

VILLAGE OF MAMARONECK
LAND USE BOARDS
STAFF PROCEDURES MANUAL

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Chapter I. Planning Board Applications

A. Site Development Plans - Chapter 342, Article XI

1. Pre-application Meeting

Prior to a formal submission of a site plan application, the applicant should meet in person with the Planning Board and/or its designated representative to discuss the proposed site development plan in order to determine the requirements which should be incorporated in the development and submission of the site development plan.

2. Filing of Application

The site plan shall normally be submitted in three stages: sketch plan, preliminary plan and final plan. However, an applicant may submit and seek approval for any or all of the three plans simultaneously.

Application fees and an escrow deposit for consultant fees shall be paid at the time of application.

The application shall consist of the items set forth in Section 342-78 of the Village Code (Appendix A). Required submissions by the applicant must be made at least fifteen (15) days in advance of the Planning Board meeting at which the site development plan is to be presented.

A Coastal Assessment Form ("CAF") and Environmental Assessment Form ("EAF") shall be submitted for all applications. Where any question on the CAF is answered "yes", a brief and concise description of the nature and extent of the action shall be provided and a copy of the CAF shall be forwarded to the Harbor and Coastal Zone Management Commission ("HCZMC").

3. Public Hearing Requirements

There is no formal public hearing requirement for site development plan approval. The Planning Board, in its discretion, may schedule a public hearing on a site development plan application.

4. Notice Requirements

The applicant shall notify, in writing, all property owners within 200 feet of any boundary line of the proposed site affected by the pending application. The notification shall consist of a complete and accurate copy of the application submitted, the date(s) of any public or other hearing scheduled and a brief description of the nature of the proposed application.

The notification shall be served personally or by certified mail, return receipt requested, upon all affected property owners at least ten (10) days prior to the scheduled hearing date, and an affidavit of service shall be filed with the Secretary of the Planning Board at least five (5) days prior to the scheduled hearing date. In the event that service is effectuated by certified mail, then the return receipt shall be submitted to the Planning Board at the first hearing date.

Every applicant that submits an application for site development plan approval to the Planning Board must post one notification sign on the property which is the subject of the application at least ten (10) days prior to the scheduled hearing date and must maintain the posted sign in place until the Planning Board has rendered its final decision approving or denying said application. Specifications as to the size, content and posting requirements for the sign are set forth in Section 342.77 (Appendix B).

Prior to the commencement of any public hearing or, if no public hearings are required, prior to the rendering of any decision disposing of any application, the applicant shall submit to the Planning Board Secretary a sworn certification verifying placement and maintenance of the required notice sign.

Additionally, if the land involved lies within 500 feet of the boundary of any other municipality, the Village Clerk shall transmit to the municipal clerk of such other municipality by mail or email a copy of the official notice of any hearing on the application not later than ten (10) days of before the hearing. General Municipal Law Section 239-mm.

5. Referral Requirements

Under Section 239-m of the General Municipal Law , applications for site development plan approval involving property within 500 feet of the following: (i) the boundary of any city, village or town; or (ii) the boundary of any existing or proposed county or state park or any other recreation area; or (iii) the right of way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or (iv) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or (v) the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or (vi) the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law, must be referred to the County Planning Board.

A complete set of application materials, including the environmental assessment form and other related SEQRA documentation, must be

submitted to the County Planning Board. The County Planning Board shall have thirty (30) days after receipt of a full statement of the proposed action, or a longer period as may be agreed by the County Planning Board and the referring land use board, to report its recommendations to the referring body accompanied by a statement of the reason for such recommendations. If the County Planning Board fails to report within such period, the referring body may take final action on the proposed action without such report.

B. Subdivisions - Chapter A348

1. Filing of Application

Applications must be made by the owner of the property or by the owner and proposed developer of the property as co-applicants. The Village Engineer shall review each application and advise the Planning Board as to compliance of the application within the applicable requirements of law and the subdivision regulations.

Applications for preliminary plat approval shall be accompanied by the information set forth in Section A348-8 (Appendix C). Applications for final subdivision approval shall comply with the requirements of Section A348-10 (Appendix D).

A Coastal Assessment Form ("CAF") and Environmental Assessment Form ("EAF") shall be submitted for all applications. Where any question on the CAF is answered "yes", a brief and concise description of the nature and extent of the action shall be provided and a copy of the CAF shall be forwarded to the Harbor and Coastal Zone Management Commission ("HCZMC").

Applications must be filed not less than twelve (12) days prior to the date of the meeting of the Planning Board at which the application will be considered. Applications for subdivision approval shall be accompanied by the fees delineated for such purpose in Chapter 348.

An escrow deposit for consultant fees shall be paid at the time of application.

Separate filing requirements exist for subdivision approval with and without new streets. These requirements are set forth in A348-8, 9 and 10 and A348-20 respectively (Appendix E).

2. Public Hearing Requirements

A public hearing shall be held by the Planning Board on any application for approval of a subdivision plat.

3. Notice Requirements

The Planning Board shall publish notice of the public hearing in one issue of the official newspaper of the Village and post such notice in at least three (3) prominent places in the Village at least five (5) days preceding the date of the hearing.

Notice of the application and the public hearing also shall be given by the Planning Board by mail or email to the clerks of all adjoining municipalities within 500 feet of the property to be subdivided at least ten (10) days prior to the hearing. General Municipal Law 239-nn; Westchester County Administrative Code Section 277.71.

In addition, the applicant shall notify, in writing, all property owners within 200 feet of any boundary line of a proposed site affected by the pending application.

The notification shall consist of a complete and accurate copy of the subdivision application submitted, the date(s) of any public hearing scheduled and a brief description of the nature of the proposed application.

Notification shall be served personally or by certified mail, return receipt requested, upon all affected property owners at least ten (10) days prior to the scheduled hearing date, and an affidavit of service shall be filed with the Secretary of the Planning Board at least five (5) days prior to the scheduled hearing date. In the event that service is effectuated by certified mail, then the return receipt shall be submitted to the Planning Board at the first hearing date.

The subdivider shall display prominently on his property, for one week preceding the date of the public hearing, at least one sign two feet by three feet in size and carrying a legend prescribed by the Village Planning Board announcing the public hearing. The sign shall be in full public view from the street and not more than 30 feet there from.

4. Referral Requirements

Section 239-n of the General Municipal Law and Westchester County Administrative Code Section 277.61 requires certain subdivision applications to be referred to the County Planning Board. Chapter I (A) (5) of this Manual sets forth the criteria for determining which applications must be referred pursuant to the General Municipal Law and when and how to make such referrals. Westchester County

Administrative Code Section 277.61 requires referral to the County Planning Board of subdivision plats involving a new street connecting directly into any state or county highway, parkway, thruway or road or involving drainage lines connecting directly into any channel lines established by the County Commissioner of Public Works under the Westchester County Stream Control Act.

C. Special Permits – Chapter 342, Article X

1. Filing of Applications

All applications for special permits shall be made to the Building Inspector who shall refer them to the land use board having jurisdiction as provided in Chapter 342.

Required submissions by the applicant are set forth in Section 342-70 (Appendix F) and must be made by the applicant at least ten (10) days in advance of the meeting at which the special permit application is to be presented.

A Coastal Assessment Form (“CAF”) and Environmental Assessment Form (“EAF”) shall be submitted for all applications. Where any question on the CAF is answered “yes”, a brief and concise description of the nature and extent of the action shall be provided and a copy of the CAF shall be forwarded to the Harbor and Coastal Zone Management Commission (“HCZMC”).

Application fees and an escrow deposit for consultant fees shall be paid at the time of application.

2. Public Hearing Requirements

A public hearing is required for all special permit applications.

3. Notice Requirements

Notice of the public hearing shall be published in the Village’s official newspaper at least five (5) days before the date of the hearing. The applicant shall also mail notice to all property owners of record within 400 feet of the property which is the subject of the public hearing.

Additionally, if the land involved lies within 500 feet of the boundary of any other municipality, the Village Clerk shall transmit to the municipal clerk of such other municipality by mail or email a copy of the official notice of public hearing thereon not later than ten (10) days of before the

hearing. See General Municipal Law Section 239-nn; Village Code Section 342-94(C).

Each applicant for a special permit must post a notification sign on the property which is the subject of the application at least ten (10) days prior to the scheduled hearing date and must maintain the posted sign in place until a final determination has been made on the application. Further details regarding the size and location of the sign to be erected can be found in Section 342-94(B)2) (Appendix D).

