

Minutes of Regular Meeting of the
Board of Trustees of the
Village of Larchmont, NY
held on Monday, December 19, 2016

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

ABSENT: None

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

Mayor Walsh welcomed all in attendance and called the meeting to order at 7:35 PM.

Mayor's
Announcements

Mayor's announcements

1. The new water billing system generated invoices which went out last month. Anyone that has issues with their bill should contact the water department.

Mayor Walsh then wished everyone a Happy Holidays.

Chief Poleway made the following report

Police Chief's
Report

1. The Rye Police Department is actively investigating a second lewdness incident targeting teenaged girls. The first incident occurred on Monday December 5, 2016 at the intersection of Cowles Avenue and Intervale Place. The second incident occurred on Monday December 12, 2016 in the area of Roosevelt Avenue and Wainwright Street. At approximately 4:45 p.m. two 13 year old girls stated that they were walking on the east side of Roosevelt Avenue when a white car stopped and called out asking for directions to Rye Town Park.

Both girls crossed the street, approached the driver's side window and observed the suspect exposing himself. The victims immediately backed away from the vehicle and it sped off. The vehicle is described as a newer white Subaru, possibly a WRX, with a spoiler. The vehicle appeared clean, in new condition with no obvious marks or dents. No tints were noticed on the vehicle and it had a New York plate with at least one letter of the plate being "G". The plate was framed by a silver plate cover.

The suspect was the only person in the vehicle and was described as a white male in his 20s, short brown hair with freckles and stubbly facial hair. He had a long, thin face and his nose was described as pointy. No obvious scars, marks, tattoos or earrings were observed.

I would just like to remind everyone and to emphasize that there is no reason that an adult should be asking a child for directions. If anyone calls out to a child for directions or any other reason, this is always a red flag and cause for concern and warrants immediate notification to police. Children should never approach a vehicle unless they are absolutely certain they know the person. Any suspicious vehicles or activities should immediately be reported to the Larchmont Police Department.

**Police Chief's Report
Con't.**

2. The Holidays Season is upon us and residents are reminded to be aware of their surroundings when shopping and conducting business in the Village. The holiday season is a time when busy people can become careless and vulnerable to theft and other holiday crime. Even though you may be rushed and thinking about many different things, please remember to stay alert. The following tips can help residents be more careful and prepared during this time and should help ensure a joyous holiday season for all:
 - a) If you are shopping locally and park your car - Do not leave valuables or electronic devices in your car, especially in plain view, as this may entice someone to break into your vehicle.
 - b) Avoid carrying large amounts of cash. If you are carrying cash, make sure it is in a secure place.
 - c) If your credit card is lost, stolen or misused. Notify the police and the credit card issuer immediately.
 - d) Cyber fraud and crimes are also on the rise and residents are reminded to be vigilant for scams designed to steal their money and personal information. As a result...
 - e) Check your credit card statement routinely. If possible, set up a credit card transaction auto alert. It is important to keep checking your account after the holiday season as many fraudulent charges can show up several weeks later.
 - f) If purchasing merchandise online, ensure it is from a reputable source.
 - g) Beware of providing credit card information when requested through unsolicited emails.
 - h) Avoid filling out forms contained in email messages that ask for personal information.
 - i) Do not respond to spam or unsolicited emails or click on links contained in them.

As you are aware, Larchmont is a very safe and convenient place to shop and dine during this season, and we certainly encourage people to come to the Village to do so. All we ask is that people use common sense and be alert when you are here in order to ensure that everyone has a safe and positive experience when in Larchmont this holiday season.

Also, police officers will be on daily 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. 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.

3. The holidays are known for being merry and bright, but they're also known for being the deadliest season when it comes to drunk driving. Every holiday season, lives are lost due to drunk drivers. In December Of 2015, drunk driving crashes resulted in 840 deaths. I would like to take this opportunity to remind everyone that if you are going to drink alcohol – don't drive. If you are going to consume alcohol, choose a sober designated driver or call a taxi to get home safely. The police department will have additional DWI patrols on duty over the Christmas and New Year weekends to enforce driving while impaired laws to keep all of our motorists and pedestrians safe.

4. Since the last board meeting the police department has responded to over 319 calls for service including 31 aided cases and 21 motor vehicle accidents. In addition, there were seven penal law arrests that included three felonies and four misdemeanors. There were also arrests made for three vehicle and traffic law misdemeanors.
5. Also, as our residents begin to enjoy the holidays, I would like to remind them to stay vigilant in reporting any suspicious activity that may be observed. These are unprecedented times and our world can often be a violent and unpredictable place. So "If you see something, SAY SOMETHING". If you observe something that may be suspicious, please, do not keep it to yourself - call the Larchmont Police Department at (914) 834-1000 or simply dial 911. – call the 24 hour NYS Terrorism Tips Line at **866 SAFE-NYS (866-723-3697)**

Police Chief's Report
Con't.

This concludes my report for this evening. Thank you and may you and your families enjoy a safe and healthy holiday season.

Chief Caparelli gave the following report.

Fire Chief's Report

1. 938 Alarms to Date. On pace for approx. 975 alarms for the year
2. All Apparatus and all equipment have been serviced and are fully operational and all fire inspections have been completed
3. Code Enforcement is ongoing
4. Training of both career and Volunteer staffs will continue with a more comprehensive schedule to begin in January 2017
5. I would like to remind all residents and Business owners to keep their sidewalks shoveled within 24 hours of a snow event. Please shovel out any fire hydrants on your property it would help the Fire Department in its operations should they need to use a fire hydrant.
6. If you have not done so already, please ensure you have a working smoke detector and C/O detector in your home. Especially now that homes are closed up due to the cold and heating units are operating. Detectors save lives. Call 914-834-0016 if you need assistance locating or with operating a detector.
7. Finally, I would like to thank the entire Board for all your help throughout the year. I'm looking forward to another great year working together to provide the highest level of service to our residents.

Merry Christmas, Happy Hanukkah and a Happy New Year to you all.

Trustees Reports

Trustee Fanelli gave the following report

1. God Bless and everybody have joyous and safe holidays.

Trustee Komar made the following report

1. The Board, Administrator Datino, Treasurer Brucciani and the Budget Committee are in the early stages of the 2017/16 budget. Again the main issue will be the tax cap. 80% of the budget is mandated expenses.

Trustee Miller gave the following report

1. The Friends of the Library had their final event this past Sunday. It was a viewing of a movie called "Larchmont" created by 2 residents, Ben Zuckert and William Seife. It was a SRO crowd in the Village Center. Another showing is being scheduled.
2. The Coffee Bar at the Library is now open. Installed as part of the recent renovation, the Coffee Bar is also selling souvenir mugs.
3. The next Recreation Committee meeting will be held on January 20th at 2 PM. Volunteers are welcomed.
4. Larchmont-Mamaroneck Continuing Education are now giving Paddle Tennis clinics at the courts in Flint Park.
5. The bike lanes should be opened by May 1, 2017.

Trustees Reports
Con't.

Trustee Frouman gave the following report.

1. The Human Rights Committee will hold the Annual Martin Luther King, Jr. Day Commemoration at the Hommocks Middle School on January 8th from 2:30 to 4:30 PM. Ned Benton will speak on "Slavery in Mamaroneck Township: the Forgotten History". Also an award will be given to the Mamaroneck-Larchmont Student Aid Fund.

RESOLUTION
Open Public Hearing
Proposed Local Laws

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

RESOLVED. to open the Public Hearing to consider and take comment on Proposed Local Law's G,J,K,M, O and R.

Mayor Walsh said these proposed laws should be familiar to everyone. She added that the proposed laws were referred to the Westchester County Planning Department, the Coastal Zone Management Commission and the Village Planning Board. There were replies from all three. The Mayor then opened the floor for comments.

Those who commented on the proposed laws were:

- John Parkinson, Jr. Chair, Planning Board
- Maury Tamarin
- Lauren Gottfried
- Cheryl Brock
- Diana Schwatka
- Amy Frolich
- Sara Bauer
- Michael Puglisi
- Steven Silverberg-Silverberg/Zalantis
- Mayor Walsh
- Attorney Staudt

RESOLUTION
Close P. H.

