

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. 20 of the year 2016

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

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 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

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

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

(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. 20 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(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) *(Name of Legislative Body)* (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.

* 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.)

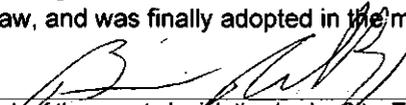
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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)