighborhood. In cases where such homes are proposed to increase substantially in scale, these regulations increase the required minimum side yard setbacks in order to reduce the scale of the façade facing the public street and to increase the green space and separation between such homes and their neighbors to either side. These FAR regulations are intended to be applied together with other dimensional requirements and other provisions of the Village Code, such as stormwater and lot coverage regulations, to protect the established character of the community and avert potential environmental impacts.

**Section Two.** Section 381-7 of the Zoning Law of the Code of the Village of Larchmont, concerning definitions, is hereby amended by deleting the phrase and definition of “gross floor area of first story”.

**Section Three.** 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:

**FLOOR AREA, GROSS RESIDENTIAL**

See “gross residential floor area.”

**GROSS RESIDENTIAL FLOOR AREA**

The sum of the gross floor area of all floors of a dwelling and accessory buildings on the same lot as the dwelling, including the basement, cellar, and attic, whether finished or unfinished, measured to the exterior of the outside walls. For the purpose of calculating the gross residential floor area ratio (FAR) of one-family dwellings in One-Family Residence Districts and the Waterfront Coastal Zone District, the following areas may be excluded:

- (1) space in unroofed structures such as decks, terraces, and patios;
- (2) space in unenclosed porches, unenclosed breezeways, and unenclosed porticoes;
- (3) space within a cellar, basement or in an attic where the vertical distance between the floor and ceiling is less than five (5) feet; and
- (4) space exempted under paragraph 381-37.C. of this chapter.

**PORCH, ENCLOSED**

A structure attached to a building with a floor, roof and structural supports, and permanently, seasonally or temporarily enclosed with solid materials such as glass or Lexan (a clear, durable, hard plastic material) or a material similar to glass or Lexan. Screens, curtains, or latticework made of wire-mesh, cloth or paper, or similar material shall not be considered solid for the purpose of this definition.

**Section Four.** Section 381-37 of the Code of the Village of Larchmont, currently reserved, is hereby added to read as follows:

§ 381-37. Maximum gross residential floor area ratio (FAR) and increased setbacks for single-family dwellings in One-Family Residence Districts and the Waterfront Coastal Zone District.

A. Purpose and applicability. The purpose of this section is to preserve and protect neighborhood character, open space, and visual aesthetics by controlling the actual and/or perceived scale of one-family dwellings and accessory buildings in the One-Family Residence and Waterfront Coastal Zone Districts by establishing maximum gross residential floor area ratios (FAR) and, in certain cases, requiring increased side yard setbacks. The regulations are intended to guard against dwellings that are disharmonious in size to the dwellings to which they are adjacent and proximate, as well as to increase the open space around dwellings of a certain size, while preserving the diversity of the size and design of single-family dwellings within the Village.

B. Maximum gross residential floor area ratio (FAR) in One-Family Residence Districts and the Waterfront Coastal Zone District. As illustrated in the table in this paragraph 381-38.B., the maximum gross residential floor area ratio (FAR) for one-family dwellings shall be as follows:

- (1) Lots of 4,000 square feet or less shall have a maximum FAR of 0.64.
- (2) Lots between 4,001 square feet and 15,000 square feet shall have a maximum FAR of 0.64 minus 0.02 for every 1,000 square feet or part thereof in excess of 4,000 square feet [maximum floor area ratio =  $0.64 - (0.02 \times ((\text{lot area} - 4,000) \div 1,000))$ ]
- (3) Lots between 15,001 square feet and 20,000 square feet shall have a maximum FAR of 0.42, minus 0.01 for every 1,000 square feet or part thereof in excess of 15,000 square feet [maximum floor area ratio =  $0.42 - (0.01 \times ((\text{lot area} - 15,000) \div 1,000))$ ]
- (4) Lots between 20,001 square feet and 30,000 square feet shall have maximum FAR of 0.37, minus 0.005 for every 1,000 square feet or part thereof in excess of 20,000 square feet [maximum floor area ratio =  $0.37 - (0.005 \times ((\text{lot area} - 20,000) \div 1,000))$ ]
- (5) Lots in excess of 30,000 square feet shall have a maximum FAR of 0.32.

