

Extension of the Suspension of Certain Local Laws during the Town of Mamaroneck's State of Emergency due to COVID-19

Whereas, acting pursuant to section 24 of the New York State Executive Law, I, Nancy Seligson, Supervisor of the Town of Mamaroneck, declared a state of emergency in the Town of Mamaroneck effective March 16, 2020 at 12:15 pm (prevailing time) due to the COVID-19 pandemic, and

Whereas, since the COVID-19 virus remained a threat to the health, welfare and safety of the public, I extended the state of emergency in the Town of Mamaroneck effective April 16, 2020 at 12:15 pm (prevailing time), again on May 15, 2020 effective 12:16 pm (prevailing time), and again on July 10, 2020 effective 12:16 pm (prevailing time) with the latest extension lasting until August 11, 2020 at 12:15 pm (prevailing time) or until a subsequent order of mine rescinds it; and

Whereas, the conditions that led to my extending the state of emergency have not sufficiently changed in that the COVID-19 virus remains a threat to the health, welfare and safety of the public, and

Whereas, pursuant to the declaration, I continued the suspension and modification of certain local laws by ordering that

- The provisions contained in sections 219-20 and 219-22 of the Code of the Town of Mamaroneck that prohibit parking on the streets and at the times mentioned on the attached sheet be suspended with the following exception: On the section of Myrtle Boulevard, from 172 Myrtle Boulevard to 176 Myrtle Boulevard, parking shall be allowed for a maximum of 15 minutes between the hours of 9:00 am and 6:00 pm (prevailing time) from Monday to Saturday,
- Section 106-42A. of the Code of the Town of Mamaroneck be modified to provide that the Building Inspector may extend the duration of any building permit issued between March 1, 2019 and May 30, 2019 by an additional sixty (60) days upon the permit holder demonstrating just cause for such extension,
- Section 106-58.1 of the Code of the Town of Mamaroneck be modified in accordance with the modification appearing in my Suspension of Certain Local Laws during the Town of Mamaroneck's State of Emergency due to COVID-19 dated July 10, 2020,
- Section 141-12B. of the Code of the Town of Mamaroneck be modified to provide: "The use of gasoline-powered leaf blowers shall be unlawful in the Town, even after a storm, during the period from April 1 through September 30 of each year. This section shall not apply to utility companies, municipal and/or school district emergency operations.",

- Section 192-5 A. (1) of the Code of the Town of Mamaroneck be modified by adding the following to the end thereof:

“The Building Inspector may issue a permit to construct, install, locate, maintain or operate a proposed above-surface pool that fails to meet the requirements of section 192-5 A. (1) (a) or (b) if, upon applying for the permit, the owners of the property or their designated representative submits an application for a variance from those setback requirements of section 192-5 A. (1) (a) or (b) with which the proposed pool does not comply and pays the fee for that application.

“Under no circumstances shall the Building Inspector issue a permit that would allow for the proposed pool to be less than 5 feet from the nearest property line.

“The application for a variance will be heard by the Board of Appeals at its September 2020 meeting.

“Attached to the permit will be a notice to the resident that the construction of the pool will not create any vested rights, that the pool will not be a non-conforming structure and that if the application for a variance is denied, the pool will become an illegal structure and will have to be removed. The notice also shall advise the owners that if the requisite notices of the Board of Appeals’ September meeting are not mailed when required, or the required sign is not posted and maintained for the time required in order for the owners’ application to be heard at the September Board of Appeals meeting, the pool’s certificate of compliance/occupancy will be revoked immediately and the pool will become an illegal structure that will have to be removed immediately.

“If the application for a variance is denied, the pool will become an illegal structure and will have to be removed by October 15, 2020.

“This modification of section 192-5 A. (1) of the Code of the Town of Mamaroneck shall not apply to any pool proposed to be constructed on or after August 1, 2020”,

and

- Section 195-41 of the Code of the Town of Mamaroneck be modified to provide: “The taxable status date in the Town of Mamaroneck for the year 2020 shall be June 1, 2020 but shall be May 1 of each year thereafter”,

and

Whereas, I determine that continuing most of the aforementioned suspensions and modifications is in the public interest but that there no longer is a need to modify section 106-42A (extension of building permits) but there is a need to suspend peddling and soliciting.