4 Referral Requirements

Section 239-m of the General Municipal Law requires that certain special permit applications be referred to the County Planning Board. Chapter I(A) (5) of this Manual sets forth the criteria for determining which applications must be referred and when and how to make such referrals.

D. Wireless Telecommunications Facilities Permit – Chapter 342, Article XVII

1. Filing of Application

All applicants for a special use permit for a wireless telecommunications facility shall submit an application to the Building Department on forms prepared by the Village. An application for a wireless telecommunications facility on a free standing tower shall be directed by the Building Department to the Board of Trustees for review and approval. All other applications for wireless telecommunications facilities shall be submitted to the Planning Board for review and approval. Required submissions by the applicant to the Planning Board must be made at least ten (10) days in advance of the Planning Board meeting at which the wireless telecommunication facility's application is to be presented.

An application for a special use permit for a wireless telecommunications facility shall be made by the person or entity which will own the wireless telecommunications facility and shall be signed on behalf of the applicant by the person preparing the application and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different from the applicant, shall also sign the application.

The application shall consist of the items set forth in Section 342-116 (Appendix E). A written statement making the representations set forth in §342-116(G) shall be submitted with the application.

A Coastal Assessment Form ("CAF") and Long Form Environmental Assessment Form ("EAF") shall be submitted for all applications. Where

any question on the CAF and visual EAF addendum is answered “yes”, a brief and concise description of the nature and extent of the action shall be provided and a copy of the CAF shall be forwarded to the Harbor and Coastal Zone Management Commission (“HCZMC”).

Application fees and an escrow deposit for consultant fees shall be paid at the time of application.

2. Public Hearing Requirements

A public hearing is required for all wireless telecommunications facilities applications.

3. Notice Requirements

The applicant shall prepare a public notification list, using the most current Village of Mamaroneck tax maps and tax assessment roll, showing the Tax Map sheet number, the section, block and lot numbers, the owner’s name and the owner’s mailing address for each property located wholly or partially within 750 feet of the perimeter of the property that is the subject of the application in the case of a free standing tower and within 250 feet of the perimeter of the property in the case of all other wireless telecommunications facility applications.

The Village Clerk shall publish notice of the public hearing in the Village’s official newspaper at least five (5) days prior to the public hearing.

In addition, the Village Clerk shall provide a copy of the public notice to the applicant and the applicant shall deliver such notice personally, or by first-class mail, posted within Westchester County at a post office or official depository of the Postal Services, to all of the property owners contained on the public notification list.

In the case of personal delivery, the public notice shall be delivered to all the property owners and/or their spouses contained on the public notification list at least fourteen (14) days prior to the date of the public hearing. In the case of delivery by mail, the public notice shall be mailed to all the property owners contained on the public notification list, at least nineteen (19) days prior to the date of the public hearing. The applicant also shall provide a copy of the hearing notice to all adjacent municipalities and to the Westchester County Planning Board.

Within two (2) business days after the personal delivery or mailing of the public notice, the applicant shall file an affidavit with the Village Clerk stating that (1) the public notification list was prepared in accordance with

the required procedures; (2) the list includes all properties located wholly or partially within 750 feet (in the case of a free standing tower) or within 250 feet (in the case of all other wireless telecommunications facility applications) of the perimeter of the property that is the subject of the application, and all municipalities within 500 feet of the perimeter of the subject property; and (3) that the public notice was personally delivered or mailed to all of the property owners and municipalities on the list and the date on which the public notice was delivered or mailed, which affidavit shall contain a copy of the list and the public notice. In the event that a mailed public notice is returned by the postal service because it could not be delivered, the envelope indicating the reason for the return shall be filed with the Village Clerk no later than the day before the day of the public hearing.

At least one week preceding the date of the public hearing, at least one sign, a minimum of two feet by three feet in size, announcing the public hearing shall be posted on the property.

4. Referral Requirements

Section 239-m of the General Municipal Law requires certain special permit applications to be referred to the County Planning Board. Chapter I (A) (5) of this Manual sets forth the criteria for determining which applications must be referred and when and how to make such referrals.

E. Chapter 192 - Wetlands Permit (Tidal and Freshwater Wetlands)

1. Filing of Application

The wetlands permit application is filed with the Village Clerk. The Village Clerk then forwards the application to the Planning Board.

Application fees and an escrow deposit for consultant fees shall be paid at the time of application.

The information to be submitted with the application is set forth in §192-5 (Appendix F). A Coastal Assessment Form ("CAF") and Environmental Assessment Form ("EAF") shall be submitted for all applications. Where any question on the CAF is answered "yes", a brief and concise description of the nature and extent of the action shall be provided and a copy of the CAF shall be forwarded to the Harbor and Coastal Zone Management Commission ("HCZMC").

Application submissions must be made at least ten (10) days prior to the Planning Board meeting at which it is to be presented.

2. Distribution of Application

The Village Clerk mails a copy of the completed application to all local governments where the proposed regulated activity is to be located. Where determined appropriate, the Planning Board may forward one copy of the application to the Village Engineer, the Building Inspector, the Department of Public Works, the applicable Fire District, the Police Department, the Westchester County Soil and Water Conservation District and any other local, state, county, regional and federal agencies having jurisdiction, for their report and recommendations, prior to the holding of a hearing.

3. Public Hearing Requirements

Unless waived by the Planning Board as provided in Section 192-7 B, a public hearing is required on all wetland permit applications.

4. Notice Requirements

Within twenty-one (21) days of the receipt of a complete application, the Planning Board shall provide the applicant with a notice of hearing which the applicant shall publish, at his or her own expense at least fifteen (15) days prior to the date set for the public hearing, at least once in the official newspaper of the Village of Mamaroneck.

At least fifteen (15) days prior to the date set for the public hearing, the Planning Board, by certified mail, shall provide a notice of hearing to (1) each local government within whose boundaries the proposed regulated activity or any portion thereof will be located; and (2) to all owners of record of land adjacent to the affected wetland or adjacent area upon which the project is to be undertaken and to all known claimants of water rights of whom the applicant has notice, which relate to any land within or within 100 feet of the boundary of the property on which the proposed regulated activity will be located. A list of these names is required to be submitted by the applicant as part of the application.

The required contents of the notice of hearing are set forth in Section 192-6(B) (Appendix G).

5. Referral Requirements

None

Chapter II. Zoning Board of Appeals Applications

A. Use and Area Variances; Interpretations - Chapter 342, Article XIII

1. Filing of Application

Application requirements are set forth in the Rules of the Zoning Board of Appeals (Appendix H). Application fees and escrow fees shall be paid at the time of submission of the application. All documents must be filed by the applicant at least twenty-two (22) days before the date of the hearing.

2. Public Hearing Requirements

Public Hearings are required on a variance or interpretation application.

3. Notice Requirements

The Zoning Board Secretary shall publish notice of the date of the hearing and the substance of the application in a paper of general circulation in the Village at least five (5) days before the day of the hearing.

For variance and special permit applications, the applicant shall mail such notice to all property owners of record within 400 feet of the property which is the subject of the public hearing (except that, in the cases of fences and boat storage, the distance shall be 200 feet) and to the area school district.

Every applicant for a variance must post one notification sign on the property which is the subject of the said application at least ten (10) days prior to the scheduled hearing date and must maintain the posted sign in place until the Board has rendered its final decision approving or denying the application. Further details regarding the size and location of the sign to be erected are set forth in Section 342-94(B)2) (Appendix D).

In the case of a use variance application, if the land involved lies within 500 feet of the boundary of any other municipality, the Village Clerk shall transmit to the municipal clerk of such other municipality by mail or email a copy of the official notice of public hearing thereon not later than ten (10) days of before the hearing and shall thereafter send a copy of the decision of the Board of Appeals to the clerk of such other municipality. See General Municipal Law Section 239-nn; Village Code Section 342-94(C); Westchester County Administrative Code Section 277.71.

At least five (5) days before such hearing, the Board of Appeals shall mail notice of the hearing to the regional state park commission having jurisdiction over any state park or parkway within 500 feet of the property affected by such appeal.