**ILLUSTRATIVE TABLE OF MAXIMUM GROSS RESIDENTIAL FLOOR AREA RATIO (FAR) FOR ONE-FAMILY DWELLINGS IN ONE-FAMILY RESIDENCE DISTRICTS AND THE WATERFRONT COASTAL ZONE DISTRICT**

<b>Lot Size (Square Feet)</b>	<b>Maximum Gross Residential Floor Area Ratio</b>	<b>Resulting Gross Residential Floor Area (Square Feet)</b>
4,000	0.64	2,560
5,000	0.62	3,100
6,000	0.60	3,600
7,000	0.58	4,060
8,000	0.56	4,480
9,000	0.54	4,860
10,000	0.52	5,200
11,000	0.50	5,500
12,000	0.48	5,760
13,000	0.46	5,980
14,000	0.44	6,160
15,000	0.42	6,300
16,000	0.41	6,560
17,000	0.40	6,800
18,000	0.39	7,020
19,000	0.38	7,220
20,000	0.37	7,400
21,000	0.365	7,665
22,000	0.36	7,920
23,000	0.355	8,165
24,000	0.35	8,400
25,000	0.345	8,625
26,000	0.34	8,840
27,000	0.335	9,045
28,000	0.33	9,240
29,000	0.325	9,425
30,000	0.32	9,600
35,000	0.32	11,200
40,000	0.32	12,800
45,000	0.32	14,400
50,000	0.32	16,000

C. Exemptions from calculations of gross residential floor area ratio (FAR) in One-Family Residence and Waterfront Coastal Zone Districts. The following amounts of floor area located in basements or cellars shall be exempted from the calculations of gross residential floor area ratio for one-family dwellings and accessory buildings in One Family Residence District and the Waterfront Coastal Zone District provided that no part of any exterior wall of such basement or cellar is visible above the finished grade by two (2) or more feet in height:

- (1) For lots of 5,000 square feet or less in lot area, the exemption shall be 400 square feet;
- (2) For lots between 5,001 square feet and 7,500 square feet in lot area, the exemption shall be 500 square feet; and
- (3) For lots of 7,501 square feet or larger in lot area, the exemption shall be 600 square feet.

D. Additional side yard setbacks for one-family dwellings exceeding certain gross residential floor areas.

- (1) In the R-5 One-Family Residence District, for one-family dwellings that have a gross residential floor area in excess of 2,500 square feet, both minimum side yard setbacks shall be increased by one half foot (½') for every one hundred square feet over 2,500 square feet of

gross residential floor area, but in no case shall the minimum side yard setback be required to be increased by more than seven and a half (7½) additional feet per side yard. The table below is illustrative:

**ILLUSTRATIVE TABLE OF THE MINIMUM REQUIRED SIDE YARD SETBACK FOR ONE-FAMILY DWELLINGS EXCEEDING 2,500 SQUARE FEET IN GROSS RESIDENTIAL FLOOR AREA IN THE R-5 ONE-FAMILY RESIDENCE DISTRICT**

Floor Area of Home (Square Feet)	Required Minimum Side Yard Setback (Feet)		
	One Side	Both Sides	(Second Side)
2,300	6	16	10
2,400	6	16	10
2,500	6	16	10
2,600	6 ½	17	10 ½
2,700	7	18	11
2,800	7 ½	19	11 ½
2,900	8	20	12
3,000	8 ½	21	12 ½
3,100	9	22	13
3,200	9 ½	23	13 ½
3,300	10	24	14
3,400	10 ½	25	14 ½
3,500	11	26	15
3,600	11 ½	27	15 ½
3,700	12	28	16
3,800	12 ½	29	16 ½
3,900	13	30	17
4,000	13 ½	31	17 ½
4,100	13 ½	31	17 ½

- (2) In the R-7.5 One-Family Residence District, for one-family dwellings that have a gross residential floor area in excess of 3,500 square feet, both minimum side yard setbacks shall be increased by one half foot (½') for every one hundred square feet over 3,500 square feet of gross residential floor area, but in no case shall the minimum side yard setback be required to be increased by more than ten (10) additional feet per side yard. The table below is illustrative:

