

VILLAGE OF LARCHMONT
PROPOSED LOCAL LAW ____ of 2017

A local law to amend the Zoning Law by revising regulations concerning mechanical rock excavation

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

Section One. Section 381-44 of the Zoning Law of the Code of the Village of Larchmont, entitled, "Mechanical rock excavation and rock blasting," is hereby repealed and replaced in its entirety to read as follows: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 and the Building Inspector has issued written permission to proceed following compliance with all pre-excavation requirements set forth herein.

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

B. Mechanical rock excavation.

1. Mechanical rock excavation on a lot shall be restricted to fifteen (15) consecutive calendar days (not including any days during which mechanical rock excavation is prohibited under § 381-44.B.(2) below) in any twelve (12) month period.

(a) When such 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 five (5) calendar days (not including any days during which mechanical rock excavation is prohibited under § 381-44.B.(2) below).

2. Mechanical rock excavation, 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, including rock removal, is 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 shall comply with the same requirements as set forth in soil moving operations under § 381-42.A.(2)(c).

C. Notice to neighbors of mechanical rock excavation; affidavit of mailing; public notice sign.

1. No less than ten (10) days nor more than fourteen (14) days prior to mechanical rock excavation, the permit holder shall give written notice of the intent to engage in such operations to all property owners, managing agents, and occupants of all structures on property that has a lot line lying within 300 feet of any lot line of the property on which the mechanical rock excavation is to occur and any additional lots as required by the Building Inspector or Village Engineer. Said notice shall be approved by the Building Inspector and shall state the mechanical rock excavation permit holder's name, the permit number, the location of the excavation, the date(s) and time(s) during which excavation is to occur, and emergency telephone numbers for the police, fire, and ambulance service. Such notice shall be given by certified or certificated mail, and an affidavit, executed by the permit holder attesting to such mailing, along with the actual notice and list of addressees and addresses, shall be filed with the Building Department before mechanical rock excavation may commence.

2. Upon receipt of the notice specified in § 381-44.C.(1) above, all property owners and managing agents shall immediately distribute a copy of such notice to tenants and, except for one-family dwellings, post such notice in conspicuous place(s) where it is reasonable to believe that persons entering or leaving the premises will see such notice.

3. Posting of notice on the subject property. No less than ten (10) days prior to engaging in mechanical rock excavation, the permit holder shall post a sign on the property where such excavation is to occur, in the form prescribed by the Building Department, stating the date(s) and time(s) during which such operations will occur. Such sign shall be placed in a location plainly visible from the most commonly travelled street upon which the property fronts, but in no case more than ten (10) feet back from the front lot line. Such sign shall be appropriately revised as necessary. An affidavit attesting to such posting shall be filed with the Building Department before mechanical rock excavation may commence.

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.