4. Referral Requirements

Section 239-m of the General Municipal Law and Section 277.61 of the Westchester County Administrative Code require certain variance applications to be referred to the County Planning Board. Chapter I (A) (5) of this Manual sets forth the criteria for determining which applications must be referred under General Municipal Law Section 239-m and when and how to make such referrals. Under Westchester County Administrative Code Section 277.61, all use variance applications, and those area variance applications decreasing the front yard setback or the minimum street frontage or average width on properties abutting a state highway, parkway, thruway or any county road or parkway or state or county park within the Village, must be referred to the County Planning Board.

B. Special Permits - Chapter 342, Article XIII

1. Filing of Application

See Chapter I (C)(1) of this Manual.

2. Public Hearing Requirements

See Chapter I(C)(2) of this Manual.

3. Notice Requirements

See Chapter I(C)(3) of this Manual. Also, the Village Clerk shall send a copy of the decision of the Zoning Board to the clerk of any municipality whose border is within 500 feet of the property that is the subject of the special permit.

4. Referral Requirements

See Chapter I(C)(4) of this Manual.

Chapter III. Harbor and Coastal Zone Management Commission Applications

A. Perimeter Permits - Chapter 240, Article V

1. Filing of Application

An application for in-water marine structures for mooring, docking and servicing ten (10) or more watercraft at a single site may be made in writing to the Building Department. The Building Department shall send the application to the Harbor and Coastal Zone Management Commission within five (5) days of the date of the application. Section 240-20 sets forth the information required to be part of the application (Appendix I).

The Building Department shall also circulate the application to the Village's Engineering Consultant, the Harbor Master, the Clerk-Treasurer and the Village Manager for their review and comment.

A Coastal Assessment Form ("CAF") and Environmental Assessment Form ("EAF") shall be submitted for all applications. Application fees and an escrow deposit for consultant fees shall be paid at the time of application.

2. Public Hearing Requirements

No formal public hearing is required. The Harbor and Coastal Zone Management Commission shall review the application at a public meeting and set a hearing date. Such hearing date, unless for good cause shown, shall be a regularly scheduled meeting of the Harbor and Coastal Zone Management Commission, no less than thirty-one (31) days or more than sixty-two (62) days from the date of receipt of the application from the Building Department.

3. Notice Requirements

All property owners within 400 feet shall be notified of said hearing date by the applicant who shall provide proof to the Harbor and Coastal Zone Management Commission of such notification.

Each applicant must post a notification sign on the property which is the subject of application within three (3) days of acceptance of the application and must maintain the posted sign in place until the approval authority has rendered its final decision approving or denying said application. The criteria for such sign are set forth in Section 240-20(F)(5) (Appendix I). Prior to the commencement of any public hearing, or if no public hearings are required prior to

the rendering of any decision disposing of any application, the applicant shall submit a sworn certification verifying placement and maintenance of the required notice sign.

4. Referral Requirements

None

B. Construction and Reconstruction Permits - Chapter 240, Article VI

1. Filing of Application

An application for a permit for the construction and reconstruction of a marine structure within the harbor shall be submitted to the Building Department and referred by the Building Department to the Harbor and Coastal Zone Management Commission. Application fees and an escrow deposit for consultant fees shall be paid at the time of application.

A Coastal Assessment Form ("CAF") and Environmental Assessment Form ("EAF") shall be submitted for all applications.

2. Public Hearing Requirements

No formal public hearing is required. The Harbor and Coastal Zone Management Commission shall conduct a hearing on each application referred to it. Such hearing, unless for good cause shown, shall be at a regularly scheduled meeting of the Harbor and Coastal Zone Management Commission, no less than thirty-one (31) days and no more than sixty-two (62) days from the date of receipt of the application from the Building Department.

3. Public Notice Requirements

If a construction or reconstruction results in a changed configuration of an existing marine structure, the applicant shall notify, in writing, all property owners within 100 feet of the property line and shall provide proof to the Harbor and Coastal Zone Management Commission of such notification.

4. Referral Requirements

None

C. Coastal Management Consistency Determination - Chapter 240, Article VII

1. Filing of Application

For direct agency actions, the agency shall complete, and for approval of an action, the agency shall cause the applicant to complete a Coastal Assessment Form ("CAF"). The CAF shall be completed prior to the agency's determination of the environmental significance of the action pursuant to the State Environmental Quality Review Act.

Application fees and an escrow deposit for consultant fees shall be paid at the time of application.

For Type I and unlisted actions under SEQRA, the approving authority for the action shall refer the application to the Harbor and Coastal Zone Management Commission for a consistency determination. For Type II actions under SEQRA, the approving authority for the action shall itself determine consistency. A copy of the EAF submitted to the approving authority considering the underlying application and any determination of significance by such land use board shall be submitted with the application.

2. Notice, Public Hearing and Referral Requirements

None

Chapter IV Board of Trustees Applications

A. Wireless Telecommunications Facilities Permits (Free Standing Towers) –
Chapter 342, Article XVII

1. Filing of Applications

See Chapter I(D)(1) of this Manual.

2. Public Hearing Requirements

A public hearing is required for all wireless applications.

3. Notice Requirements

See Chapter I(D)(3) of this Manual.

4. Referral Requirements

See Chapter I(D)(4) of this Manual.

APPENDIX

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Appendix A

Village of Mamaroneck, NY
Monday, November 14, 2011

§ 342-78. Required submissions; additional submissions and exceptions.

- A. Required submissions. At least 15 days in advance of the Planning Board meeting at which a site development plan is to be presented, the information enumerated below must be submitted as required to the Secretary of the Planning Board, in six copies, along with a letter of application. All maps submitted must be at a scale of not less than 30 feet to the inch. For ease of review following the initial Planning Board meeting, any changes to the site development plan must be clearly called out with the use of a bubble, revision number and date.

[Amended 9-10-1986 by L.L. No. 11-1986, effective 9-25-1986; 3-27-1989 by L.L. No. 4-1989, effective 4-18-1989; 10-24-2005 by L.L. No. 8-2005, effective 11-4-2005]

(1) Sketch plan:

(a) Legal data:

- [1] The names of all owners of record of all properties within 100 feet of any boundary line of the subject property and the lot, block and section number of the subject property, all as shown on the Village's Official Assessment Maps and on a certified survey.
- [2] Existing school, zoning and special district boundaries.
- [3] Boundaries of the property, building or setback lines as required in this chapter and lines of existing streets and adjoining lots, as shown on the Village's Official Assessment Maps and on a certified survey. Reservations, easements and areas dedicated to public use, if known, shall be shown.

(b) General project site description:

- [1] A map showing the applicant's entire property and adjacent properties and streets, at a convenient scale, including the approximate location and dimensions of all existing and proposed structures and the location of all existing structures on adjacent properties and within 100 feet of the site boundary.
- [2] All existing and proposed paved areas.
- [3] Existing topography, lawns, meadows, shrubs and trees (general location), watercourses and bodies of water, wetlands, rock outcrops and other prominent physical features.
- [4] Areas to be left undisturbed by earthmoving machines.
- [5] Existing pedestrian and vehicular circulation diagram for the site and immediate area.
- [6] The name and address of the applicant and other planners, engineers, architects, surveyors and/or other professionals engaged to work on the project shall be shown. Where the applicant or owner is a corporation, the Planning Board may

require the names and addresses of all officers, directors and principal stockholders of said corporation.

(2) Preliminary plan:

(a) Legal data as set forth in Subsection A(1).

(b) Existing conditions: The location of existing buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more measured three feet above the base of the trunk and other significant existing features on the premises and within a distance of 200 feet of all property lines thereof.

(c) Development data:

- [1] Title of development, date, North point, scale, name and address of record owner and of the engineer, architect, land planner or surveyor preparing the site development plan.
- [2] All means of vehicular access and egress to and from the site onto public streets.
- [3] One set of preliminary plans, elevations and sections of proposed structures and roads, showing the proposed location, use and design of all buildings and structures, including any proposed division of buildings into units of separate occupancy and location of drives thereto and showing the proposed location of all roads, pedestrian walkways and fire lanes.
- [4] The location and layout of any off-street parking or loading areas.
- [5] The location of all proposed waterlines, valves and hydrants and sewer lines or of alternative means of water supply and sewage disposal and treatment.
- [6] The proposed location, direction, power and timing of proposed outdoor lighting.
- [7] Preliminary grading and landscaping plan in accordance with § 342-16.
- [8] The extent and amount of cut and fill for all disturbed areas, including before-and-after profiles and cross sections of typical development areas, parking lots and roads.
- [9] Proposed stormwater drainage system. For projects within the Beaver Swamp Brook - Brentwood Brook Watershed, as designated on the Village Map, this will include related surface water controls and all drawings and related calculations in accordance with § 342-76E.
- [10] The proposed location, size, color and illumination of proposed signs.
- [11] The location of all existing and proposed site improvements, including drains, culverts, retaining walls and fences.
- [12] The location of any outdoor storage.
- [13] Detailed breakdowns of all proposed floor space by type use.
- [14] In an industrial district, specific uses proposed, number of employees for which buildings are designed, type of power to be used for any manufacturing process, type of wastes or by-products to be produced by any manufacturing process and the proposed method of disposal of such wastes or by-products shall also be shown.