**ILLUSTRATIVE TABLE OF THE MINIMUM REQUIRED SIDE YARD SETBACK FOR ONE-FAMILY DWELLINGS EXCEEDING 3,500 SQUARE FEET IN GROSS RESIDENTIAL FLOOR AREA IN THE R-7.5 ONE-FAMILY RESIDENCE DISTRICT**

Floor Area of Home (Square Feet)	Required Minimum Side Yard Setback (Feet)		
	One Side	Both Sides	(Second Side)
3,300	10	22	12
3,400	10	22	12
3,500	10	22	12
3,600	10 ½	23	12 ½
3,700	11	24	13
3,800	11 ½	25	13 ½
3,900	12	26	14
4,000	12 ½	27	14 ½
4,100	13	28	15
4,200	13 ½	29	15 ½
4,300	14	30	16
4,400	14 ½	31	16 ½
4,500	15	32	17
4,600	15 ½	33	17 ½
4,700	16	34	18
4,800	16 ½	35	18 ½
4,900	17	36	19
5,000	17 ½	37	19 ½
5,100	18	38	20
5,200	18 ½	39	20 ½
5,300	19	40	21
5,400	19 ½	41	21 ½
5,500	20	42	22
5,600	20	42	22

- (3) In the R-10 One-Family Residence District, for one-family dwellings that have a gross residential floor area in excess of 4,000 square feet, both minimum side yard setbacks shall be

increased by one half foot (½') for every one hundred square feet over 4,000 square feet of gross residential floor area, but in no case shall the minimum side yard setback be required to be increased by more than twelve and a half (12½) additional feet per side yard. The table below is illustrative:

**ILLUSTRATIVE TABLE OF THE MINIMUM REQUIRED SIDE YARD SETBACK FOR ONE-FAMILY DWELLINGS EXCEEDING 4,000 SQUARE FEET IN GROSS RESIDENTIAL FLOOR AREA IN THE R-10 ONE-FAMILY RESIDENCE DISTRICT**

<b>Floor Area of Home (Square Feet)</b>	<b>Required Minimum Side Yard Setback (Feet)</b>		
	<b>One Side</b>	<b>Both Sides</b>	<b>(Second Side)</b>
3,500	10	25	15
4,000	10	25	15
4,500	12 ½	30	17 ½
5,000	15	35	20
5,500	17 ½	40	22 ½
6,000	20	45	25
6,500	22 ½	50	27 ½
7,000	22 ½	50	27 ½

(4) In the R-12.5 One-Family Residence District, for one-family dwellings that have a gross residential floor area in excess of 4,500 square feet, both minimum side yard setbacks shall be increased by one half foot (½') for every one hundred square feet over 4,500 square feet of gross residential floor area, but in no case shall the minimum side yard setback be required to be increased by more than fifteen (15) additional feet per side yard. The table below is illustrative:

**ILLUSTRATIVE TABLE OF THE MINIMUM REQUIRED SIDE YARD SETBACK FOR ONE-FAMILY DWELLINGS EXCEEDING 4,500 SQUARE FEET IN GROSS RESIDENTIAL FLOOR AREA IN THE R-12.5 ONE-FAMILY RESIDENCE DISTRICT**

<b>Floor Area of Home (Square Feet)</b>	<b>Required Minimum Side Yard Setback (Feet)</b>		
	<b>One Side</b>	<b>Both Sides</b>	<b>(Second Side)</b>
4,000	10	25	15
4,500	10	25	15
5,000	12 ½	30	17 ½
5,500	15	35	20
6,000	17 ½	40	22 ½
6,500	20	45	25
7,000	22 ½	50	27 ½
7,500	25	55	30
8,000	25	60	30
8,500	25	60	30

(5) In the R-15 One-Family Residence District, for one-family dwellings that have a gross residential floor area in excess of 5,000 square feet, both minimum side yard setbacks shall be increased by one half foot (½') for every one hundred square feet over 5,000 square feet of gross residential floor area, but in no case shall the minimum side yard setback be required to be increased by more than seventeen and a half (17½) additional feet per side yard. The table below is illustrative:

**ILLUSTRATIVE TABLE OF THE MINIMUM REQUIRED SIDE YARD SETBACK FOR ONE-FAMILY DWELLINGS EXCEEDING 5,000 SQUARE FEET IN GROSS RESIDENTIAL FLOOR AREA IN THE R-15 ONE-FAMILY RESIDENCE DISTRICT**