Now, therefore, acting as the Supervisor of the Town of Mamaroneck, I extend the aforementioned suspension of sections 219-20 and 219-22 of the Code of the Town of Mamaroneck, the modification of the laws specified above and add additional modifications of certain sections of chapter 154 of the Code of the Town of Mamaroneck, as follows:

- I suspend the prohibition on parking contained in sections 219-20 and 219-22 of the Code of the Town of Mamaroneck but only on the streets and at the times mentioned on the attached sheet with the following exception: On Myrtle Boulevard, from the 172 Myrtle Boulevard to the 176 Myrtle Boulevard, parking shall be allowed for a maximum of 15 minutes between the hours of 9:00 am and 6:00 (prevailing time) from Monday to Saturday,
- I modify section 106-58.1 of the Code of the Town of Mamaroneck to provide:

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

A. MECHANICAL MEANS

The use of any tools that are not operated solely by human muscular power. Explosives and the tools used in connection therewith shall not be considered mechanical means.

ORIGINAL INFRASTRUCTURE

Streets and curbs, and the lines, pipes, culverts and conduits used for transporting potable water, storm water, sewage and utilities, such as gas, telephone, electricity, cable television and Internet service, that are built on land subdivided after February 1, 2004, if the subdivision plat creating the lots in that subdivision also created one or more new private or public streets or created extensions to any existing private or public street.

PERMITTED HOURS

The seven hours between 9:00 a.m. (prevailing time) and 4:00 p.m. (prevailing time), except in those situations where section 106-58.1 L governs the time allowed for rock removal.

ROCK

Naturally occurring stone. “Rock” does not include impervious concretions created by humans such as macadam, concrete and bricks.

ROCK REMOVAL

The reduction in size of rocks by mechanical means and the removal of such rock from the subject property in any residence district or in the Recreation District of the Town of Mamaroneck.

ROCK REMOVAL PERMIT

A permit issued for rock removal on a subject property.

SUBJECT PROPERTY

A lot for which a rock removal permit is required, or land where the construction of original infrastructure is to occur if such land lies outside a lot.

- B. A rock removal permit is required for the removal of rock of any quantity. No rock removal permit shall be issued until the Building Inspector or the Director of Building Code Enforcement and Land Use Administration approves the dust mitigation plan submitted by the applicant. Such plan must incorporate the best dust control practices, including but not limited to, a water spray system (air suppression or surface wetting) or other practices that are considered best dust practices at the time the application for a rock removal permit is made. The dust mitigation plan also must present the measures the applicant intends to use to control water runoff as a result of water spraying. In the sole discretion of the Building Inspector or the Director of Building Code Enforcement and Land Use Administration, air quality sampling may be required during the course of rock removal.

- C. Rock removal, other than for the construction of original infrastructure, shall be allowed only during permitted hours and only on 15 days (not including Saturdays, Sundays and public holidays listed in § 24 of the New York General Construction Law) between the date specified for the commencement of rock removal contained in the notice to neighbors described in §106-58.1 G and the forty-fifth (45th) calendar day after that date. The rock removal permit shall contain the date after which rock removal no longer will be allowed to be done pursuant to that permit. Upon a showing of undue hardship, the Building Inspector or the Director of Building Code Enforcement and Land Use Administration may extend the last day on which rock may be removed pursuant to a rock removal permit by up to five days. If the number of additional days would include a day or days on which rock removal is prohibited by this section, the extension period will bypass such days and resume on the first day thereafter when rock removal is permitted by this section.