[15] No application shall be deemed complete without compliance with State Environmental Quality Review (S.E.Q.R.), including, where necessary, a lead agency determination, a negative or positive declaration and the submission of an acceptable draft environmental impact statement (D.E.I.S.).

[16] For projects within the Beaver Swamp Brook - Brentwood Brook Watershed, as designated on the Village Map, a proposed sediment and erosion control plan, including drawings prepared by a New York State licensed professional engineer showing the methods and sequence of control measures that will be used, both during and after construction, to control sediment and erosion.

(3) Final plan:

(a) Legal data as set forth in Subsection A(1).

(b) Development data:

[1] One set of final plans, including site plans, floor plans, elevations and sections of proposed structures.

[2] Final grading and landscaping plan.

B. Additional submissions. Where, due to special conditions peculiar to a site or the size, nature or complexity of the proposed use or development of land or buildings, the Planning Board finds that additional information is necessary for proper review of the site development plan, the Board may request additional pertinent information, including:

(1) A survey of the subject property having an error of closure not in excess of one in 10,000 and indicating all lengths in feet and decimals of a foot and all angles to the nearest 10 seconds, or closer if deemed necessary by the surveyor.

(2) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.

(3) Existing contours with intervals of five feet or less, referred to Village of Mamaroneck datum and showing at least one bench mark.

(4) The location of existing water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

(5) All proposed lots, easements and public and community areas; all proposed streets with profiles indicating grading and cross sections showing width of roadway, location and width of sidewalk and location and size of utility lines according to the standards and specifications established or approved by the Village Engineer of the Village of Mamaroneck.

C. Exceptions.

(1) For minor site development plans or in other appropriate circumstances, the Planning Board may waive the provision of any items of information listed in Subsection A above.

(2) For projects within the Beaver Swamp Brook - Brentwood Brook Watershed, as designated on the Village Map, this shall be done in consultation with the Village Engineer and the Westchester County Soil and Water Conservation District.

[Added 9-10-1986 by L.L. No. 11-1986, effective 9-25-1986]

Appendix B

*Village of Mamaroneck, NY
Monday, November 14, 2011*

§ 342-77. Application procedure.

- A. Presubmission. Prior to a formal submission, the applicant should meet in person with the Planning Board and/or its designated representative to discuss the proposed site development plan in order to determine the requirements which should be incorporated in the development and submission of the site development plan.
- B. Submission in three stages. A site plan of any proposed development of land, prepared by a registered architect, licensed landscape architect, licensed land surveyor and/or professional engineer, shall be submitted to the Planning Board for approval. The plan shall normally be submitted in three stages: sketch plan, preliminary plan and final plan.
- C. Simultaneous submissions. Any applicant may, however, submit and seek approval for any or all of the three plans simultaneously.
- D. Fees.

[Amended 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987]

- (1) All submissions for subdivision and site plan approvals shall be accompanied by a fee, as set forth in Chapter A347, Fees, to pay for the costs of the planning design and engineering review.
- (2) Such fees do not cover the cost of an environmental assessment form or an environmental impact statement. The applicant shall be responsible for the total cost of environmental reviews that are determined to be necessary to meet the requirements of the State Environmental Quality Review Act.

E. Notice.

[Added 3-27-1989 by L.L. No. 4-1989, effective 4-18-1989; amended 3-27-2006 by L.L. No. 4-2006, effective 4-10-2006]

- (1) Whenever site plan approval of the Planning Board is sought by an applicant, the applicant, in addition to any other notice required by law, shall notify, in writing, all property owners within 200 feet of any boundary line of the proposed site affected by the pending application.

[Amended 5-10-2010 by L.L. No. 12-2010, effective 5-26-2010]

- (2) The notification referred to in Subsection E(1) hereof shall consist of a complete and accurate copy of the application submitted, the date(s) of any public hearing scheduled and a brief description of the nature of the proposed application. The notification shall be served personally or by certified mail, return receipt requested, upon all affected property owners at least 10 days prior to the scheduled hearing date, and an affidavit of service shall be filed with the Secretary of the Planning Board at least five days prior to the scheduled hearing date. In the event that service is effectuated by certified mail, then the return receipt shall be submitted to the Planning Board at the first hearing date.

- (3) Every applicant that submits an application for site plan approval to the Planning Board must post one notification sign on the property which is the subject of said application at least 10 days prior to the scheduled hearing date and must maintain the posted sign in place until the Planning Board has rendered its final decision approving or denying said application. The sign shall be erected not more than 10 feet from the front yard boundary of the property that abuts a public road and must be conspicuous to the public. The bottom edge of the sign so erected shall be positioned no less than 2.5 feet and no more than three feet above the ground. If the sign's visibility is obscured by vegetation, the applicant must cut the vegetation to a degree sufficient to maintain clear visibility of the sign from the road. If the front yard of the property does not abut a public road, a sign shall be posted in a location that can readily be seen by the public. A sign erected under this provision must be removed within 10 days after the Planning Board has rendered its final decision approving or denying said application.

[Amended 5-10-2010 by L.L. No. 12-2010, effective 5-26-2010]

- (4) In the event that an application shall be withdrawn or become inactive, the applicant shall remove the sign within five business days of withdrawing the application or of receiving notice from the Planning Board that the application has been designated inactive. For the purposes of this section, any application which has not appeared on the Planning Board's agenda for six or more months shall be designated inactive. The Planning Board shall notify the applicant, in writing, that the application has become inactive and instruct the applicant to remove the sign until such time as the application shall be reactivated. Once the application is reactivated, the sign shall be posted within three days.
- (5) Said sign shall be at least 30 inches by 20 inches in size, consist of sturdy and serviceable material containing a white background with black letters and shall read as follows, in legible lettering at least two inches high:

"ON THIS SITE A (describe action set forth in the application) IS PROPOSED. THIS MATTER WILL BE DISCUSSED AT A PLANNING BOARD MEETING ON (give date) AT (give time) AT (give location)."

The applicant shall update said sign at least two weeks prior to every Board meeting in which the applicant's matter will be heard.

- (6) Prior to the commencement of any public hearing or, if no public hearings are required, prior to the rendering of any decision disposing of any application, the applicant shall submit a sworn certification verifying placement and maintenance of the required notice sign. If the certification is not timely submitted, any scheduled public hearings shall be cancelled, subject to rescheduling, and any dispositive action by the Planning Board shall be deferred until timely certification is submitted. In the event of repeated or continued noncompliance with the sign posting and certification requirements, the application may be dismissed at the discretion of the Planning Board.
- (7) Failure to comply with any of the provisions hereof shall be a basis for denying any approval sought by the applicant.

Appendix C

Village of Mamaroneck, NY
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§ A348-8. Preliminary plat.

- A. The application for approval of the preliminary plat shall be accompanied by ten (10) copies of such plat, which shall conform to the provisions of this Article and Article V hereof. Approval of the preliminary plat and of the construction drawings by the Planning Board is required prior to submission of the subdivision plat, but such approvals shall not constitute acceptance of the subdivision plat nor prevent the Planning Board from requiring that changes, modifications or a complete revision be incorporated in such plat.
- B. The preliminary plat shall be drawn at a scale of not more than eighty (80) feet to the inch and shall contain the following:
- (1) The bearings and distances of property lines, buildings, watercourses and other important topographical features.
 - (2) The locations, names and widths of existing and proposed streets, easements and lots and similar facts regarding all surrounding property to and including the nearest streets in actual use and streets intersecting such streets.
 - (3) The names of all subdivisions and the names of owners of acreage immediately adjacent or opposite.
 - (4) The location and size of any existing and proposed sewers, water mains, culverts and drainpipes on the property to be subdivided and the connections of any such proposed utilities to existing utility systems.
 - (5) Contours, showing elevations based on Mamaroneck datum, at intervals of not more than five (5) feet.
 - (6) The proposed arrangement and the approximate area, width and length of street frontage of each lot for the purpose of demonstrating to the Planning Board that the proposed location of streets makes possible a layout of lots in accordance with the requirements of the Zoning Ordinance for the districts in which the subdivision is located. *Editor's Note: See Ch. 342, Zoning.*
 - (7) All parcels of land proposed to be dedicated to public use.
 - (8) The use district or districts in which the land to be subdivided is located according to the Zoning Ordinance. *Editor's Note: See Ch. 342, Zoning.*
 - (9) The date, North point and scale.
 - (10) The title under which the proposed subdivision is to be recorded, with the name of the owner.
 - (11) Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 294, entitled "Stormwater Management and Erosion and Sediment Control," of the Mamaroneck Village Code, shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design

criteria and standards provided for in Chapter 294. The approved preliminary subdivision plat shall be consistent with the provisions of Chapter 294.