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

RESOLVED. to close the Public Hearing

RESOLUTION
Local Laws
G
J
K
M
O
R
SEQRA

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

RESOLUTION DETERMINING SIGNIFICANCE OF LOCAL LAWS G, J, K, M, O AND R 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:

G of 2016- A local law to revise the Zoning Law by regulating the location and dimensions of retaining walls and the land surrounding them

J of 2016- A local law to amend the Zoning law by adding regulations concerning changes of grade soil movement

K of 2016- A local law to amend the Zoning Law by establishing regulations concerning mechanical rock excavation and additional regulations concerning rock blasting

M of 2016- A local law to amend the site plan regulations of the Zoning Law by increasing the regulation of the demolition of improvements and condition of lots following demolition

O of 2016- A local law to amend the Zoning Law by increasing the coordination among the Village’s land use boards

R of 2016- A local law to amend the grandfathering provisions of the Zoning Law

(collectively, the Proposed Local Laws); and

WHEREAS, the Board, the only involved agency, reviewed and accepted the Environmental Assessment Forms (EAFs), Parts 1 and 2, prepared by the Village’s consultants, 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 Frouman, seconded by Trustee Miller, and unanimously carried, it was:

RESOLUTION
Adopt Local Law
No.18-2016

RESOLVED, to adopt Local Law No. 18-2016, a local law to revise the Zoning Law by regulating the location of retaining walls and the land surrounding them

LAW MAY BE FOUND ATTACHED

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

RESOLUTION
Adopt Local Law
No. 19-2016

RESOLVED, to adopt Local Law No. 19-2016, a local law to amend the Zoning Law by adding regulations concerning changes of grade and soil movement

LAW MAY BE FOUND ATTACHED

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

RESOLUTION
Adopt Local Law
No. 22-2016

RESOLVED, to adopt Local Law No. 22-2016, a local law to amend the Zoning Law by increasing coordination among the Village’s land use boards

LAW MAY BE FOUND ATTACHED

Proposed Local Law K-2016: The Board discussed comments that were submitted in writing and during the public hearing on the proposed law. The Board decided that this proposed law will be amended in the future so that notice to neighbors will be required. The Board then proceeded to adopt the law as drafted. Mayor Walsh said the Building Inspector and the Planning Board will be directed to require notice until that time.

**Discussion Proposed
Local Law K-2016**

RESOLUTION

Adopt Local Law
No. 20-2016

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

RESOLVED, to adopt Local Law No. 20-2016, a local law to amend the Zoning law by establishing regulations concerning mechanical rock excavation and additional regulations concerning rock blasting

LAW MAY BE FOUND ATTACHED

Discussion Proposed
Local Law M-2016

Proposed Local Law M-2016: The Board discussed comments that were submitted in writing and during the public hearing on the proposed law and after the discussion, decided that the line, "or for other exigent circumstances", was not necessary to have in the law because it was already included in the preceding phrase.

RESOLUTION

Adopt Local Law
No. 21-2016

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

RESOLVED, to adopt Local Law No. 21-2016, a local law to amend the site plan regulations of the Zoning Law by increasing the regulation of the demolition of improvements and condition of lots following demolition

LAW MAY BE FOUND ATTACHED

RESOLUTION

Adopt Local Law
No. 23-2016

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

RESOLVED, to adopt Local Law No. 23-2016, a local law to amend the grandfathering provision of the Zoning Law

LAW MAY BE FOUND ATTACHED

RESOLUTION

Adopted by the
Board of Trustees
Local Laws
#18
#19
#20
#21
#22
#23-2016

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

**ADOPTED BY THE BOARD OF TRUSTEES
OF THE
VILLAGE OF LARCHMONT
On December 19, 2016**

LOCAL LAWS #18-2016, #19-2016, #20-2016, #21-2016, #22-2016 and #23-2016

Adopted
Local Law

Title

18-2016

A local law to revise the Zoning Law by regulating the location and dimensions of retaining walls and the land surrounding them

19-2016

A local law to amend the Zoning Law by adding regulations concerning changes of grade and soil movement

20-2016

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

- # 21-2016 A local law to amend site plan regulations of the Zoning Law by increasing the regulations of the demolition of improvements and condition of lots following demolition
- # 22-2016 A local law to amend the Zoning Law by increasing coordination among the Village's land use boards
- # 23-2016 A local law to amend a grandfathering provision of the Zoning Law

LL #18 of 2016: A local law to revise the Zoning Law by regulating the location and dimensions of retaining walls and the land surrounding them

As stated above, Board enacted the temporary moratorium earlier this year 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 – or proposed construction – of new or modified homes that are out-of-scale and disharmonious with others nearby. Part of this disharmony occurs when retaining walls are utilized to support the resulting necessary or desired changes in grade. Depending on their size, location, and construction materials, retaining walls can decrease open space and light and air, create a feeling that the land is overcrowded and hemmed in, can endanger the visual character of the community, negatively affect drainage and stormwater runoff, and create erosion slumping and other negative environmental issues and impacts on the health, safety, and welfare of the Village.

LL #18 also contains regulations concerning the aesthetic design of the retaining walls. These new regulations will permit the installation of retaining walls pursuant to reasonable controls that will mitigate their potential impacts on their neighborhood, environment, and Village.

At the same time, however, the Board recognized that in limited circumstances, compliance with the new height and location regulations may be excessively difficult. It is appropriate in such limited circumstances, therefore, to authorize the Planning Board to permit retaining walls at greater heights and in locations varying from those specified. Such authority, however, is not unfettered. The applicant must demonstrate that it used best efforts to comply with the height and location standards, and the Planning Board must find that there is good cause to vary the standards and may only do so to the minimum extent reasonably possible.

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 found it in the best interests of the Village to adopt LL #18.

LL #19 of 2016: A local law to amend the Zoning Law by adding regulations concerning changes of grade and soil movement

As stated in the purpose and intent clause of LL #19 the regrading of land and moving of soil have the potential to create detrimental impacts on visual aesthetics, drainage, vegetation, and other environmental concerns, and can increase erosion. Changes in topographical character can require the removal of trees and established vegetation, increase stormwater runoff, and destabilize sloped areas. Changes in grade can also require the installation of retaining walls which, as stated above, raise other issues. Increasing a property's grade dramatically can lead to a feeling that the land is overcrowded, decrease light, air, and the feeling of open space, and endanger the visual character of the community. A home built at the top of such grade, for example, can have the appearance of towering over neighboring homes, even when such home complies with the Village's maximum height regulations. To mitigate these issues, LL #19 implements limitations on changes in grade

Also of concern is the type of material used as fill and whether such material is contaminated with pollutants, volatile substances, and chemicals. In addition to the concern for the users and inhabitants of the property, the Board recognizes that contaminants do not care for boundary lines. The Village has, over time, worked very hard to increase the stability of various infrastructure and to control both the quantity and quality of stormwater to, in part, protect against pollutants entering its watercourses and Long Island Sound. Regulating the type of fill material will increase protection of the environment, community, and marine life.

Soil moving operations can negatively impact the community, and LL #19 contains new regulations concerning such operations. Such regulations will, among other things, reduce dust, protect trees and vegetation, and protect valuable topsoil.

LL #19 excludes from the calculation of removal limits the soil generated from excavations for basements and swimming pools.

For the reasons stated above, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board found it to be in the best interests of the Village to adopt LL #19.

LL #20 of 2016: A local law to amend the Zoning Law by establishing regulations concerning mechanical rock excavation and additional regulations concerning rock blasting

The mechanical excavation of rock can create disturbances and detrimental impacts on aural aesthetics. Such impacts can be better controlled and limited, and LL #20 intends do just that by limiting the number of days during which such operations may occur, limiting the times and days of such operations, prohibiting certain operations on testing days, and limiting the number of pieces of rock excavating equipment permitted on a lot at the same time.

LL #20, as revised, is the result of many discussions among the members of the Board, Village staff, consultants, and attorneys, and members of the public in attendance at Board meetings, plus other comments received. Much of the discussion focused on the number of days during which rock excavation and blasting operations may occur, as great concern was expressed about the impacts ongoing operations have on the community. Of particular concern involve the development of multiple lots following subdivision. The Board believes that the time frames set forth in LL #20 strike a reasonable balance between the needs of the property owner and the needs of the community.

The Board recognizes, however, that certain circumstances may necessitate an extension of the number of days during which mechanical rock excavation operations may occur. To that end, LL #20 provides mechanisms through which such extensions may be granted. Such mechanisms, however, require certain amounts of proof, and the extensions granted must be reasonable under the circumstances.

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 found it in the best interests of the Village to adopt LL #20.

LL #21 of 2016: A local law to amend site plan regulations of the Zoning Law by increasing the regulations of the demolition of improvements and condition of lots following demolition

The existing Village Code requires site plan approval for demolition of over 20% of the gross square footage of existing improvements located on a single lot within any twenty-four month period. LL #21 provides that such approval must also include demolition management and site restoration plans and that, in the event a site plan application for new improvements is pending, demolition cannot occur until all permits and approvals for the new improvements have been obtained.