- D. The holder of a rock removal permit may have its permit suspended by notifying the Building Department that rock removal has stopped and requesting that the permit be suspended. The Building Inspector or the Director of Building Code Enforcement and Land Use Administration shall suspend the permit, record the date of notification and record the number of days between the date that rock removal was scheduled to begin and the date that the rock removal permit is suspended. Before resuming rock removal, the holder of a rock removal permit shall notify the Building Department of the date that it intends to resume whereupon the Building Inspector or the Director of Building Code Enforcement and Land Use Administration shall lift the suspension and record the date when the rock removal is to resume. After a suspension is lifted, rock removal may occur on the number of days that equals the difference between 15 and the number of days recorded in accordance with the immediately preceding sentence, however, rock removal may not occur beyond the forty-fifth (45th) calendar day after the date specified for the commencement of rock removal contained in the notice to neighbors described in §106-58.1 G, unless the Building Inspector or the Director of Building Code Enforcement and Land Use Administration grants permission to remove rock after the permit's expiration date pursuant to §106-58.C.
- E. For the construction of original infrastructure, rock removal shall be allowed only during permitted hours and only for the 180 days (not including Saturdays, Sundays and public holidays listed in § 24 of the New York General Construction Law) starting on the date specified for the commencement of rock removal contained in the notice to neighbors described in §106-58.1 G. The rock removal permit shall contain the date after which rock removal no longer will be allowed to be done pursuant to that permit. Under no circumstances may rock removal for the construction of original infrastructure extend beyond the one hundred-eightieth day (180th) day after the date specified for the commencement of rock removal contained in the notice to neighbors described in §106-58.1 G, unless the Building Inspector or the Director of Building Code Enforcement and Land Use Administration grants permission to remove rock after the permit's expiration date pursuant to §106-58.C.
- F. Before rock removal can begin, the applicant shall have a third-party conduct a survey of the condition of all improvements existing on each lot (including lots lying outside the unincorporated area of the Town of Mamaroneck) that either shares all or a section of a lot line with the subject property or touches the subject property at a corner. If the occupant of a lot to be surveyed refuses to allow a survey to be done, the applicant shall submit an affidavit stating that he/she had attempted to gain access but was denied. Submission of such an affidavit will obviate the requirement for a survey of that lot.

Notwithstanding the foregoing, a survey shall not be required if all of the rock removal will be done using mechanical means that are designed to be handheld while operating.

G. Notice to neighbors; affidavit of mailing.

(1) No later than 10 days before rock removal commences, the following notice shall be mailed to the owners of each lot that has a lot line lying within 150 feet of any lot line of the subject property:

(a) For rock removal that is not the construction of original infrastructure:

"Dear Neighbor,

Rock removal from the property known as [INSERT THE STREET ADDRESS OR THE LOCATION OF THE SUBJECT PROPERTY IF IT HAS NO STREET ADDRESS] by mechanical means, such as drills, jackhammers and other types of gas, diesel or electric powered equipment is scheduled to begin on [INSERT DATE ROCK REMOVAL IS SCHEDULED TO BEGIN]. The last day on which rock can be removed from this site by mechanical means is [INSERT THE LAST DATE ON WHICH ROCK REMOVAL BY MECHANICAL MEANS CAN OCCUR].

Although this period is forty five (45) days, rock removal may occur only on fifteen (15) days within that period. The permit holder may have its permit suspended by the Building Department after rock removal is scheduled to begin. You can contact the Building Department at 381-7830 to learn whether the rock removal permit has been suspended. If the permit is suspended, the permit holder may resume rock removal after notifying the Building Department of the date on which rock removal will resume. The days prior to the date of the suspension shall count toward calculating the fifteen (15) days when rock removal may occur so that rock removal will not be allowed to occur for more than a total of fifteen (15) days unless the permit is extended upon a showing of undue hardship by the permit holder. Any such extension can add no more than five (5) days for rock removal.

If your property abuts the subject property, you should have been contacted by now about having a survey done of the physical condition of the structures on your property. The purpose of the survey is to be able to determine whether and to what extent, rock removal may damage your property. If you were not contacted about having a survey done, please contact the Town Building Department at 914-381-7830 immediately.

The law does not permit rock removal by mechanical means to occur on Saturdays, Sundays or public holidays. It also prohibits such removal before 9:00 a.m. (prevailing time) and after 4:00 p.m. (prevailing time) on those days when rock removal by mechanical means is permitted.