[Added 6-14-2010 by L.L. No. 16-2010, effective 7-1-2010]

C. Coincidentally with submitting the preliminary plat for approval, the applicant shall furnish a signed statement to the Planning Board containing the following information:

- (1) Proof of ownership of the land to be subdivided, in form approved by the Village Attorney.
- (2) The nature and extent of proposed street improvements.
- (3) The nature and extent of any recreational features, parks, playgrounds, water supply, sewerage and drainage rights-of-way and easements, retention basins and other land to be dedicated to public use and the conditions under which dedication of these features is to be made to the village.
- (4) A statement that he will install all improvements and set all monuments shown on the subdivision plat in accordance with the standards prescribed by the department of the village having jurisdiction.

D. It is recommended that the applicant attend the meeting of the Planning Board at which the preliminary plat is to be discussed.

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§ A348-9. Construction drawings.

- A. When notified of approval of the preliminary plat as submitted or of conditional approval in accordance with conditions specified by the Planning Board, the applicant shall file with the Planning Board three (3) copies of the construction drawings, approved and signed by the Village Engineer, and conforming to the provisions of this Article and Article V hereof. The approval by the Planning Board of the construction drawings shall not constitute acceptance of the final plat nor prevent the Planning Board from requiring that changes, modifications or a complete revision be incorporated in such plat. Construction drawings must be prepared by and carry the signature and seal of a professional engineer registered in the State of New York.
- B. The construction drawings shall be drawn at a scale of not more than forty (40) feet to the inch, with profiles at a scale of not more than four (4) feet to the inch vertical and forty (40) feet to the inch horizontal; shall show the proposed location, in plan and profile, of all details of construction of the proposed subdivision; and shall contain the following:
- (1) The stationing of the center lines of streets and adequate reference of the center lines to monuments and other established points.
 - (2) The locations and widths of all streets, pavements, curbs, sidewalks or sidewalk areas, easements, parks and other open spaces; the proposed names of all streets; and the radii of all curves in street lines.
 - (3) The location and species of street trees if installation of street trees is required by the Planning Board.
 - (4) The location and design of streetlighting standards.
 - (5) The proposed water supply system, including the location of fire hydrants.
 - (6) The proposed sanitary drainage system.
 - (7) The proposed stormwater drainage system, with locations of catch basins and method of disposal of the collected stormwater.
 - (8) Any other proposed underground utilities.
 - (9) A typical cross section of the roadway for the full right-of-way width, showing character, width and depth of pavement and subbase location of utilities, character and dimensions of sidewalk, if required, and curb, and side slope grading.
 - (10) Cross sections of intersections and other special sections showing details of surface construction.
 - (11) Design of any bridges, culverts, retaining walls and other special features.
 - (12) Proposed lot lines (approximate dimensions).

- (13) The title under which the proposed subdivision is to be recorded, with the name of the owner.
- (14) The date, North point and scales.
- (15) Profiles showing original ground surface and finished street surface at center lines of all streets, percentage of grades of proposed streets; stationing and elevations of all P.C.'s, P.I.'s and P.T.'s and of proposed sewers, drains, culverts, manholes and other features, also showing invert elevations of manholes; stationing showing accurate center line distances; elevations of the original ground surface showing the nearest tenth of a foot and of fixed points to the nearest hundredth of a foot; all elevations referred to the Village of Mamaroneck datum.
- (16) Contours of the entire plot, showing elevations, based on the Mamaroneck datum, at intervals of not more than five (5) feet.
- (17) In addition to the foregoing, for projects within the Beaver Swamp Brook - Brentwood Brook Watershed, as designated on the Village Map, the proposed sediment and erosion control plan for the entire site, including specific sequencing of each erosion control measure. Such plan shall be prepared by a New York State licensed professional engineer and shall show the proposed use of the site and the methods, techniques and improvements, both during and after construction, that will be employed to control sedimentation and erosion.

[Added 9-25-1986, approved 10-9-1986]

- (18) In addition to the foregoing, for the Beaver Swamp Brook - Brentwood Brook Watershed, as designated on the Village Map, the stormwater management plan for the site, which shall be a drawing, prepared by a New York State licensed professional engineer, showing the methods, techniques and improvements, both during and after construction, that will be employed to control surface water runoff, and shall contain all surface water control calculations. All calculations shall use the Type III storm distribution and shall follow the methods prescribed in the United States Department of Agriculture Soil Conservation Service Technical Release No. 55 for the two-, ten-, twenty-five-, fifty- and one-hundred-year storm events.

[Added 9-25-1986, approved 10-9-1986]

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§ A348-10. Subdivision plat.

- A. When notified of approval of the construction drawings as submitted or of conditional approval in accordance with conditions specified by the Planning Board, the applicant shall submit the subdivision plat with application, in writing, for final approval by the Planning Board. Eight (8) copies of the subdivision plat shall be filed with the Village Engineer. The subdivision plat shall be on sheets twenty-four by thirty-six (24 x 36) inches overall, and there shall be a margin of one (1) inch outside the ruled border lines on three (3) sides and a two-inch border along the left side of the twenty-four-inch end for binding.
- B. The subdivision plat shall be drawn at a scale of not more than eighty (80) feet to the inch and shall contain the following:
- (1) The bearing and length of all straight lines and the radii, length, and central angles of all curves along all property and street lines.
 - (2) The area of each lot, in square feet.
 - (3) The connection by proper measurement between street center lines of streets that are not continuous straight across an intersection street, both within the subdivision and where opposite existing streets.
 - (4) A system of monuments, with at least two (2) monuments in each block, not less than three hundred (300) feet apart.
 - (5) The names of all subdivisions immediately adjacent and opposite or, if not subdivided, the names of the owners of record of adjacent and opposite property, together with map numbers as recorded in the County Clerk's office and Westchester County block index numbers.
 - (6) The title, showing name of subdivision, owner, scale, date and North point.
 - (7) The boundaries of the properties, the lines of proposed lots, streets, parks, easements and drainage and other rights-of-way, if any, the lines of all adjoining streets, their names and exact survey location. Lot numbers, obtained from the Village Assessor, shall be shown on each lot.
 - (8) A certificate of the licensed engineer or land surveyor making such plan to the effect that the plan is made from an actual survey.
 - (9) A statement that the plan is in compliance with the Zoning Ordinance. *Editor's Note: See Ch. 342, Zoning.*
 - (10) A certificate signed by the proper authority that the subdivision has the approval of the New York State Department of Health.
 - (11) Stormwater pollution prevention plan. A stormwater pollution prevention plan consistent with the requirements of Chapter 294, entitled "Stormwater Management and Erosion and Sediment Control," of the Mamaroneck Village Code, and with the terms of preliminary plan approval, shall be required for final subdivision plat approval. The SWPPP shall meet

the performance and design criteria and standards in Chapter 294. The approved final subdivision plat shall be consistent with the provisions of this Chapter 294.

[Added 6-14-2010 by L.L. No. 16-2010, effective 7-1-2010] *Editor's Note: This local law also renumbered former Subsection B(11) as Subsection B(12).*

(12) A statement reading as follows:

Approved under authority of a resolution adopted

_____ by the Planning Board of the Village of Mamaroneck.

Chairman _____

Secretary _____ Date _____

C. The subdivision plat shall be accompanied by the following, all in form satisfactory to the Village Attorney:

(1) A written offer of dedication to the village of all streets shown to be improved.

(2) A written offer of easements as required across lots or parcels of land not covered by the above offer of dedication, giving the village the right to install, construct, reconstruct and maintain therein all drains, sewers, water mains and other village services.