LL #21 provides more definitive standards for what must be addressed during the demolition approval process, and such definitive standards will better protect visual aesthetics, trees, and other vegetation during and following demolition. The postponing of demolition where a site plan application for new improvements is pending until all permits and approvals for the new improvements have been obtained will also serve to protect visual aesthetics and make for a more cohesive development approval process.

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 found it in the best interests of the Village to adopt LL #21.

LL #22 of 2016: A local law to amend the Zoning Law by increasing coordination among the Village's land use boards

The Village of Larchmont has many land use boards, such as the Planning Board, the Board of Architectural Review, and the Zoning Board of Appeals. LL #22 will increase coordination among the Village's land use boards during consideration of applications for significant projects. As stated in the purpose and intent clause of the local law, having the land use boards exchange views on such applications at the earliest state in the process is expected to benefit all involved. While the Village's existing Zoning Law provides for a pre-submission conference, LL #22 provides a more definitive process through which the exchange of ideas can occur. This process is expected to streamline the development application review process and potentially reduce plan development – and plan revision – costs. For the reasons stated 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 found it in the best interests of the Village to adopt LL #22.

LL #23 of 2016: A local law to amend a grandfathering provision of the Zoning Law

LL #23-2016 concerns the grandfathering provision of the Zoning Law following amendments and provided that, except with respect to amendments concerning mechanical rock excavation and blasting, amendments to the Zoning Law adopted between October 17, 2016, and December 31, 2016 shall not affect development(s) for which final subdivision approval or site plan approval was granted before October 17, 2016. The Board finds that this provision is reasonable in such situations, given the costs incurred and time expended on such applications and their status in terms of the application review process. 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 found it in the best interests of the Village to adopt LL #23.

RESOLUTION
Open Public Hearing
Proposed Local Law
Affordable Housing

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

RESOLVED, to open the Public Hearing to consider and take comments on a proposed local law regarding the provision of affordable housing

Mayor Walsh said that Westchester County has developed model ordinance provisions for local governments to adopt as a way to encourage new fair and affordable housing, a key requirement to the housing settlement between the County and HUD. These model ordinance provisions were developed as a tool for municipalities to use to create or amend zoning code.

Most Westchester County municipalities have already adopted a version of the model ordinance. We are proposing the adoption of most of the model provisions, specifically, but not limited to, that all future housing developments of 10 or more units, require 10% of the units be fair and affordable and the sales and rent process and the income of the households eligible to apply, be limited by the definitions of a AFFH unit and remain so for 50 years. This affordable housing law does not create any new, or amend existing zoning districts.

The Mayor added that the Village referred this law to the Westchester County Planning Board and the Village Planning Board both of whom responded with letters in support of the passage of this law.

RESOLUTION
Close P.H.

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

RESOLVED, to close the Public Hearing

RESOLUTION
Adopt Local Law
No. 24-2016

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

RESOLUTION TO ADOPT A LOCAL LAW No. 24-2016
REGARDING THE PROVISION OF AFFORDABLE HOUSING

WHEREAS, the Board of Trustees (the Board) of the Village of Larchmont (the Village) has proposed the adoption of a local law requiring the provision of affordable housing in qualifying residential developments (the Proposed Local Law); and

WHEREAS, a public hearing on the Proposed Local Law was scheduled for December 19, 2016, at 7:30 p.m., and notice of such public hearing 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 Law and public hearing to the Westchester County Planning Board, neighboring municipalities, and other entities were timely made; and

WHEREAS, on December 5, 2016, the Village received a response from the Westchester County Planning Board commending the Village for incorporating the Model Ordinance Provisions into the Village Code to ensure consistency with Westchester County's recommended affordable AFFH guidelines; and

WHEREAS, the Board referred the Proposed Local Law to the Village's Planning Board/Commission and on December 19, 2016 received a response which states it is their considered opinion that the proposed changes to the zoning code are appropriate for and consistent with a framework that would facilitate reasonable land use policy and practice in harmony with the master plan for the Village of Larchmont; and

WHEREAS, a public hearing on the Proposed Local Law was duly held on December 19, 2016, during all who wished to comment were given an opportunity to do so,

NOW, THEREFORE, BE IT RESOLVED: that the Board of Trustees hereby finds that it is in the best interest of the Village to further fair and affordable housing through the adoption of the Proposed Local Law, and that such action will promote the general welfare of the Village, its residents, and the community,

AND BE IT FURTHER RESOLVED: that the Board of Trustees hereby adopts the Proposed Local Law, and that upon adoption, the Proposed Local Law will become Local Law # 24-2016,

AND BE IT FURTHER RESOLVED: that the Board of Trustees directs Village staff to file, publish, and circulate the Local Law # 24-2016 in accordance with applicable laws and regulations.

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

RESOLUTION
To hold Village Elections
On 3/21/2017

WHEREAS, pursuant to Section 15-104.1(a) of New York State Village Election Law, the General Village Election shall be held annually on the third Tuesday in March; now therefore be it

RESOLVED, that pursuant to Section 15-104.1(b) of the NYS Election Law, the Village Election shall be held on Tuesday, March 21, 2017 between the hours of 7:00 a.m. and 9:00 p.m; and be it further

RESOLVED, pursuant to Section 15-104.3 (c) (1), the polling place for the Village Election District 1 (Town Districts 6, 7, 8, 9, 10 & 26) which comprises the Village of Larchmont, shall be at Larchmont Village Center, 119 Larchmont Avenue; and be it further

RESOLVED, pursuant to Section 15-116.1, qualified registered voters who reside within Westchester County may be inspectors of election for Village elections held in Larchmont.

RESOLUTION

Auth. AAdministrator to
Enter into CBA agreement
w/ CSEA

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

WHEREAS, the Village of Larchmont (“Village”) and Civil Service Employees Association Local 1000 (“CSEA”) are parties to a Collective Bargaining Agreement that expired on May 31, 2016; and

WHEREAS, changes to the terms and conditions of employment were agreed upon by the parties and placed in the form of a Memorandum of Agreement on November 29, 2016 after several months of discussion; and

WHEREAS, the membership of CSEA ratified the terms and conditions contained in the Memorandum of Agreement on December 14, 2016; and

WHEREAS, the Memorandum of Agreement between the Village and CSEA regarding the terms and conditions of employment for the period June 1, 2016 through and including May 31, 2020 is being presented for approval by the Village of Larchmont Board of Trustees; now therefore be it

RESOLVED, that the Memorandum of Agreement between the Village and CSEA dated December 14, 2016 regarding the terms and conditions of employment for the period June 1, 2016 through and including May 31, 2020 is hereby approved; and be it further

RESOLVED, that the Village Administrator is hereby authorized to execute a Collective Bargaining Agreement for the period June 1, 2016 through and including May 31, 2020 between the Village and CSEA incorporating the terms and conditions of said Memorandum of Agreement.

RESOLUTION

Auth. AAdministrator to
Enter into CBA agreement
w/ AFSCME

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

WHEREAS, the Village of Larchmont (Village) and American Federation of State, County and Municipal Employees Local 1735, Council 66 (“AFSCME”) are parties to a Collective Bargaining Agreement (CBA) in effect through May 31, 2019; and

WHEREAS, the Village filled a laborer vacancy in the Department of Public Works represented by the AFSCME bargaining unit with a full time employee with the title of caretaker, the caretaker position was not identified as a title to be represented by AFSCME members in the current CBA; and

WHEREAS, the caretaker position will have similar supervisors, perform similar duties and functions as other AFSCME bargaining unit members and therefore including the position in the bargaining unit is sensible; and

WHEREAS, the Village’s Labor Counsel and AFSCME have negotiated a settlement that would resolve the issue and clarify representation of the position of caretaker going forward; and

WHEREAS, the membership of AFSCME approved of the terms and conditions contained in the Stipulation; and

WHEREAS, the Stipulation of Agreement between the Village and AFSCME regarding the representation of the full time position of caretaker is being presented for approval by the Village of Larchmont Board of Trustees; and now therefore be it

□

RESOLVED, that the Stipulation of Agreement between the Village of Larchmont and AFSCME dated December 15, 2016 regarding the representation of the title of caretaker is hereby approved; and be it further

RESOLVED, that the Village Administrator is herein authorized to undertake administrative acts as may be required pursuant to the terms of the Agreement.