<b>Floor Area of Home (Square Feet)</b>	<b>Required Minimum Side Yard Setback (Feet)</b>		
	<b>One Side</b>	<b>Both Sides</b>	<b>(Second Side)</b>
4,500	10	25	15
5,000	10	25	15
5,500	12 ½	30	17 ½
6,000	15	35	20
6,500	17 ½	40	22 ½
7,000	20	45	25
7,500	22 ½	50	27 ½
8,000	25	55	30
8,500	27 ½	60	32 ½
9,000	27 ½	60	32 ½
10,000	27 ½	60	32 ½

(6) In the R-30 One-Family Residence District, for one-family dwellings that have a gross floor residential area in excess of 6,000 square feet, both minimum side yard setbacks shall be increased by one quarter foot (¼') for every one hundred square feet over 6,000 square feet of gross residential floor area, but in no case shall the minimum side yard setback be required to be increased by more than twenty (20) additional feet per side yard. The table below is illustrative:

**ILLUSTRATIVE TABLE OF THE MINIMUM REQUIRED SIDE YARD SETBACK FOR ONE-FAMILY DWELLINGS EXCEEDING 6,000 SQUARE FEET IN GROSS RESIDENTIAL FLOOR AREA IN THE R-30 ONE-FAMILY RESIDENCE DISTRICT**

Floor Area of Home (Square Feet)	Required Minimum Side Yard Setback (Feet)		
	One Side	Both Sides	(Second Side)
5,500	12	30	18
6,000	12	30	18
6,500	13 ¼	32 ½	19 ¼
7,000	14 ½	35	20 ½
7,500	15 ¾	37 ½	21 ¾
8,000	17	40	23
8,500	18 ¼	42 ½	24 ¼
9,000	19 ½	45	25 ½
9,500	20 ¾	47 ½	26 ¾
10,000	22	50	28
10,500	23 ¼	52 ½	29 ¼
11,000	24 ½	55	30 ½
11,500	25 ¾	57 ½	31 ¾
12,000	27	60	33
12,500	28 ¼	62 ½	34 ¼
13,000	29 ½	65	35 ½
13,500	30 ¾	67 ½	36 ¾
14,000	32	70	38
14,500	32	70	38

(7) In the W-Waterfront Coastal Zone District, for one-family dwellings that have a gross residential floor area in excess of 7,000 square feet, both minimum side yard setbacks shall be increased by one quarter foot (¼') for every one hundred square feet over 7,000 square feet of gross residential floor area, but in no case shall the minimum side yard setback be required to be increased more than twenty (20) additional feet per side yard. The table below is illustrative:

**ILLUSTRATIVE TABLE OF THE MINIMUM REQUIRED SIDE YARD SETBACK FOR ONE-FAMILY DWELLINGS EXCEEDING 7,000 SQUARE FEET IN GROSS RESIDENTIAL FLOOR AREA IN THE W-WATERFRONT COASTAL ZONE DISTRICT**

Floor Area of Home (Square Feet)	Required Minimum Side Yard Setback		
	One Side	Both Sides	(Second Side)
6,000	12	30	18
6,500	12	30	18
7,000	12	30	18
7,500	13 ¼	32 ½	19 ¼
8,000	14 ½	35	20 ½
8,500	15 ¾	37 ½	21 ¾
9,000	17	40	23
9,500	18 ¼	42 ½	24 ¼
10,000	19 ½	45	25 ½
10,500	20 ¾	47 ½	26 ¾
11,000	22	50	28
10,500	23 ¼	52 ½	29 ¼
12,000	24 ½	55	30 ½
12,500	25 ¾	57 ½	31 ¾
13,000	27	60	33
13,500	28 ¼	62 ½	34 ¼
14,000	29 ½	65	35 ½
14,500	30 ¾	67 ½	36 ¾
15,500	32	70	38
16,000	32	70	38

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 Six.** Effective Date.

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

VILLAGE OF LARCHMONT  
LOCAL LAW # 12-2016

A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts

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

**Section One.** Purpose and Intent.

To protect and preserve open space, neighborhood character, the environment, and the welfare of community, this local law establishes limitations on how much of lots within the One-Family Residence and Waterfront Coastal Zone Districts may be covered by buildings, structures, man-made materials, and paved surfaces.