D. After written notification of approval of the subdivision plat, the applicant shall immediately file with the Village Engineer the following copies of the subdivision plat incorporating all changes required by the Planning Board; one (1) in ink on tracing cloth; one (1) lithoprint on tracing cloth; one (1) paper blueprint; and two (2) cloth blueprints. The applicant shall submit to the Village Engineer, within the time limit prescribed in such approval, all deeds of dedication covering all streets, highways and other public areas shown on the subdivision plat, waiving any claim for damages occasioned by the establishment of grades as finally approved or the alteration of the surface of any portion of the streets dedicated to conform to the grade so established; also deeds of easements to the village covering such rights-of-way, storm drains, sewers, water mains and other village services as may be required by the Planning Board, together with all bonds, deposits, insurance policies and other documents required by the resolutions of the Planning Board granting such approval. Also, the applicant shall file with the Village Engineer one (1) copy of the approved construction drawings in ink on tracing cloth and three (3) paper blueprints.

E. Upon compliance by the applicant with the requirements of Subsection D hereof, the Chairman and Secretary of the Planning Board are authorized to sign the statement on the plat plan required under Subsection B(11). The subdivision plat is now ready for filing in the Division of Land Records, Westchester County, New York. Section 7-728 of the Village Law requires the plan to be filed within ninety (90) days of the date of the resolution of the Planning Board approving the plan. The law allows the Planning Board to extend this time for two (2) periods of ninety (90) days each. The subdivision plan must be filed for the approval of the Planning Board to become effective.

[Amended 3-26-1987]

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§ A348-20. Subdivision plat requirements.

An application for approval of a subdivision plat showing lots, blocks or sites without new streets shall be accompanied by ten (10) copies of such plat. The subdivision plat shall be drawn at a scale of not more than twenty (20) feet to the inch and shall contain the following, except where variation may be specifically authorized by the Board:

- A. The location and dimensions of property lines of each lot, block or site.
- B. Existing and proposed contours, showing elevations based on Mamaroneck datum, at intervals of not more than two (2) feet.
- C. The location and dimensions of all existing and proposed structures, sewers, drains, utilities, driveways, parking areas and other improvements.
- D. Such other information as the Board may require.
- E. An existing elevation or benchmark based on Mamaroneck datum.

Appendix D

Village of Mamaroneck, NY
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§ 342-94. Procedures; public hearings, notice and records.

A. The powers and duties of the Board shall be exercised in accordance with its own rules of conduct and procedure, which rules shall be consistent with and pursuant to all the provisions of the Village Law.

B. Notice.

[Amended 10-26-1981 by L.L. No. 12-1981, effective 11-2-1981; 10-26-1992 by L.L. No. 8-1992, effective 11-4-1992; 3-27-2006 by L.L. No. 4-2006, effective 4-10-2006]

- (1) The Board shall not act upon any application for a variance or a special permit without first holding a public hearing, notice of which hearing and of the substance of the appeal or application shall be given by publication in a paper of general circulation in the Village at least five days before the date of such hearing. Provided that due notice shall have been published, that copies have been mailed to all government agencies required by law to be notified and to all property owners of record within 400 feet of the property which is the subject of the public hearing (except that, in the cases of fences and boat storage, the distance shall be 200 feet) and to the area school district and that there shall have been substantial compliance with the remaining provisions of this section, the failure of one or more property owners to receive such notice in exact conformance herewith shall not invalidate any action taken by the Board in connection with such applications.
- (2) Every applicant that submits an application for a variance to the Board of Appeals must post one notification sign on the property which is the subject of said application at least 10 days prior to the scheduled hearing date and must maintain the posted sign in place until the Board has rendered its final decision approving or denying said application. The sign shall be erected not more than 10 feet from the front yard boundary of the property that abuts a public road and must be conspicuous to the public. The bottom edge of the sign so erected shall be positioned no less than 2.5 feet and no more than three feet above the ground. If the sign's visibility is obscured by vegetation, the applicant must cut the vegetation to a degree sufficient to maintain clear visibility of the sign from the road. If the front yard of the property does not abut a public road, a sign shall be posted in a location that can readily be seen by the public. A sign erected under this provision must be removed within 10 days after the Board has rendered its final decision approving or denying said application.

[Amended 5-10-2010 by L.L. No. 12-2010, effective 5-26-2010]

- (a) In the event that an application shall be withdrawn or become inactive, the applicant shall remove the sign within five business days of withdrawing the application or of receiving notice from the Board that the application has been designated inactive. For the purposes of this section, any application which has not appeared on the Board's agenda for six or more months shall be designated inactive. The Board shall notify the applicant, in writing, that the application has become inactive and instruct the applicant to remove the sign until such time as the application shall be reactivated. Once the application is reactivated, the sign shall be posted within three days.

- (b) Said sign shall be at least 30 inches by 20 inches in size, consist of sturdy and serviceable material containing a white background with black letters and shall read as follows, in legible lettering at least two inches high:

"ON THIS SITE A (describe action set forth in the application) IS PROPOSED. THIS MATTER WILL BE DISCUSSED AT A BOARD OF APPEALS MEETING ON (give date) AT (give time) AT (give location).

The applicant shall update said sign at least two weeks prior to every Board meeting in which the applicant's matter will be heard.

- (c) Prior to the commencement of any public hearing or, if no public hearings are required, prior to the rendering of any decision disposing of any application, the applicant shall submit a sworn certification on a form provided by the Village verifying placement and maintenance of the required notice sign. If the certification is not timely submitted, any scheduled public hearings shall be cancelled, subject to rescheduling, and any dispositive action by the Board shall be deferred until timely certification is submitted. In the event of repeated or continued noncompliance with the sign posting and certification requirements, the application may be dismissed at the discretion of the Board.

- C. If the land involved in an appeal or application lies within 500 feet of the boundary of any other municipality, the Village Clerk shall transmit to the Municipal Clerk of such other municipality a copy of the official notice of the public hearing thereon not later than five days before the hearing and shall thereafter send a copy of the decision of the Board of Appeals to the Clerk of such other municipality.

[Amended 10-26-1992 by L.L. No. 8-1992, effective 11-4-1992]

- D. At least five days before such hearing, the Board of Appeals shall mail notice thereof, to the Regional State Park Commission having jurisdiction over any state park or parkway within 500 feet of the property affected by such appeal, and to the county, metropolitan or regional planning agency as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of § 239-m of the General Municipal Law.

[Added 10-26-1992 by L.L. No. 8-1992, effective 11-4-1992 Editor's Note: This local law also provided for the redesignation of former Subsections D, E and F as Subsections F, G and H, respectively.]

- E. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617, of the New York Codes, Rules and Regulations.

[Added 10-26-1992 by L.L. No. 8-1992, effective 11-4-1992 Editor's Note: This local law also provided for the redesignation of former Subsections D, E and F as Subsections F, G and H, respectively.]

- F. Unless a building permit is obtained within 12 months of the date of the granting of a variance, such variance shall become null and void. The Board, without public hearing, may, for good cause shown, extend the time for which a building permit must be obtained or extend the time for completion of work under a variance or special permit theretofore granted by it for whatever time period deemed to be appropriate.

[Amended 11-28-1988 by L.L. No. 20-1988, effective 12-7-1988]

- G. Every appeal and application shall refer to the specific provisions of the Village Law of the ordinance involved and shall precisely set forth, as the case may be, the interpretation that is claimed, the specific variance or special permit that is applied for and the grounds on which it is claimed that the variance or special permit should be granted.

- H. Every decision of the Board of Appeals shall be, by resolution, recorded on the minutes of the Board, shall fully set forth the circumstances of the case, shall contain a full record of the findings on which the decision is based, shall be signed by the Chairman and Secretary of the Board and shall constitute a public record.

Appendix E

Village of Mamaroneck, NY
Monday, November 14, 2011

§ 342-116. Special use permit application and other requirements.