Mayor Walsh announced resolutions that were approved at recent work sessions:

Work Session
Resolutions

1. Coast Guard Anchorage Grounds- Hudson River
2. Non-Union & Management Salary Increases-Fiscal Year 2016/2017

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

RESOLUTION
Approve minutes
11/21/2016

RESOLVED, to approve the minutes of the meeting held on November 21, 2016.

RESOLUTION
Approve work session
Minutes-11/7/2016

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

RESOLVED, to approve the minutes of the work session meeting held on November 7, 2016.

RESOLUTION
Approve work session
Minutes- 12/5/2016

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

RESOLVED, to approve the minutes of the work session meeting held on December 5, 2016.

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

RESOLVED, that Abstract Audit Voucher # 8, dated December 19, 2016 in the amount of \$389,836.43, per copies filed with the Clerk, be paid, subject to confirmation and approval of Trustee Miller.

On motion of Trustee Fanelli, seconded by Trustee Miller, and unanimously carried, the meeting adjourned at 9:25 PM.

VILLAGE OF LARCHMONT
LOCAL LAW #18 of 2016

A local law to revise the Zoning Law by regulating the location and dimensions of retaining walls and the land surrounding them

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

Section One. Purpose and Intent.

The purpose of this local law is to establish regulations pertaining to the location and dimensions of retaining walls, as well as the land surrounding them. The installation of retaining walls has the potential to create detrimental impacts on visual aesthetics, drainage and water runoff, erosion slumping, and other environmental issues. These regulations intend to minimize these impacts and others that are caused by the destabilization of a sloped area, as well as control the scale, mass, and location of retaining walls. Overall, the regulations will permit the installation of retaining walls pursuant to reasonable controls that will protect property, the environment, and the health, safety, and welfare of the community.

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

H. Retaining walls. In order to minimize potential detrimental impacts associated with disturbance of established vegetation on existing steep slopes and avoid creating new steep slopes or grading that is disharmonious with the neighborhood topography or character, all retaining walls shall comply with the following provisions, and no retaining walls shall be installed except where the applicant demonstrates that each disturbance and/or retaining wall is necessary for the reasonable use of the property and that no adverse impacts will result.

(1) All retaining walls shall comply with the following design requirements:

(a) Structural retaining walls shall be constructed of permanent, uniform, engineered materials such as concrete, pre-cast block, or masonry. Exposed areas of the retaining wall shall be faced in a more naturalistic and/or rusticated material such as cultured stone, brick, or stone that reflects the prevailing wall style of older homes in the Village.

(b) Landscape retaining walls may be constructed in the same fashion as structural or retaining walls described in § 381-41.H.(1)(a) above, or of stone or cultured stone or durable or preservative-treated wood, or other durable materials.

(c) The grading in front of and behind all retaining walls and the retaining walls themselves shall be constructed in a manner so as to permit the continued flow of natural drainage, and shall not cause surface water to be blocked or dammed to create ponding, either upon the property upon which such wall is located, or upon any adjoining or adjacent property or street.

(d) Landscaping installed in the vicinity of any structural retaining wall shall be appropriate for the location and shall not have a root system that will impair the integrity of the retaining wall.

(2) All retaining walls that exceed two and one-half (2 ½) feet in height, measured as set forth in § 381-41.H.(3), shall comply with the following additional design requirements:

(a) The applicant shall submit the following plans prepared by a licensed civil engineer: (1) a site plan showing the location and dimension of the retaining wall; (2) a grading plan with contour lines at a minimum of two (2) foot intervals; (3) construction details including the type of materials, height and thickness of the retaining wall, type of backfill, and drainage features; (4) soil cut / fill and import / export totals; and (5) a landscaping plan for areas within ten (10) feet of the proposed wall.

(b) Prior to the issuance of a building permit, all proposed retaining walls that exceed two and one-half (2 ½) feet in height shall be reviewed by the Village Engineer or consulting engineer for structural design and integrity, as well as the potential for adverse drainage, erosion, or other impacts.

(3) Measurement of height. For the purpose of this § 381-41.H., the height of each retaining wall, and the height of each tier of a wall system, shall be measured as a vertical distance from its bottommost exposed grade to the top of the retaining wall. The maximum height along a varying-height retaining wall shall be used to determine the height of each wall.

(4) Height and location of retaining walls.

(a) Retaining walls may abut property lines without a required setback.

(b) Only one retaining wall may be permitted in each of the following yard areas: (a) within twenty (20) feet of the front property line; (b) within twenty feet (20) of a side-front property line; (c) within ten (10) feet of a side property line; and (d) within thirty (30) feet of a rear property line. In each case, the maximum permitted height of such single retaining wall within such distances from a property line shall not exceed two and one-half (2½) feet.

(c) A second retaining wall may be permitted beyond twenty (20) feet of a front or side-front property line, beyond ten (10) feet of a side property line, and beyond thirty (30) feet of a rear property line, provided that each second retaining wall shall not exceed three and one-half (3½) feet in height, and provided that the cumulative height of retaining walls in any yard is not greater than five (5) feet in height.

(d) The measurement of the cumulative height of retaining walls shall be the sum of the height of each separate wall (with the height of each retaining wall being defined as the measurement at its point of maximum height).

(e) Where a fence is placed directly above a retaining wall, or where the distance between a fence and retaining wall running roughly parallel is equal to or less than five (5) feet, the cumulative height of the retaining wall and fence shall not exceed five (5) feet. The area between such fence and retaining wall shall be maintained as a landscaped area consisting of lawn, shrubs, or other vegetation.

(f) Retaining walls running roughly parallel shall be separated by a bench of minimum horizontal distance equal to twice the vertical height of the taller of the two (2) retaining walls.

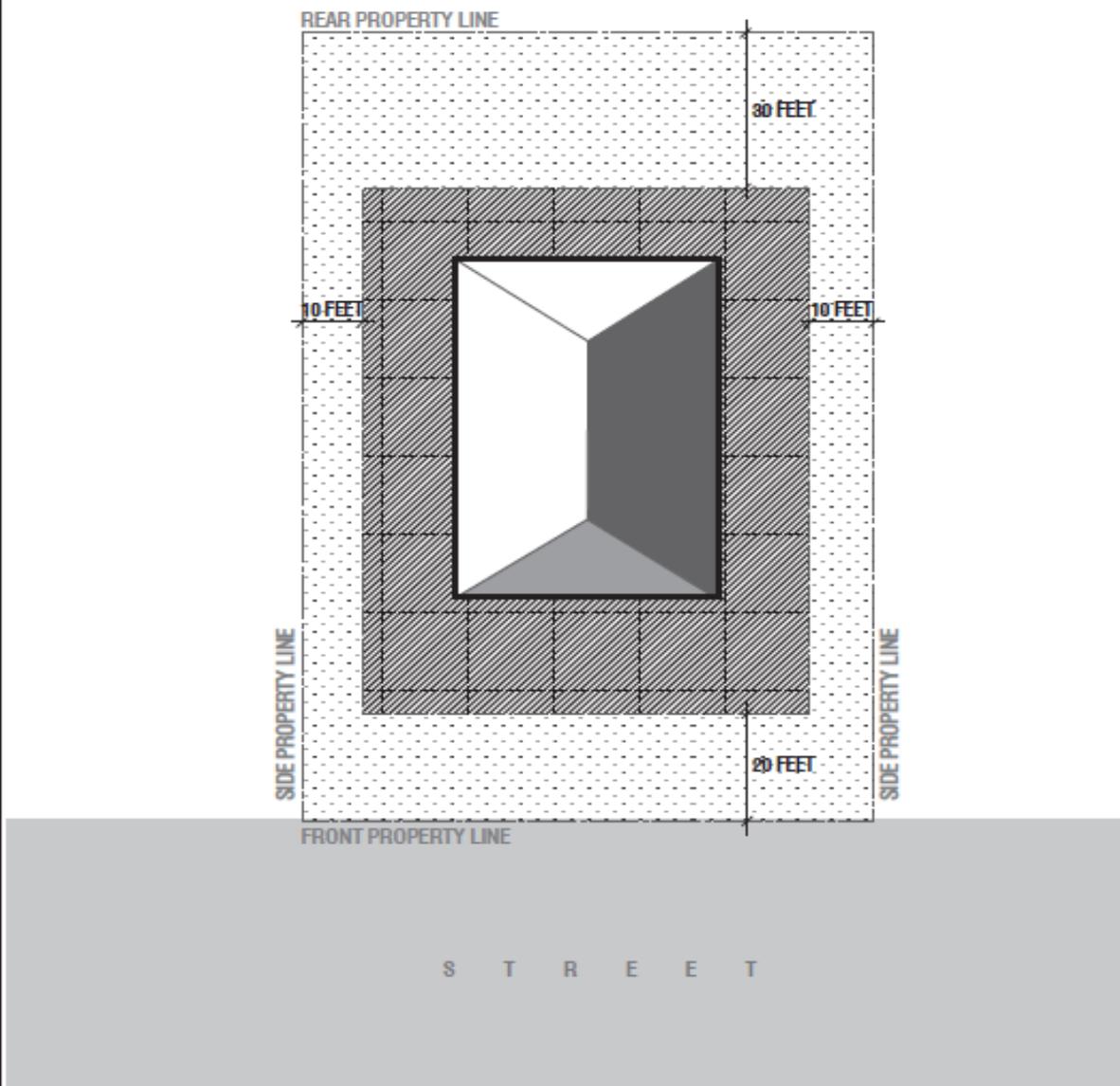
(g) Unless the presence of rock prevents regrading, the finished grade of areas in front of, behind, or between retaining walls shall not exceed one (1) vertical foot to four (4) horizontal feet, and shall be properly graded, stabilized, and drained in accordance with the Village Code.

