

Topic:	Waterfront Revitalization
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of Mamaroneck
Year (adopted, written, etc.):	1998
Community Type – applicable to:	Suburban; Rural
Title:	Town of Mamaroneck Waterfront Revitalization Ordinance
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Abstract

Chapter 234 of the Town Code for the Town of Mamaroneck is intended to provide a framework for agencies of Mamaroneck to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions and to assure to the maximum extent practicable that such actions are consistent with said policies and purposes.

Resource

Town of Mamaroneck NY Waterfront Revitalization
Code of the Town of Mamaroneck NY
Chapter 234: Waterfront Revitalization
General Code

[http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=0239%2D234%2Ehtm&cn=839&n=\[1\]\[120\]\[839\]](http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=0239%2D234%2Ehtm&cn=839&n=[1][120][839])

§ 234-1. Statutory authority; intent; purpose.

- A. This chapter is adopted pursuant to the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42 of the Executive Law).
- B. This chapter is intended to provide a framework for agencies of the Town of Mamaroneck to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions and to assure to the maximum extent practicable that such actions are consistent with said policies and purposes.
- C. It is the intention of the Town of Mamaroneck that the preservation, enhancement and utilization of the natural and man-made resources of the Town of Mamaroneck's unique

coastal area take place in a coordinated and comprehensive manner to ensure the proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, it is the purpose of this chapter to achieve a balance permitting the beneficial use of coastal resources while preventing loss of living marine resources and wildlife; diminution of open space areas or public access to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

- D. The purpose of this chapter is to recognize modifications in the regulations adopted by the State of New York for and the need to modify this consistency law in view of these changes. **[Added 1-1-1998 by L.L. No. 1-1998]**

§ 234-2. Definitions.

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

ACTION [AMENDED 1-1-1998 BY L.L. NO. 1-1998] — Any activity, funding or permit undertaken by or subject to the approval of an agency of the Town of Mamaroneck other than the following:

- A. Maintenance or repair involving no substantial changes in an existing structure or facility.
- B. Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes.
- C. Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming.
- D. Repaving of existing highways not involving the addition of new travel lanes.
- E. Street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities.
- F. Maintenance of existing landscaping or natural growth.
- G. Extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list.

- H. Granting of individual setback and lot line variances.
- I. Granting of an area variance(s) for a single-family, two-family or three-family residence.
- J. Public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management clear-cutting or the application of herbicides or pesticides.
- K. Minor temporary uses of land having negligible or no permanent impact on the environment.
- L. Installation of traffic control devices on existing streets, roads and highways.
- M. Mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns.
- N. Information collection, including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soil studies that do not commit the agency to undertake, fund or approve any Type I or unlisted action.
- O. Official acts of a ministerial nature involving no exercise of discretion, including building permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s).
- P. Routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.
- Q. Conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided that those activities do not commit the agency to commence, engage in or approve such actions.
- R. Collective bargaining activities.
- S. Investments by or on behalf of agencies or pension or retirement systems or refinancing existing debt.
- T. Inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession.

- U. Purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides or other hazardous materials.
- V. License, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities.
- W. Adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.
- X. Engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this chapter have been fulfilled.
- Y. Civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion.
- Z. Adoption of a moratorium on land development or construction.
- AA. Interpreting an existing code, rule or regulation.
- BB. Designation of local landmarks or their inclusion within historic districts.
- CC. Emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this chapter.
- DD. Applications for area variances for signs located on existing structures.

ADVISORY OPINION — An opinion rendered by the Coastal Zone Management Commission to any agency or department of the Town on a matter which is an action as defined by this chapter. **[Added 1-1-1998 by L.L. No. 1-1998]**

AGENCY — Any department, board, commission, public authority or other agency of the Town of Mamaroneck which has jurisdiction by law to approve or directly undertake a

given action.

COASTAL ZONE MANAGEMENT COMMISSION OR COMMISSION — The Town of Mamaroneck-Village of Larchmont Coastal Zone Management Commission established by Local Law No. 4-1986. **[Amended 1-1-1998 by L.L. No. 1-1998]**

DIRECT ACTION — An action planned and proposed for implementation by the municipality or any public or quasi-public agency. "Direct actions" include but are not limited to capital projects, procedure-making, policy-making and zoning.