- A. All applicants for a special use permit for a wireless telecommunications facility or any modification of such facility shall comply with the requirements set forth in this section.
- B. All applicants for a special use permit for a wireless telecommunications facility shall submit an application to the Building Department on forms prepared by the Village of Mamaroneck. An application for a wireless telecommunications facility on a freestanding tower, as defined in § 342-114 of this article, shall be directed by the Building Department to the Board of Trustees for review and approval. All other applications for wireless telecommunications facilities shall be submitted to the Planning Board for review and approval.
- C. An application for a special use permit for a wireless telecommunications facility shall be made by the person or entity which will own the wireless telecommunications facility and shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different from the applicant, shall also sign the application. At the discretion of the appropriate Board, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction.
- D. Applications not meeting the requirements stated herein, or which are otherwise incomplete, shall be rejected by the appropriate Board.
- E. The applicant shall include a statement, in writing:
 - (1) That the applicant's proposed wireless telecommunications facility will be maintained in a safe manner and in compliance with all conditions of the special use permit, without exception, unless specifically granted relief by the appropriate Board, in writing, as well as all applicable and permissible local codes, rules and regulations, including any and all applicable county, state and federal laws, rules and regulations.
 - (2) That the construction of the wireless telecommunications facility is legally permissible, including, but not limited to, the fact that the applicant is authorized to do business in New York State.
- F. No wireless telecommunications facility or tower or other structure shall be installed or constructed for the purpose of providing wireless telecommunications service until a plan of the site, including elevation, is reviewed and approved by the appropriate Board, and, in situations involving freestanding towers, as a part of the special permit approval required by this article, a site plan shall be reviewed by the Planning Board, after referral by the Village Board. The review by the Planning Board shall be conducted within 60 days of referral by the Village Board and a report submitted to the Village Board with the Planning Board's recommendation within that time period. In the event the Planning Board fails to report to the Village Board as required, the Village Board shall proceed with its review of the special permit application.
- G. All applications for the construction or installation of a new wireless telecommunications facility shall be accompanied by a report containing the information hereinafter set forth. The report shall be signed by a licensed professional engineer registered in New York State and

shall contain the following information. Where this section calls for certification, such certification shall be by a qualified New York State licensed professional engineer, unless otherwise noted. The application shall include, in addition to the other requirements for the special use permit, the following information:

- (1) Documentation that demonstrates the need for the wireless telecommunications facility to provide service primarily within the Village.
- (2) Name and address of person preparing the report.
- (3) Name and address of the property owner, operator and applicant, to include the legal form of the applicant.
- (4) Postal address and tax map designation of the property.
- (5) Zoning district in which the property is situated.
- (6) Size of the property, stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines.
- (7) Location of all residential structures within 750 feet in the case of a freestanding tower and within 250 feet in the case of all other wireless telecommunications facility applications.
- (8) Location of all schools and habitable structures within 750 feet in the case of a freestanding tower and within 250 feet in the case of all other wireless telecommunications facility applications.
- (9) Location of all structures on the property which is the subject of the application.
- (10) Location, size and height of all proposed and existing antennas and all appurtenant structures.
- (11) Type, size and location of all proposed and existing landscaping.
- (12) The number, type and design of the wireless telecommunications facility's antenna(s) proposed and the basis for the calculations of the wireless telecommunications facility's capacity to accommodate multiple users.
- (13) The make, model and manufacturer of the wireless facility and antenna(s).
- (14) A description of the proposed wireless facility and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting.
- (15) The frequency, modulation and class of service of radio or other transmitting equipment.
- (16) Transmission and maximum effective radiated power of the antenna(s).
- (17) Direction of maximum lobes and associated radiation of the antenna(s).
- (18) The applicant's proposed wireless facility maintenance and inspection procedures and related system of records.
- (19) Certification that NIER levels at the proposed site are within the threshold levels adopted by the FCC.
- (20) Certification that the proposed antenna(s) will not cause interference with existing telecommunications devices.

- (21) A copy of the FCC license applicable for the use of the wireless telecommunications facility.
 - (22) Certification that a topographic and geomorphologic study and analysis has been conducted and, taking into account the subsurface and substrata and the proposed drainage plan, that the site is adequate to assure the stability of the proposed wireless telecommunications tower on the proposed site.
 - (23) Propagation studies of the proposed site and all adjoining proposed or in-service or existing sites.
 - (24) The applicant shall disclose, in writing, any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new wireless telecommunications facility that it constructs.
- H. In the case of a new wireless telecommunications facility, the applicant shall be required to submit a report demonstrating its efforts to secure shared use of existing wireless telecommunications facilities. Copies of written requests and responses for shared use shall be provided to the appropriate Board.
- I. Certification that the wireless telecommunications facility, accessory facilities and structures, and attachments are designed and constructed (as built) to meet all county, state and federal structural requirements for loads, including wind and ice loads.
- J. After construction and prior to receiving a certificate of compliance, certification that the wireless telecommunications facility and related facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.
- K. The applicant shall submit a completed long-form EAF and a completed visual EAF addendum. The appropriate Board may require submission of a more-detailed visual analysis based on the results of the visual EAF addendum. Applicants are encouraged to seek preapplication meetings with the appropriate Board to address the scope of the required visual assessment.
- L. A visual impact assessment which shall, at the appropriate Board's request, include:
- (1) A "zone of visibility" map which shall be provided in order to determine locations where the facility may be seen.
 - (2) Pictorial representations of "before" and "after" views from key viewpoints to be determined by the appropriate Board, including, but not limited to, state highways and other major roads, state and local parks, other public lands, historic districts, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The appropriate Board will provide guidance concerning the appropriate key sites at a preapplication meeting.
 - (3) An assessment of the visual impact of the facility base, guy wires and accessory structures from abutting and adjacent properties and streets.
- M. The applicant shall, in a manner approved by the appropriate Board, demonstrate and provide, in writing and/or by drawing, how it shall effectively screen from view its proposed wireless telecommunications facility base and all accessory facilities and structures, subject to approval by the appropriate Board.
- N. All utilities serving any wireless telecommunications facility site shall be installed underground and in compliance with all laws, rules and regulations of the Village, including, specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate. The appropriate Board may waive or vary the requirements of underground installation of utilities whenever, in the opinion of the appropriate Board, such

waiver or variance shall not be detrimental to the health, safety, general welfare or environment, including the visual and scenic characteristics of the area.

- O. All applicants for wireless telecommunications facilities and accessory facilities and structures shall demonstrate that the facility be sited so as to have the least possible adverse visual effect on the environment and its character and on the residences in the area of the wireless telecommunications facility site.
- P. Both the wireless telecommunications facility and any and all accessory or associated facilities and structures shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and with the natural surroundings.
- Q. An access road and parking to assure adequate emergency and service access shall be provided, should such be deemed necessary by the appropriate Board. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation-cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- R. A person who holds a special use permit for a wireless telecommunications facility shall construct, operate, maintain, repair, modify or restore the permitted wireless telecommunications facility in strict compliance with all current technical, safety and safety-related codes and regulations adopted by the Village, county, state or United States, including, but not limited to, the most recent editions of the National Electrical Safety Code and the National Electrical Code (or substitute codes), as well as accepted and responsibly workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply.
- S. A holder of a special use permit granted under this article shall obtain, at its own expense, all permits and licenses required by applicable law, rule or regulation and must maintain the same, in full force and effect, for as long as required by the Village or other governmental entity or agency having jurisdiction over the applicant.
- T. In the case of freestanding towers, the Board of Trustees shall be the lead agency, pursuant to the State Environmental Quality Review Act (SEQRA). In the case of all other wireless telecommunications facilities, the Planning Board shall be the lead agency. The appropriate Board shall conduct a review of the proposed project in combination with its review of the application under this article.
- U. An applicant shall submit to the Director of Building, Code Enforcement and Land Use Administration the number of completed applications determined to be required at the preapplication meeting. A copy of the notification of application shall be provided to the legislative body of all adjacent municipalities and to the Westchester County Planning Board. The responsibility of providing such notification shall be borne by the applicant, who shall file an affidavit of compliance with said lead agency.
- V. If the applicant is proposing the construction of a freestanding tower, the applicant shall examine the feasibility of designing a tower to accommodate future demand for at least two additional commercial applications, e.g., future colocations. The scope of this examination shall be determined by the Board of Trustees. The wireless telecommunications facility shall be structurally designed to accommodate at least two additional antenna arrays equal to those of the applicant and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the wireless telecommunications facility is not technologically feasible or is commercially impracticable and creates an unnecessary and unreasonable burden, based upon:

- (1) The number of foreseeable FCC licenses available for the area.
- (2) The kind of wireless telecommunications facility site and structure proposed.
- (3) The number of existing and potential licenses without wireless telecommunications facility spaces/sites.
- (4) Available space on existing and approved telecommunications towers.