(h) Exceptions for heights of retaining walls in floodplain areas. The heights of retaining walls may be increased beyond the maximums set in set forth in §§ 381-41.H.(4)(b) and (c) where such retaining walls are utilized to raise the finished habitable floor area elevation of a building or structure above the 100-year floodplain elevation established by the Federal Emergency Management Agency or its successor, except that the heights of such retaining walls shall not raise the floor elevation of the habitable floor area above the floodplain elevation by more than two (2) feet. The applicant may be required to utilize methods that decrease the height of a single retaining wall, such as using two or more tiered retaining walls, or regrading the areas in front of or behind such walls.

(5) The Planning Board may, for good cause shown, permit retaining walls of greater heights and in different locations other than as specified in § 381-41.H.(4), but only upon a demonstration that the applicant used best efforts to comply with the standards set forth in § 381-41.H.(4). The Planning Board may vary such standards only to the minimum extent reasonably possible.

ILLUSTRATION: §§ 381-41.H.(4)(a), (b), (c), and (d)
MAXIMUM HEIGHT OF SINGLE RETAINING WALLS AND
MAXIMUM CUMULATIVE HEIGHT OF RETAINING WALLS

MAXIMUM HEIGHT OF RETAINING WALLS

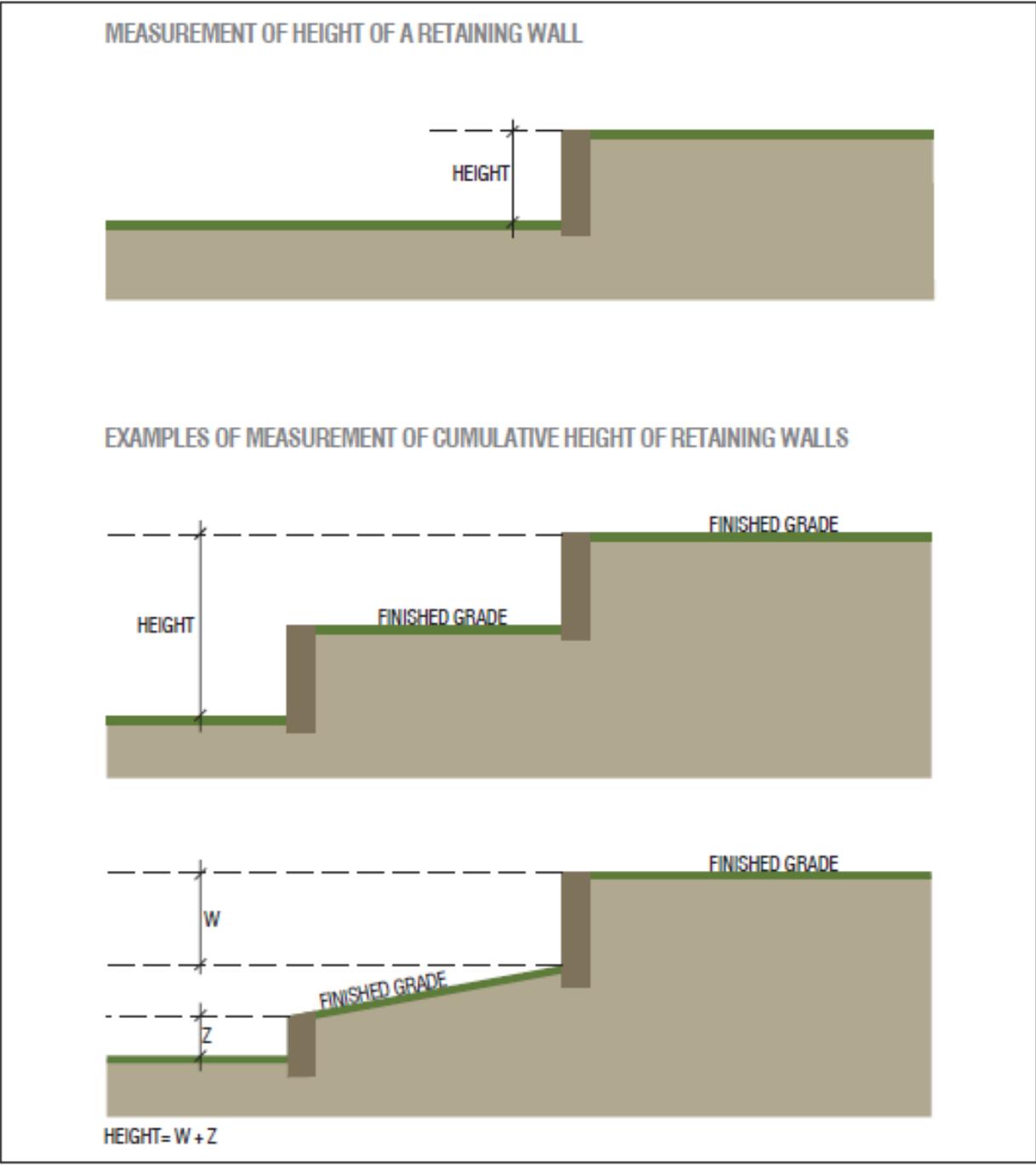


-  AREA OF THE LOT WHERE MAXIMUM HEIGHT OF SINGLE RETAINING WALLS IS 2 ½ FEET
-  AREA OF THE LOT WHERE MAXIMUM HEIGHT OF SINGLE RETAINING WALLS IS 3 ½ FEET