**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:

**COVERAGE, LOT**

See "lot coverage."

**LOT COVERAGE**

That portion of the lot area covered by buildings, structures, man-made materials, and paved surfaces, including but not limited to buildings, streets, parking areas, driveways, walkways, patios, pools, tennis or sports courts, and plazas.

**PAVED SURFACE**

Any area that is covered with any of the following materials that forms a level surface for travel, the parking of vehicles, walking, or the playing of sports: asphalt, concrete, brick; pavers; compacted gravel, stone, or crushed rock; turf- or grass-block or plastic-block; or similar materials, whether permeable or impermeable, pervious or impervious, or porous.

**Section Three.** Section 381-38 of the Zoning Law of the Code of the Village of Larchmont, currently reserved, is hereby replaced in its entirety to read as follows:

§ 381-38. Lot coverage limitations.

A. The maximum permitted lot coverage for lots in the One-Family Residence Districts and the Waterfront Coastal Zone District shall be as follows:

- (1) For lots of 5,000 square feet of lot area or less, the permitted lot coverage shall not exceed fifty percent (50%) plus one percent (1%) of additional lot coverage for each four hundred (400) square feet of lot area or part thereof less than 5,000 square feet, but in no event shall the lot coverage exceed fifty five percent (55%). [maximum lot coverage =  $0.5 + (0.01 \times ((5,000 - \text{lot area}) \div 400))$ ]

- (2) For lots between 5,001 square feet and 10,000 square feet of lot area, the permitted lot coverage shall not exceed fifty percent (50%) minus one percent (1%) of lot coverage for each one thousand (1,000) square feet of lot area or part thereof above 5,000 square feet. [maximum lot coverage =  $0.5 - (0.01 \times ((\text{lot area} - 5,000) \div 1,000))$ ]
- (3) For lots between 10,001 square feet and 15,000 square feet of lot area, the permitted lot coverage shall not exceed forty five percent (45%).
- (4) For lots between 15,001 square feet and 20,000 square feet of lot area, the permitted lot coverage shall not exceed forty five percent (45%) minus (1%) of lot coverage for each one thousand (1,000) square feet of lot area or part thereof above 15,000 square feet. [maximum lot coverage =  $0.45 - (0.01 \times ((\text{lot area} - 15,000) \div 1000))$ ]
- (5) For lots between 20,001 square feet and 30,000 square feet of lot area, the permitted lot coverage shall not exceed forty percent (40%).
- (6) For lots between 30,001 and 40,000 square feet of lot area, the permitted lot coverage shall not exceed forty percent (40%) minus one-half percent (0.5%) of lot coverage for each one thousand (1,000) square feet of lot area or part thereof above 30,000 square feet. [maximum lot coverage =  $0.40 - (0.005 \times ((\text{lot area} - 30,000) \div 1,000))$ ]
- (7) For lots of 40,001 square feet of lot area and greater, the permitted lot coverage shall not exceed thirty five percent (35%).

**ILLUSTRATIVE TABLE OF MAXIMUM PERMITTED LOT COVERAGE  
FOR LOTS IN THE ONE-FAMILY RESIDENCE DISTRICTS  
AND THE WATERFRONT COASTAL ZONE DISTRICT**

<b><u>Lot Size (Square Feet)</u></b>	<b><u>Maximum Permitted Lot Coverage</u></b>	
	<b><u>Percent (%) of Lot</u></b>	<b><u>Square Feet</u></b>
3,000	55	1,650
4,000	52.5	2,100
5,000	50	2,500
6,000	49	2,940
7,000	48	3,360
7,500	47.5	3,563
8,000	47	3,760
9,000	46	4,140
10,000	45	4,500
12,500	45	5,625
15,000	45	6,750
16,000	44	7,040
17,000	43	7,310
18,000	42	7,560
19,000	41	7,790
20,000	40	8,000
30,000	40	12,000
35,000	37.5	13,125
40,000	35	14,000
45,000	35	15,750
50,000	35	17,500

**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.

VILLAGE OF LARCHMONT  
LOCAL LAW # 13-2016

A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts

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

**Section One.** Purpose and Intent.

To protect and preserve open space, neighborhood character, the environment, visual and aural aesthetics, and the welfare of the community, this local law establishes limitations on where generators and HVAC (heating, ventilating, and/or air conditioning) equipment may be located on lots within the One-Family Residence and Waterfront Coastal Zone Districts and provides for additional controls to limit the noise such equipment generates.