For further information, please contact [INSERT THE NAME OF THE OWNER OR THE PERSON IN CHARGE OF THE PROJECT] at the following telephone number: [INSERT CURRENT TELEPHONE NUMBER OF THE PERSON WHOSE NAME APPEARS ABOVE].

Very truly yours,

[SIGNATURE OF THE OWNER OF THE SUBJECT PROPERTY]

[PRINT OR TYPE THE NAME OF THE OWNER OF THE SUBJECT PROPERTY]"

(b) For the construction of original infrastructure:

"Dear Neighbor,

Rock removal from the property known as [INSERT THE STREET ADDRESS OR THE LOCATION OF THE SUBJECT PROPERTY IF IT HAS NO STREET ADDRESS] by mechanical means, such as drills, jackhammers and other types of gas, diesel or electric powered equipment is scheduled to begin on [INSERT DATE ROCK REMOVAL IS SCHEDULED TO BEGIN]. The last day on which rock can be removed from this site by mechanical means is [INSERT THE LAST DATE ON WHICH ROCK REMOVAL BY MECHANICAL MEANS CAN OCCUR] unless the permit is extended upon a showing of undue hardship by the permit holder. Any such extension can add no more than five (5) days for rock removal.

If your property abuts the subject property, you should have been contacted by now about having a survey done of the physical condition of the structures on your property. The purpose of the survey is to be able to determine whether and to what extent, rock removal may damage your property. If you were not contacted about having a survey done, please contact the Town Building Department at 914-381-7830 immediately.

The law does not permit rock removal by mechanical means to occur on Saturdays, Sundays or public holidays. It also prohibits such removal before 9:00 a.m. (prevailing time) and after 4:00 p.m. (prevailing time) on those days when rock removal by mechanical means is permitted.

For further information, please contact [INSERT THE NAME OF THE OWNER OR THE PERSON IN CHARGE OF THE PROJECT] at the following telephone number: [INSERT CURRENT TELEPHONE NUMBER OF THE PERSON WHOSE NAME APPEARS ABOVE].

Very truly yours,

[SIGNATURE OF THE OWNER OF THE SUBJECT PROPERTY]

[PRINT OR TYPE THE NAME OF THE OWNER OF THE SUBJECT PROPERTY]"

(2) An affidavit attesting to that mailing must be filed with the Building Department before a rock removal permit can be issued for the subject property. The owner of the subject property shall attest to that affidavit.

H. Rock crushing on the subject property is not permitted at any time.

- I. There shall be no more than two machines and two hammers operating on the subject property at the same time.
- J. Motor vehicles used to transport particulate matter must be covered.
- K. While on the subject property, any particulate matter must be sufficiently soaked or stored to prevent the particulate matter from becoming airborne. The Building Inspector or the Director of Building Code Enforcement and Land Use Administration may require secured tarps or coverings made of plastic or other material to further reduce dust emissions.
- L. Rock removal shall not be permitted before 9:00 a.m. (prevailing time) or after 4:00 p.m. (prevailing time) on days when rock removal is permitted. Notwithstanding the prohibition on rock removal on Saturdays, an individual, acting alone, may remove rock pursuant to a rock removal permit on the subject property where he/she resides on a Saturday between the hours of 10:00 a.m. (prevailing time) and 3:00 p.m. (prevailing time).
- M. No more than one rock removal permit shall be issued for a subject property within any twelve-month period.
- N. Any person who violates this section shall be guilty of a violation which shall be punishable by a fine of not more than \$1,000, and also shall be liable for the civil penalty imposed by § 106-55C of the Code. Each use of mechanical means to remove rock on a day or at an hour when rock removal is prohibited by this section shall constitute a separate offense.
- O.. If there is a violation of this section by someone other than the owner of the subject property, the owner of the subject property also shall be guilty of a violation which shall be punishable by a fine of not more than \$1,000, and also shall be liable for the civil penalty imposed by § 106-55C of the Code.
- P. This section shall not apply to the removal of rock that is excavated without first being reduced in size.
- Q. This section shall not apply to public utility companies, the United States of America, the State of New York, the County of Westchester, the Town of Mamaroneck, the Mamaroneck Union Free School District, the Villages of Larchmont, Mamaroneck or Scarsdale or any independent contractors engaged by any of them.”