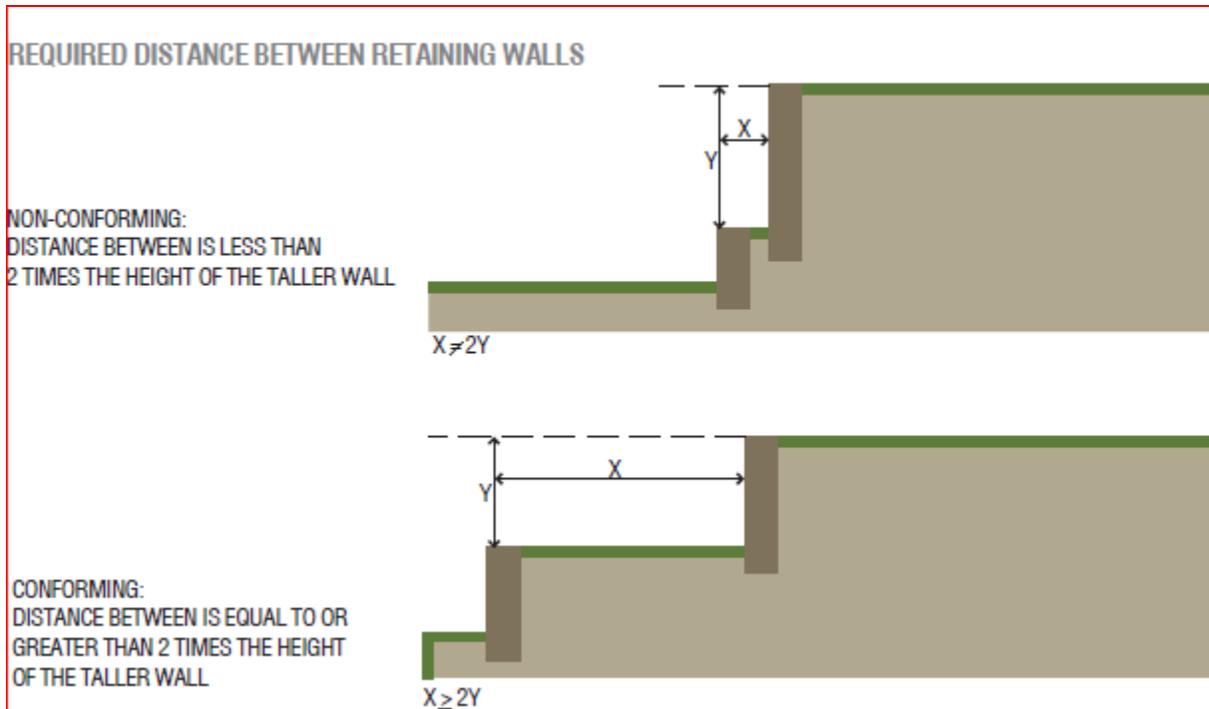
MAXIMUM CUMULATIVE HEIGHT OF THE RETAINING WALLS: 5 FEET IN ANY YARD ON THE LOT

NOTE: DRAWING IS ILLUSTRATIVE AND NOT TO SCALE

ILLUSTRATIONS: §§ 381-41.H.(3) and 381-41.H.(4)(c) and (d)



ILLUSTRATIONS: § 381-41.H.(4)(f)



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 #19 of 2016

A local law to amend the Zoning Law by
adding regulations concerning
changes of grade and soil movement

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

Section One. Purpose and Intent.

The purpose of this local law is to establish regulations concerning the extent to which one-family residential lots may be regraded, and to establish controls over the amount of soil that may be imported or exported from a site and over the soil moving operations themselves. Regrading of land and moving of soil have the potential to create detrimental impacts on visual aesthetics, drainage, vegetation, and other environmental concerns, and can increase erosion. Also of concern is the type of material used as fill and whether such material is contaminated with pollutants, volatile substances, and chemicals. These regulations will permit such regrading and soil moving with reasonable controls that will protect the health, safety, and welfare of the community.

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

SOIL

Any earth, sand, clay, foam, gravel, humus, rock, or dirt, without regard to the presence or absence therein of organic matter, including any synthetic substance used as a substance or in conjunction with soil.

Section Three. Section 381-42 of the Code of the Village of Larchmont, currently reserved, is hereby added to read as follows:

§ 381-42. Changes of grade and soil movement.

A. Purpose and applicability. In order to: minimize the extent to which the existing overall topographical character of the one-family residential areas within the Village are changed; minimize the potential negative impacts of substantial grade changes on the community and visual aesthetics; minimize the net amount of soil imported or exported and control the quality of the soil imported; discourage rock blasting and rock chipping; and minimize the removal of trees and established vegetation, destabilization of sloped areas, and the extent and rate of stormwater runoff and soil erosion in accordance with all applicable federal, state, and local regulations, the following provisions shall apply to changes in grade and soil movement.

(1) Maximum increase/decrease in existing grade. For one-family residential lots, changes in topographic contours shall be in accordance with the following:

(a) For each lot, the grading plan should seek to balance areas of fill and excavation, in order to minimize changes to existing topography and also to minimize the net import or export of soil.

(b) At each location across a lot, the maximum allowable change (raising or lowering) in existing grade shall depend on the location's distance from the property line and not exceed the maximum change in grade as set forth in accordance with the following table:

<u>Distance from Property Line</u>	<u>Maximum Change in Grade From Existing Grade</u>
50 feet and greater	Five (5) feet
40-50 feet	Four (4) feet
30-40 feet	Three (3) feet
0-30 feet	Two (2) feet

(c) Retaining walls may be utilized to stabilize horizontal surfaces that are at different elevations, provided such retaining walls comply with the provisions set forth in § 381-41.H. and that they do not have the effect of changing the existing grade beyond the limitations set forth herein.

(d) For the purposes of this subparagraph (1), existing grade shall either be the contour of elevations based upon an up-to-date topographic survey verified in the field

of one (1) foot contour lines, or the contour elevations and/or spot elevations as shown on an existing conditions survey map prepared by a Registered Land Surveyor. Said contours or spot elevations shall be based upon North American Vertical Datum (NAVD) of 1988.

(e) In any areas of a lot where regrading occurs, the slope of the finished grade shall not exceed one (1) vertical foot for every four (4) horizontal feet, and shall be properly stabilized and drained in accordance with applicable provisions in the Village Code.

(f) In order to minimize the potential for excessively tall, exposed garage and walk-out basement levels, the maximum differential between the points of highest and lowest finished grade around the exposed surfaces of a building shall not exceed eight (8) feet.

(2) Soil movement.

(a) Soil moving permits required. No person shall import or export or cause more than twenty five (25) cubic yards of soil to be imported or exported within any twelve (12) month period without first obtaining a soil movement permit as hereinafter provided. No construction or building permit nor certificate of occupancy shall be issued until a soil movement permit has been issued. No permit shall be issued for longer than twelve (12) months.

(b) Maximum amounts of soil importation to or exportation from a one-family residential lot.

1. Regardless of whether a building or other permit is being sought, the maximum quantity of soil that may be imported to or exported from a one-family residential lot shall be the volume in cubic yards that is equal to one-half (1/2) foot multiplied by the lot area (in square feet). Cubic yards of soil generated from excavations for basements and swimming pools shall not be counted toward such maximum quantity of soil. The Planning Board may, for good cause shown, permit greater quantities of soil to be imported or exported, but only to the minimum extent reasonably possible, and only upon a demonstration that the applicant used best efforts to comply with the maximum quantity of soil specified herein.

2. Up to twenty five (25) net cubic yards of soil that is imported or exported shall be permitted as-of-right for all one-family residential lots. Regardless of quantity, documentation shall be provided to the Building Department prior to import or export activities identifying the origination and off-site destination points. Should the soil not be from a natural unimpacted borrow source, data shall be provided in accordance with New York State Department of Environmental Conservation, Division of Environmental Remediation guidance document DER-10, as amended from time to time, to demonstrate that the materials are free of contaminants and are suitable for the intended use.

3. A soil moving permit from the Building Inspector shall be required if the amount of soil to be imported or exported exceeds twenty five (25) net cubic yards, but is less than one hundred and eighty five (185) net cubic yards. As part of the permitting process, all documentation required under § 381-42.A.(2)(b)(2) shall be submitted. In addition, for processed or manufactured materials not from an unimpacted borrow source, data shall be furnished from a New York State Certified Laboratory demonstrating that the soil is free of contaminants and suitable for the intended use. A signed chain of custody form shall also be furnished for all imported or exported materials. If material is not from a natural unimpacted borrow source, the processing facilities' applicable state's registration or permit documentation shall be provided to the Building Department.

4. A soil moving permit from the Planning Board shall be required when the amount of soil to be imported or exported meets or exceeds one hundred eight five (185) net cubic yards. All documentation required under § 381-42.A.(2)(b)(3) shall be submitted.

5. The Building Inspector and Planning Board shall not issue a soil moving permit unless the applicant demonstrates that the amount of soil to be

imported or exported is no greater than is reasonably necessary for the development and use of the lot.

(c) Soil moving operations. In all operations for which a soil moving permit is required, the following operational requirements shall apply:

1. Prior to the start of the soil moving operations, the following must be performed: (a) sediment barriers shall be installed and maintained throughout the duration of the project for which soil is being imported or exported in accordance with all federal, state, and local regulations; (b) tree protection measures shall be installed pursuant to the Building Inspector's approval. The Building Inspector may also, at his/her discretion, require the limits of the soil disturbance to be delineated with construction fencing and other reasonable measures to protect adjoining and adjacent property, including streets, sidewalks, drains, and catch basins.

2. The top layer of soil to a depth of six (6) inches shall not be removed from the lot, but shall be stockpiled on the lot separately from any other soil stockpiled and respread over the lot after the remainder of the soil has been moved or after construction has been completed. All stockpiles shall be covered securely with a tarpaulin to protect the topsoil and to prevent flying dust and other nuisances.

3. All boulders, tree stumps, and other debris that are uncovered during soil moving operations shall be removed from the lot.