**Section Two.** Paragraph 381-41.J. of the Zoning Law of the Code of the Village of Larchmont is hereby added to read as follows:

§ 381-41. Supplementary standards for specific accessory uses and structures.

J. Generators and outdoor HVAC equipment. Generators and outdoor HVAC (heating, ventilating, and/or air conditioning) equipment shall be permitted outdoors as accessory structures in all One-Family Residence Districts and the Waterfront Coastal Zone District in accordance with all of the following requirements:

(1) A concrete or other paved pad or pads supporting such equipment shall not exceed eighty (80) square feet in total.

(2) Such equipment shall not be located in the front or side-front yard and shall be located in the rear yard wherever possible. Where such placement in the rear yard is impractical or infeasible, such equipment shall be located in a side yard as close to the principal building as possible, but in no circumstance shall the side yard setback of the equipment be less than one-half of the required side yard setback for the principal building.

(3) Such equipment shall be screened by vegetation of a type, height and density that provides for year-round screening, so that the generator or HVAC equipment shall not be visible at grade level from adjoining property or the public street. Such screening shall be maintained in good condition at all times.

(4) Such equipment shall comply with the maximum sound pressure levels set forth in section 195-3 of the Village Code. Additionally, the Building Inspector or appropriate land use board may require such equipment to be enclosed with materials specifically designed and intended to attenuate such sound so as to bring them down to the levels mandated by the Village Code. Post-installation testing to measure the adequacy of such noise attenuation and compliance with the Village Noise Code may be required.

**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, 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 Four.** Effective Date.

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

VILLAGE OF LARCHMONT  
LOCAL LAW # 14-2016

A local law to amend the Zoning Law by establishing standards for the location and dimensions of single and shared driveways in certain districts

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

**Section One.** Purpose and Intent.

This local law establishes standards for the location and dimensions of driveways on certain residential lots and criteria for approval of shared driveways. These standards will protect and preserve open space, neighborhood character, visual aesthetics, and the health, safety and welfare of the community.

**Section Two.** Paragraph 381-41.K. of the Code of the Village of Larchmont is hereby added to read as follows:

§ 381-41. Supplementary standards for specific accessory uses and structures.

K. Standards for driveway setbacks and shared driveways. The following standards shall apply to all driveways serving one-family dwellings in One-Family Residence Districts and the Waterfront Coastal Zone District:

- (1) No driveway shall be located less than two (2) feet from a side property line in the R-5 and R-7.5 One-Family Residence Districts and less than four (4) feet in all other One-Family Residence Districts and the Waterfront Coastal Zone District.
- (2) No driveway shall be located less than thirty five (35) feet to the intersection of two or more streets.
- (3) The maximum width of a driveway located within twenty (20) feet of the front or side-front property line shall not exceed twelve (12) feet.
- (4) Driveways that are shared by two adjoining lots shall be permitted only when approved by the Planning Board under the following conditions:
  - (a) Such a shared driveway shall only be permitted when the use of a single shared driveway would significantly enhance traffic safety, reduce the extent of lot coverage on both lots, and resemble when viewed from the street to the extent practical, a driveway that serves a single lot.
  - (b) Such a shared driveway shall be no wider than twelve (12) feet in width for the length of the driveway from the street to the extreme rear corner of the dwelling that is located closest to the street; at such corner, the shared driveway may then be required to divide into two separate driveways, provided that each driveway is separated by a planting strip that widens to at least three (3) feet on either side of the property line within ten (10) feet of such division.
  - (c) Such a shared driveway shall also be set back at least three (3) feet from the sides of the principal buildings on each lot, which setbacks shall be maintained as a landscaped strip consisting of lawn, shrubs, or other vegetation.

**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, 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 Four.** Effective Date.

