

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Village of Larchmont

FILED  
STATE RECORDS

DEC 23 2016

DEPARTMENT OF STATE

Local Law No. 21 of the year 2016

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

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Larchmont

as follows:

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:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 21 of 2016 of the ~~(County)(City)(Town)~~(Village) of Larchmont was duly passed by the Board of Trustees on December 19 2016, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

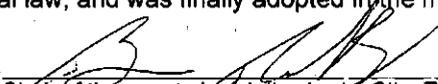
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph   1   above.

  
\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: December 20, 2016

(Seal)