4. In dry weather, the ground where soil moving operations are conducted shall be dampened to prevent flying dust.

5. To prevent spillage of soil, no trucks shall be loaded above the level of the sides of the truck. Each day, at the applicant's sole expense, all adjoining streets, sidewalks, and paved surfaces shall be cleaned of any spillage of soil or other debris. All truckloads shall be covered securely with a tarpaulin and, if necessary, the soil therein shall be treated with water or chemicals to prevent flying dust. The Building Department may require designation of an on-site soil- or mud-tracking control area to prevent tracking of soil and mud onto public streets. The tracking control may be accomplished with a fabric-lined gravel bed area or other means reasonably required by the Building Department.

6. All debris, including soil, arising from the soil moving operations shall be removed from the surface of any Village catch basin, and the Village Administrator shall be notified immediately. If the Village Administrator determines that the catch basin needs to be cleaned more thoroughly, the Village will undertake the work and charge the expense thereof to the owner as a lien against the lot.

7. At the conclusion of soil moving operations or construction, the lot shall be graded to conform to the approved contour lines and grades and stabilized to prevent erosion.

8. All excavation, removal, and other mandatory groundcover work, including restoration of property to final grades and subsequent seeding, must be completed within twelve (12) months from the date of the permit.

9. Soil moving operations, including loading or unloading, are prohibited between 5:00 p.m. and 8:00 a.m., Monday through Friday, and all day on Saturday, Sunday, and federal and state public holidays.

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 #20 of 2016

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

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

Section One. Purpose and Intent.

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

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

EXCAVATION, MECHANICAL ROCK

See “mechanical rock excavation.”

MECHANICAL ROCK EXCAVATION

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

TESTING DAYS

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

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

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

A. Mechanical rock excavation and rock blasting permits required.

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

B. Mechanical rock excavation and rock blasting operations.

1. Mechanical rock excavation and rock blasting operations on a lot, including rock removal, shall be restricted to thirty eight (38) consecutive calendar days, and no new or additional mechanical rock excavation or blasting permit shall be issued for the same lot within eighteen (18) months from the expiration date of any previously issued mechanical rock excavation or blasting permit. In the case of a lot or lots resulting from a subdivision approved after January 1, 2016, these operations, including rock removal, shall be as approved by the Planning Board as a condition of site plan approval or as part of a construction management plan, and the time frame for such operations shall be limited to as few days as reasonably feasible, but in no event shall that time frame exceed 10 days per additional lot beyond the initial thirty eight (38) days.
 - (a) When such operations are the subject of a subdivision or site plan application(s), the Planning Board, upon a determination that the limitations set forth in this subparagraph are not reasonably feasible, may extend the days by which the operations may occur; such extension must be reasonable under the circumstances.
 - (b) When such operations are not the subject of a subdivision or site plan application(s) or the operations are underway pursuant to previous approval, the

Building Inspector, upon advice and consultation with the Village Engineer or village consulting engineer and for good cause shown, may extend the days by which the operations may occur; such extension must be reasonable under the circumstances, but in no event shall such extension exceed fourteen calendar days.

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

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

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

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

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

Section Four. Severability.

If any section, subsection, clause, phrase, or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Five. Effective Date.

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

VILLAGE OF LARCHMONT
LOCAL LAW #21 of 2016

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

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

Section One. Purpose and Intent.

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

[moved to recodification law]

Section Two. Paragraph 381-68-E.F. of the Code of the Village of Larchmont is hereby revised by adding the following subparagraphs:

- (1) The Planning Board shall not issue site plan approval for any demolition until the Planning Board approves a demolition management plan and site restoration plan. The demolition and site restoration plans shall include, but not be limited to:
 - (a) the time frames during which which demolition and site restoration may occur and must be completed;
 - (b) a requirement to fill all exposed below-grade areas with soil and that the lot be graded to match adjacent grades, all in compliance with the quality of soil and documentation provisions set forth in § 381-42.A.(2)(b), and for which the maximum quantity of soil that may be imported set forth in § 381-42.A.(2)(b)(1) shall not apply;
 - (c) a requirement that all above-ground and overhead utilities be removed;
 - (d) where, upon satisfaction of the condition provided below, the Planning Board permits the foundation and/or other below-grade infrastructure or materials to remain on the lot, a requirement that a survey showing the locations and dimensions of such foundation and below-grade infrastructure and materials to remain after demolition be filed with the Building Department;
 - (e) a plan to protect, to the extent feasible, trees and other vegetation during demolition operations;
 - (f) a post-demolition landscaping plan in accordance with the Planning Board's requirements, which shall include maintenance of such landscaping and a prohibition against bare areas of soil; and
 - (g) a prohibition against chain link fencing and gates when demolition is complete.
- (2) If a site plan application for new improvements is pending, the Planning Board shall require that demolition not occur until the new improvements have all required permits and approvals.
- (3) Where an applicant seeks approval for the foundation and/or other below-grade infrastructure or materials to remain on the lot, the applicant shall submit a certified statement from the applicant's engineer that the foundation and such infrastructure and materials and the methods proposed to cover them are structurally sufficient and will not, under reasonably expected circumstances, cause any instability on the lot within the next ten years.
- (4) Exceptions. Where the Building Inspector determines that the improvement or part thereof creates an immediate threat to the health, safety, or welfare of the community, the Building Inspector may permit demolition to occur without the Planning Board having first issued site plan approval, including a demolition management plan and site restoration plan. The applicant must either concurrently during demolition, or immediately thereafter if it is not feasible to do so concurrently, seek approval from the Planning Board of a site plan and post-demolition site restoration plan, which shall include the same provisions referenced in subparagraph (1) above, and failure to seek such approvals shall be a violation subject to the penalties in the following subparagraph.
- (5) Penalties. In addition to any other penalties provided for violation of this site plan law, any person violating any of the provisions of this paragraph 381-68-E.F. of the Code of the Village of

Larchmont shall be guilty of a violation (i.e., not a misdemeanor or felony) punishable by a fine of up to \$5,000.00. Each day a violation continues shall constitute a separate offense.

Section Three. Severability.

If any section, subsection, clause, phrase, or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, Board, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Four. Effective Date.

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

VILLAGE OF LARCHMONT
LOCAL LAW #22 of 2016

A local law to amend the Zoning Law by increasing coordination among the Village's land use boards

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

Section One. Purpose and Intent.

Within the Village of Larchmont, certain development applications require approval from the Village's Planning Board and one or more of the Village's other land use boards such as the Board of Architectural Review and/or Zoning Board of Appeals. Having the land use boards exchange views on development applications for significant projects, as defined herein, at the earliest stage in the process will likely, to the benefit of all involved, encourage the identification of potential issues and concerns. This local law increases such coordination and provides a process through which such exchange of ideas can occur, and it is intended that these provisions will streamline the development application review process and potentially reduce plan development costs.

Section Two. Paragraph 381-68-G.A. of the Zoning Law of the Code of the Village of Larchmont, concerning application procedures, is hereby repealed and replaced in its entirety to read as follows:

A. Presubmission conference.

(1) No site plan application for a significant project, as defined in this paragraph 381-68-G.A., shall be accepted until the applicant submits to the Planning Board a concept plan and/or drawing in sufficient detail for the Planning Board to be able to visualize the proposed development and its context within surrounding properties and streets. A presubmission conference will then be scheduled for the applicant to discuss its concept with the Planning Board. If feasible, the presubmission conference will be a joint meeting of the Planning Board, the Board of Architectural Review, and, if the Zoning Board of Appeals will be an approving agency, the Zoning Board of Appeals. If it is not feasible for there to be such a joint meeting within 45 days of the submission of the concept plan and/or drawing, the application may be filed and the Planning Board will seek the input of the Board of Architectural Review and, if involved, the Zoning Board of Appeals at the earliest feasible time. Applicants are advised that a primary purpose of this provision is to provide them with input from the appropriate land use boards before the details of their development proposal are fixed, and before they have expended significant sums of money on plans that may require modification. The requirements of this paragraph may be waived by the Planning Board or its designee.

(2) For the purposes of this paragraph 381-68-G.A., the term significant project shall mean a project that involves any one or more of the following elements: (i) a subdivision; (ii) the construction of a new dwelling or dwelling unit on a one-family lot and the construction of any new improvement on any other lot; (iii) the renovation of an existing improvement where such renovation affects 25% or more of the lot area; (iv) the addition of 25% of the existing square footage of a dwelling or dwelling unit on a one-family lot to such dwelling or dwelling unit and the addition of 25% of the existing square footage of any other improvement to such improvement on all other lots; and (v) any proposed development for which a variance from the minimum yard or setback dimensions is required.

Section Three. Paragraph 381-68-G.D. of the Zoning Law of the Code of the Village of Larchmont, concerning referrals, is hereby revised by adding a sentence to the end of the paragraph to read as follows:

Without limiting the generality of the foregoing, referral shall be made to the Parks and Trees Committee.