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

VILLAGE OF LARCHMONT  
LOCAL LAW # 15-2016

A local law to amend the subdivision regulations of the Zoning Law by  
revising the definition of subdivision, adding provisions  
concerning lot arrangement and dimensions and  
ensuring consideration of the land's character

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

**Section One.** Purpose and Intent.

This local law increases the applicability of the Village's subdivision regulations to the division of any parcel of land into two or more lots. It also intends to avoid future issues by ensuring that the arrangement and dimensions of lots, as well as the land's character, are taken into consideration during the application review process.

**Section Two.** Section 381-69-C of the Zoning Law of the Code of the Village of Larchmont, concerning definitions, is hereby amended by adding the following definitions:

**SUBDIVISION**

The division of any parcel of land, in accordance with the applicable zoning, for the purpose of immediate or future sale or building development into two or more plots, lots, or sites.

**Section Three.** Section 381-69-H of the Zoning Law of the Code of the Village of Larchmont is hereby revised by adding the following paragraph R:

R. Lot arrangement and dimensions.

(1) The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with applicable laws and regulations, and in providing driveway access to buildings on such lots from an approved street.

(2) Lot dimensions shall comply with the applicable district's dimensional requirements. Notwithstanding the foregoing, the Planning Board may require lots of larger size than such dimensional requirements where it finds that due to topographic or subsoil features, such are required for proper drainage, water supply, waste disposal, or other environmental purposes.

**Section Four.** Section 381-69-H of the Zoning Law of the Code of the Village of Larchmont is hereby revised by adding the following paragraph S:

S. Land of such a character that it cannot be used without danger to health or peril from fire, flood, or other menace, shall not be subdivided for residential purposes, nor for any other permitted use that might increase danger to the health, safety, or welfare of any person or property, or aggregate a flood hazard. Such land may be set aside for such uses as shall not involve such danger.

**Section Five.** 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 Six.** Effective Date.

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

VILLAGE OF LARCHMONT  
LOCAL LAW # 16-2016

A local law to amend Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees

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

**Section One.** Purpose and Intent.

The purpose and intent of this local law is to clarify to whom application fees shall be submitted, and to establish the requirement that whenever a reviewing official or board determines that it is necessary or appropriate to hire professional consultants to assist in the review of an application, the applicant must deposit funds into an escrow account maintained by the Village so that payment of such consultant fees may be drawn from the escrow account. While this local law does not change the existing provision that the applicant is required to bear the actual expense of the fees, this procedure will eliminate the need for the Village to float the funds to pay the consultants and wait to be reimbursed by the applicant. This local law also provides that if the escrow account is not replenished according to the terms herein, the review process may be suspended.

**Section Two.** Section 381-97 of the Zoning Law of the Code of the Village of Larchmont, concerning fees, is hereby repealed and replaced in its entirety to read as follows.

§ 381-97. Fees.

Upon submission of any application pursuant to this chapter, the applicant shall provide to the Building Department a nonrefundable fee in the form of a check or money order made payable to the Village of Larchmont in the amount specified in the fee schedule set by the Board of Trustees from time to time. No application shall be accepted for review unless such fee is paid in full.

**Section Three.** Section 381-98 of the Zoning Law of the Code of the Village of Larchmont, concerning costs for consultant fees, is hereby repealed and replaced in its entirety to read as follows.

§ 381-98. Costs for consultant fees; escrow accounts.

In addition to any other fees and expenses set forth in this chapter, in the event that a reviewing official, board, or agency deems it necessary or appropriate to hire consultants for engineering, planning, legal, technical, environmental, or other such professional review of an application, the applicant shall be required to bear the actual expense thereof, including without limitations any on-site inspections deemed necessary. At or around the time of submission of any application pursuant to this chapter, the reviewing official, board, or agency shall require the applicant to fund an escrow account(s) to be held by the Village in a reasonable amount to be determined by said reviewing official, board, or agency from which such consultant expenses will be paid as they accrue. The Village's Treasurer's Office shall provide to the applicant copies of any vouchers submitted by the consultants to the Village for payment as such vouchers are submitted. When the balance in such escrow account(s) is reduced to one-third (1/3) of its initial amount, the applicant shall deposit additional funds into such account(s) to bring the balance(s) up to the amount of the initial deposit. If such account(s) are not replenished within thirty (30) days after the Village notifies the applicant in writing of the requirement for such additional deposit, the reviewing official, board, or agency may suspend its review of the application. Upon completion of review of the application and payment of all consultant fees, any sums remaining in the escrow account shall be refunded to the applicant. No building permit or certificate of occupancy relating to such application shall be issued until the applicant has caused all such expenses to be paid.