LOCAL WATERFRONT REVITALIZATION PROGRAM OR LWRP — The Local Waterfront Revitalization Program of the Town of Mamaroneck and the Village of Larchmont, adopted in 1986 pursuant to Article 42 of the Executive Law of the State of New York and as amended from time to time.

§ 234-3. Review of actions required. [Amended 1-1-1998 by L.L. No. 1-1998]

- A. When an agency or department of the Town shall undertaken, fund or approve any activity defined as an action within the meaning of this chapter, it shall submit any such proposed activity to the Commission for an advisory opinion, provided that such activity relates to construction, reconstruction, improvement or renovation of any land or structure.
- B. An application to the Planning Board, Zoning Board of Appeals or the Director of Building Code Enforcement and Land Use Administration for approval of a plan for a proposed direct action shall be accompanied by a full environmental assessment form (EAF) and a coastal assessment form (CAF). **[Amended 10-16-2002 by L.L. No. 10-2002]**

§ 234-4. Action by Coastal Zone Management Commission.

- A. The Chairman of the Commission shall determine if the application or direct action description and any supporting material submitted constitutes a full statement for the purpose of determining consistency with the LWRP. The Chairman may request other material the Commission believes is necessary for a complete review. **[Amended 1-1-1998 by L.L. No. 1-1998]**
- B. Commission's opinion to be rendered. **[Amended 1-1-1998 by L.L. No. 1-1998]**
 - (1) The Commission, within 30 days of its receipt of the complete application, shall render an opinion, in writing, to the referring agency covering the following

questions:

- (a) Whether the proposed action is inconsistent with one or more of the policies of the LWRP.
 - (b) Whether the proposed action will advance one or more of said policies.
 - (c) If either of the questions posed in Subsection B(1)(a) or (b) is answered in the affirmative, the manner in which and the extent to which the inconsistency and/or advancement is likely to result.
 - (d) If the questions posed in Subsection B(1)(a) and (b) are both answered in the affirmative, whether and to what extent the inconsistency outweighs or is outweighed by the advancement when measured by the purposes of the LWRP.
- (2) The Commission may also, in its discretion, suggest ways in which the purposes of the proposed action might be accomplished in a manner that would result in less hindrance or no hindrance to the policies and purposes of the LWRP and/or in greater advancement of them.

§ 234-5. Determination of inconsistency.

A. Determination.

- (1) If the Commission finds, in its opinion rendered under § 234-4B, that the proposed action will substantially hinder the achievement of or be substantially inconsistent with one or more policies of the LWRP, the referring agency shall, as soon as possible upon receiving the Commission's opinion and before commencing or permitting such action, issue a written statement either accepting the Commission's opinion with regard to such inconsistency or setting it aside, in whole or in part.
- (2) Acceptance of inconsistency.
- (a) If any part of the finding of inconsistency is accepted, the proposed action may not be undertaken unless and until the referring agency determines with respect to the proposed action or any revision thereof which may be devised by it or presented to it in a revised application that:

[1] No reasonable alternatives exist which would permit the action to be taken in a manner which would not substantially hinder the achievement of such policy or policies; and

[2] The action taken will minimize all adverse effects on such policy or policies to the maximum extent practicable.

(b) In the case of a direct action, the determination must further include a finding that the action will result in an overriding public benefit.

(3) A determination by the referring agency, under Subsection A(2)(a)[1] and [2] and, where applicable, Subsection A(2)(b), shall constitute a determination that the action is consistent to the maximum extent practicable with the approved LWRP as required by the Executive Law, Article 42.

B. In making any determination under Subsection A, the referring agency shall take the opinion of the Commission fully into account and make it part of the public record of its proceedings. Where the referring agency acts contrary to the opinion of the Commission, it shall so notify the Commission, in writing, and shall state its reasons therefor in its determination and in its notice to the Commission. **[Amended 1-1-1998 by L.L. No. 1-1998]**