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 #23 of 2016

A local law to amend a grandfathering provision of the Zoning Law

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 effect of certain amendments to the Zoning Law on certain developments for which final subdivision approval or site plan approval were previously granted. These provisions are often known as grandfathering provisions.

Section Two. The last sentence in § 381-72 of the Zoning Law of the Code of the Village of Larchmont is hereby revised 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 December 31, 2016, shall not affect development(s) for which final subdivision approval or site plan approval was granted before October 17, 2016.

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 #24- 2016

A LOCAL LAW REGARDING THE PROVISION OF AFFORDABLE HOUSING

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

Section One. There is hereby added to Chapter 381 ZONING of the Code of the Village of Larchmont a new Section 381-45 to read as follows:

§381-45 Supplementary standards for the provision of affordable housing units.

A. Definitions

(1) Affordable Affirmatively Furthering Fair Housing (AFFH) Unit

- a) A for-purchase housing unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 33% of 80% AMI, adjusted for family size and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan, and
- b) A rental unit that is affordable to a household whose income does not exceed 60% AMI and for which the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% AMI adjusted for family size and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

B. Required Affordable AFFH Unit Component

(1) Within all residential developments of 10 or more units created by subdivision or site plan approval, no less than 10% of the total number of units must be created as AFFH units. In residential developments of five to nine units, at least one AFFH unit shall be created. Rounding shall be done as follows: for ten to fourteen (10-14) housing units – one (1) AFFH unit; for fifteen to twenty-four (15-24) housing units – 2 AFFH; then continuing in like increments as the number of housing units increase.

(2) No preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for AFFH units created under this subsection.

(3) Notwithstanding the above, all such AFFH units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

C. Maximum Rent and Sales Price

The maximum monthly rent for an AFFH unit and the maximum gross sales price for an AFFH unit shall be established in accordance with U.S. Department of Housing and Urban Development guidelines as published in the current edition of the “Westchester County Area Median Income (AMI) Sales & Rent Limits” available from the County of Westchester.

D. Time Period of Affordability

Units designated as AFFH units must remain for a minimum of 50 years from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units.

E. Property Restriction

(1) A property containing any AFFH units must be restricted using a

mechanism such as a declaration of restrictive covenants in recordable form acceptable to Municipal Counsel which shall ensure that the AFFH unit shall remain subject to regulations for the minimum 50 year period of affordability. Among other provisions, the covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit. Upon approval, such declaration shall be recorded against the property containing the AFFH unit prior to the issuance of a Certificate of Occupancy for the development.

F. Unit Appearance and Integration

(1) Within single-family developments, the AFFH units may be single-family homes or, if the Planning Board so elects, they may be incorporated into one or more two-family homes. If the Planning Board so elects, one or more AFFH unit(s) may be located on a lot meeting seventy-five per cent (75%) of the minimum lot area for the single-family homes in the development. Each such two-family home shall be located on a lot meeting the minimum lot area for the single-family homes in the development. All such units shall be indistinguishable in appearance, siting and exterior design from the other single-family homes in the development, to the furthest extent possible. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the AFFH units.

(2) Within multi-family developments, the AFFH units shall be physically integrated into the design of the development and, where multiple AFFH units are required, to the extent feasible, they shall be distributed among various sizes (efficiency, one-, two-, three- and four-bedroom units) in the same proportion as all other units in the development. The AFFH units shall not be distinguishable from other market rate units from the outside or building exteriors. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the AFFH units.

G. Minimum Floor Area

(1) The minimum gross floor area per AFFH unit shall not be less than 80% of the average floor area of non-restricted housing units in the development and no less than the following:

<u>Dwelling Unit</u>	<u>Minimum Gross Floor Area (square feet)</u>
Efficiency	450
(1) bedroom	675
(2) bedroom	750
(3) bedroom	1,000 (including at least 1.5 baths)
(4) bedroom	1,200 (including at least 1.5 baths)

For the purposes of this section, paved terraces or balconies may be counted toward the minimum gross floor area requirement in an amount not to exceed 1/3 of the square footage of such terraces or balconies.

(2) As an alternative or supplemental standard if the Planning Board so elects -- The minimum gross floor area per AFFH unit shall be in accordance with the standards set forth by the New York State Division of Housing and Community Renewal & the New York State Housing Trust Fund Corporation in Section 4.03.03 of the most recent edition of its joint Design Manual. http://nysdhcr.gov/Publications/DesignHandbook/UF2009_DesignHandbook.pdf

H. Occupancy standards

For the sale or rental of AFFH units, the following occupancy schedule shall apply:

<u>Number of Bedrooms</u>	<u>Number of Persons</u>
Efficiency	Minimum:1 , Maximum:1
1 Bedroom	Minimum:1 , Maximum:3

2 Bedroom	Minimum:2 , Maximum:5
3 Bedroom	Minimum:3 , Maximum:7
4 Bedroom	Minimum:4 , Maximum:9

I Affirmative Marketing

The AFFH units created under the provisions of this section shall be sold or rented, and resold and re-rented during the required period of affordability, to only qualifying income-eligible households. Such income-eligible households shall be solicited in accordance with the requirements, policies and protocols established in the Westchester County Fair & Affordable Housing Affirmative Marketing Plan so as to ensure outreach to racially and ethnically diverse households.

I Resale Requirements

(1) In the case of owner-occupied AFFH units, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then-maximum sales price for said unit, as determined in this law, or the sum of the net purchase price (i.e. gross sales prices minus subsidies) paid for the unit by the selling owner, increased by the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the New York-Northern New Jersey Area, as published by the United States Bureau of Labor Statistics (the "Index") on any date between (a) the month that was two months earlier than the date on which the seller acquired the unit and (b) the month that is two months earlier than the month in which the seller contracts to sell the unit. If the Bureau stops publishing this index, and fails to designate a successor index, the Village of Larchmont will designate a substitute index; and the cost of major capital improvements made by the seller of the unit while said seller of the unit owned the unit as evidenced by paid receipts depreciated on a straight line basis over a 15 year period from the date of completion and such approval shall be requested for said major capital improvements no later than the time the seller of the unit desires to include it in the resale price.

(2) Notwithstanding the foregoing, in no event shall the resale price exceed an amount affordable to a household at 80% of AMI at the time of the re-sale.

K Lease Renewal Requirements

(1) Applicants for rental AFFH units shall, if eligible and if selected for occupancy, sign leases for a term of no more than two years. As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered renewal leases for a term of no more than two years each. Renewal of a lease shall be subject to the conditions of federal, state or county provisions that may be imposed by the terms of the original development funding agreements for the development or to the provisions of other applicable local law.

(2) If no such provisions are applicable and if a resident's annual gross income should subsequently exceed the maximum then allowable, as defined in this chapter, then said resident may complete their current lease term and shall be offered a non-restricted rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the AFFH unit they occupy but shall not be offered a renewal of the lease beyond the expiration of said term.

L Administrative and Monitoring Agency

The County of Westchester shall be responsible for monitoring the AFFH units during the units' periods of affordability and for monitoring compliance with the affirmative marketing responsibilities of those creating the AFFH units

M. Expedited Project Review Process

(1) Pre-application meeting: The Planning Board's pre-application meeting process shall be followed in connection with developments which include AFFH units. The purposes of the pre-application meeting will include discussion of means to expedite the development application review process through:

- (a) The early identification of issues, concerns, code compliance and coordination matters that may arise during the review and approval process.
- (b) The establishment of a comprehensive review process outline, proposed meeting schedule and conceptual timeline.

(2) Meeting schedule and timeline: Village departments, boards, commissions, committees and staff shall endeavor to honor the proposed meeting schedule and conceptual timeline established as an outcome of the pre-application process to the greatest extent possible during the review and approval process, subject to the demonstrated cooperation of applicant to adhere to same. Should the approval process extend beyond one year, an applicant for a development including AFFH units shall be entitled to at least one additional meeting per year with the same departments, boards, commissions or committees to review any and all items discussed at previous pre-application meetings.

(3) Calendar/agenda priority: Municipal departments, boards, commissions, or committees with review or approval authority over applications for developments which include AFFH units shall give priority to such applications by placing applications for developments including AFFH units high enough on all meeting and work session calendars and agendas so they will not be bumped to a subsequent meeting, because of lack of time and, when feasible based on the ability to conduct required reviews and public notice, with the intent of shortening minimum advance submission deadlines to the extent practicable.

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