**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.

VILLAGE OF LARCHMONT  
LOCAL LAW # 17-2016

A local law to amend the grandfathering provisions  
of the Zoning Law following amendments

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

**Section One.** Purpose and Intent.

This local law clarifies the provisions of the Zoning Law that concern land, buildings, structures, and outdoor equipment that were in compliance with the Zoning Law before amendments to the Zoning Law were adopted, but as a result of such amendments, are rendered nonconforming. These provisions are often known as grandfathering provisions.

**Section Two.** The title of Article IX of the Zoning Law of the Code of the Village of Larchmont is hereby revised to read as follows:

Article IX: Nonconforming Land, Uses, Buildings, Structures, and Equipment

**Section Three.** The introductory paragraph of § 381-71 of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

§ 381-71. Continuation of nonconforming buildings and uses.

Any building, structure, generator, outdoor HVAC (heating, ventilation, and/or air/conditioning) equipment, or use lawfully existing under the provisions of the zoning laws or regulations in effect immediately prior to any applicable change in zoning laws or regulations, although not conforming to the provisions of this chapter for the district in which it is situated on account of such change, may remain and/or be continued subject to compliance with the conditions set forth below.

**Section Four.** Paragraph 381-71.A. of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

A. No such building, structure, generator, or outdoor HVAC equipment which is nonconforming with respect to the relevant provisions of this chapter or minimum area per family shall be enlarged, altered, or moved in such manner as to increase any such nonconformity.

**Section Five.** Paragraph 381-71.D. of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

D. No such nonconforming building, structure, generator, outdoor HVAC equipment, or use, if changed to a building, structure, generator, outdoor HVAC equipment, or use that conforms to the provisions of this chapter, shall be changed back to a nonconforming building, structure, generator, outdoor HVAC equipment, or use.

**Section Six.** Paragraph 381-71.F. of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

F. A one-family dwelling conforming to this chapter except as to area requirements, if accidentally damaged or destroyed, from whatever cause, may be restored on its original foundation.

**Section Seven.** Paragraph 381-71.G. of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

G. No nonconforming building, structure, generator, or outdoor HVAC equipment, other than a one-family dwelling as referred to in Subsection F above, if destroyed or damaged to the extent, as determined by the Building Inspector, of over 50% of the volume of such structure above the foundation, shall be restored in nonconforming form or location on the lot or for the continuance of a nonconforming use therein. However, such building, structure, generator, or outdoor HVAC equipment, if accidentally destroyed or damaged due to fire, explosion or other similar cause, to the extent, as determined by the Building Inspector, of not more than 50% of its volume above the foundation, may, if so permitted by the Zoning Board of Appeals, be restored in substantially the same location, provided that it is not enlarged. The Zoning Board of Appeals may also permit the continuance without enlargement of such previously existing nonconforming use subject to such additional limitations and safeguards as it may deem necessary in the public interest for the protection of nearby conforming uses.

**Section Eight.** Paragraph 381-71.I. of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

I. Application for a permit to rebuild or restore the damaged portion of any building, structure, generator, or outdoor HVAC equipment damaged or destroyed as set forth in Subsection G above shall be filed within six months of the day of such damage and shall be accompanied by plans for reconstruction which, as to such portions, shall comply with the provisions of this chapter in all respects save as to the use of the building or structure.

**Section Nine.** The title of § 381-72 of the Zoning Law of the Code of the Village of Larchmont is hereby revised to read, "Nonconforming construction," and the § 381-72 is hereby revised by adding a sentence to the end of the paragraph to read as follows:

Except with respect to amendments concerning mechanical rock excavation and blasting, amendments to this chapter adopted between October 17, 2016, and November 21, 2016, shall not affect development(s) for which final subdivision approval or site plan approval was granted before October 17, 2016.

**Section Ten.** 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 Eleven.** Effective Date.

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