- I modify section 141-12 B of the Code of the Town of Mamaroneck to provide:

“The use of gasoline-powered leaf blowers shall be unlawful in the Town, even after a storm, during the period from April 1 through September 30 of each year. This section shall not apply to utility companies, municipal and/or school district emergency operations.”,

- I modify section 154-3 of the Code of the Town of Mamaroneck to provide:

“No person shall barter, sell, peddle, hawk or vend goods, wares, merchandise, produce or services of an established business upon the streets, roads, highways or public places of the Town or by going from house to house soliciting purchases, except that the sale of ice cream, liquids containing ice cream, soda and candy from a truck shall be permitted, provided that each person within the truck obtains a license from the Town Clerk pursuant to this chapter, remains within the truck when sales are made, and wear masks and plastic gloves when dispensing product.”

- I modify section 154-4 of the Code of the Town of Mamaroneck to provide:

“No vehicle of any kind or description drawn by an animal or animals or propelled by hand or other power shall be used for the barter and sale of goods, wares, merchandise or produce therefrom upon the streets, roads, highways or public places of the Town, except that the sale of ice cream, liquids containing ice cream, soda and candy from a truck shall be permitted provided that the truck receives a license from the Town Clerk pursuant to this chapter and the persons working within the truck abide by conditions imposed by section 154-3, as modified hereby.”

- Except with respect to the sale of ice cream, liquids containing ice cream, soda and candy from a truck, I suspend sections 154-5 and 154-6 of the Code of the Town of Mamaroneck and direct the Town Clerk not to issue licenses for peddling and soliciting.
- I modify section 192-5 A. (1) by adding the following to the end thereof:

“The Building Inspector may issue a permit to construct, install, locate, maintain or operate a proposed above-surface pool that fails to meet the requirements of section 192-5 A. (1) (a) or (b) if, upon applying for the permit, the owners of the property or their designated representative submits an application for a variance from those setback requirements of section 192-5 A. (1) (a) or (b) with which the proposed pool does not comply.

“The application for a variance will be heard by the Board of Appeals at its September 2020 meeting.

“Attached to the permit will be a notice to the resident that the construction of the pool will not create any vested rights, that the pool will not be a non-conforming structure and that if the application for a variance is denied, the pool will become an illegal structure and will have to be removed. The notice also shall advise the owners that they must pursue the variance application vigorously and that if the requisite notices are not mailed when required, or the required sign is

not posted and maintained in time for the September Board of Appeals meeting, the pool's certificate of compliance/occupancy will be revoked immediately and the pool will become an illegal structure that will have to be removed immediately.

"If the application for a variance is denied, the pool will become an illegal structure and will have to be removed by October 15, 2020.

"This modification shall not apply to any pool proposed to be constructed on or after August 1, 2020."

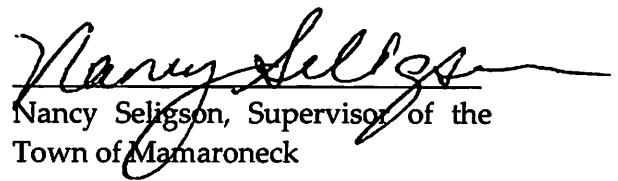
and

- I modify section 195-41 of the Code of the Town of Mamaroneck to provide:

"The taxable status date in the Town of Mamaroneck for the year 2020 shall be June 1, 2020 but shall be May 1 of each year thereafter."

The suspensions and modifications mentioned above shall be effective on July 31, 2020 at 1:00 pm (prevailing time) and shall continue until August 4, 2020 at 11:59 pm (prevailing time).

Dated: Mamaroneck, NY
July 31, 2020


Nancy Seligson, Supervisor of the
Town of Mamaroneck

Prep'd: July 31, 2020