- W. Unless waived by the appropriate Board, there shall be a preapplication meeting. The purpose of the preapplication meeting will be to address issues which will help to expedite the review and permitting process. Where the application is for the shared use of an existing telecommunications tower or other high structure, the applicant can seek to waive any application requirements that may not be applicable. At the preapplication meeting, the waiver requests, if appropriate, will be decided by the Village. Costs of the Village's attorneys, engineers, planners and other consultants to prepare for and attend the preapplication meeting will be borne by the applicant.
- X. The holder of a special use permit shall notify the appropriate Village authority of any intended modification of a wireless telecommunications facility and shall apply to the Village to modify, relocate or rebuild a wireless telecommunications facility.

Appendix F

*Village of Mamaroneck, NY
Monday, November 14, 2011*

§ 192-5. Application for permit.

- A. Any person proposing to conduct or cause to be conducted a regulated activity requiring a permit under this chapter upon any controlled area shall file an application for a permit with the Clerk of the Village of Mamaroneck. The Clerk shall immediately forward such application to the Agency.
- B. Information required.
- (1) An application for a permit shall be filed by the applicant on a form prescribed by the Agency. Such application shall set forth the purpose, character and extent of the proposed regulated activity. The application shall include a detailed description of the regulated activity, a map showing the area of wetland or adjacent area directly affected, with the location of the proposed regulated activity thereon, a deed or other legal description describing the subject property and such additional information as the Agency deems sufficient to enable it to make the findings and determinations required under this chapter.
 - (2) The application shall be accompanied by a list of the names of the owners of record of lands adjacent to the wetland or adjacent area upon which the project is to be undertaken and the names of known claimants of water rights, of whom the applicant has notice, which relate to any land within or within 100 feet of the boundary of the property on which the proposed regulated activity will be located.
 - (3) An application shall not be deemed to be completed or received until the Agency determines that all such information, including any additional information requested, has been supplied in a complete and satisfactory form.
- C. The Clerk of the Village of Mamaroneck shall cause a copy of such completed application to be mailed to all local governments where the proposed activity or any part thereof is located.

Appendix G

*Village of Mamaroneck, NY
Monday, November 14, 2011*

§ 192-6. Notice of application.

- A. Within five days of its receipt of a completed application for a permit regarding a proposed regulated activity, the Agency shall provide the applicant with a notice of application, which the applicant shall publish, at his or her own expense, at least once in the official newspaper of the Village of Mamaroneck.
- B. Said notice of application shall be in a form prescribed by the Agency and shall:
 - (1) Specify that persons wishing to object to the application should file a notice of objection by a specified date, together with a statement of the precise grounds of objection to the application, with the Agency.
 - (2) Specify that if no notices of objection are timely filed or if the Agency determines that the proposed activity is of such a minor nature as to not affect or endanger the balance of systems within any wetland, then the Agency, in its discretion, may determine a hearing is not necessary and dispense with the public hearing.
 - (3) Specify that the application, including all documents and maps therewith, is available for public inspection at the office of the Clerk of the Village of Mamaroneck.
- C. Notwithstanding any other provisions of this section, the Agency may, in its discretion, dispense with the requirement for a public notice of application and require a notice of hearing pursuant to § 192-8.

Appendix H

RULES OF THE ZONING BOARD OF APPEALS

Village of Mamaroneck, New York

Effective January 2002

1. Appeals to this Board must be taken within sixty (60) days after any order, requirement, decision, interpretation, or determination of the administrative official charged with the enforcement of the local law that is being appealed.

2. All applications to the Zoning Board of Appeals shall be made on the forms provided. Chapter 342 of the Code of the Village of Mamaroneck requires that sixteen (16) copies each of the application, supporting plans, surveys, and other documents shall be filed with the Building Inspector, along with all prescribed fees, which shall be paid at the same time. The application shall be signed and notarized by the person(s) aggrieved, who must have a possessory interest in the property (tenant, lessee, purchaser, or owner). If either the applicant or owner is a corporation, list the corporation's officers (President, Vice President, Secretary, and Treasurer), shareholders, and percentage of share ownership.

3. Careful attention must be given to answer all questions on the forms and to provide all documentation. The Board, in its discretion, may waive the furnishing of any part of such information in any specific case.

4. A survey, duly certified by a licensed surveyor within the past twelve (12) months, which accurately depicts the current status of the property, shall be submitted with each application, except, in such instances where a survey certified within the past twelve months is unavailable and the application does not involve any change to the exterior of the property, the Board will accept a certification by the owner that to his/her knowledge the existing survey accurately depicts the current status of the property.

5. All documents must be filed by the applicant at least twenty-two (22) days before the date of the hearing.

6. Every application shall be accompanied by a filing fee as follows:

Notice of Appeal (one- or two-family homes).....	\$ 125.00
Notice of Appeal (three- to five-family homes).....	175.00
Notice of Appeal (all residential types other than one- to five-family homes, and commercial or industrial properties).....	350.00
Fence Permit Application.....	125.00
Boat and Boat Trailer Storage Permit Application.....	125.00

RULES OF THE ZONING BOARD OF APPEALS
Village of Mamaroneck, New York
Effective January 2002

Sign Variance and Appeal Applications.....	125.00
Special Permit Applications (residential).....	175.00
Special Permit Applications (commercial/industrial).....	350.00
Applications for Extension of Special Permit or Variance.....	100.00

7. Public hearings by the Board are regularly scheduled for the first Thursday of each month at 7:00 p.m. in the Municipal Building located at 169 Mount Pleasant Avenue, Mamaroneck, New York. The Board shall have discretion to cancel any public hearing or to change the starting time or date of any public hearing. The agenda shall be limited to six (6) new items, except at the discretion of the Chairman or the Deputy Chairman.

8. The applicant shall provide notice of public hearing to property owners in accordance with the written instructions provided by the Zoning Board of Appeals, and shall file with the Board a Certificate of Mailing as proof of service.

9. Public hearings by the Board will ordinarily be conducted in an informal manner without sworn testimony. In its discretion, the Board may require and take sworn testimony; the Board will arrange for the attendance of a qualified reporter at the expense of the applicant, and, upon the Board's request, the Board shall be furnished with a true and correct transcript of the testimony.

10. Proofs by written or oral factual testimony must be presented to this Board to sustain any application or appeal. Unsupported statements, presentations, arguments, or summations by counsel or other representatives are not acceptable as adequate substitutes for such factual proofs.

11. Requests for adjournment shall be granted only upon good cause shown.

12. Decisions of the Board become effective upon adoption of appropriate resolutions at public sessions of the Board and filing with the Village Clerk. Copies of resolutions are available at the office of the Building Inspector.

13. After an application has been heard and determined adversely to the applicant, a new application for the same relief will not be considered by the Board until after the expiration of six (6) months from the rendition of said determination, unless the permission of the Board for an earlier hearing is first obtained. The new application must indicate any change of circumstances from the earlier one.

RULES OF THE ZONING BOARD OF APPEALS
Village of Mamaroneck, New York
Effective January 2002

14. Where any application has been made to the Board and is withdrawn for any reason at any time prior to the final determination thereof, it may not be renewed within a period of three (3) months from the time of withdrawal unless the Board grants express permission for earlier renewal.

15. All conditions imposed by this Board in any resolution must be complied with promptly and fully, without deviation or lapse. Failure to do so may result in revocation of variance or permit.

16. After a hearing has been closed, no further evidence, written or oral, will be considered excepting only such items as may be requested by the Zoning Board of Appeals and any reports from any governmental agency which may not have been filed before such closure.

17. The foregoing rules shall become effective immediately.

Appendix I

Village of Mamaroneck, NY
Monday, November 14, 2011

§ 240-20. Permit process for perimeter permits for in-water activity in Mamaroneck Harbor.

- A. Any person desiring to commence in-water construction or move or reconfigure any marine structure to moor, dock or service 10 or more watercraft at a single site may either apply for a perimeter permit pursuant to this article or may apply for a construction or reconstruction permit pursuant to Article VI of this chapter.
- B. In the event that a perimeter permit is issued pursuant to the provisions of this article, then compliance with the provisions of Article VI of this chapter shall not be required.
- C. For a perimeter permit, an application may be made, in writing, to the Building Department of the Village of Mamaroneck for in-water marine structures for mooring, docking or servicing 10 or more watercraft at a single site, and the Building Department shall refer said application to the Harbor and Coastal Zone Management Commission within five days of the date of the application, provided that it appears to conform, in all respects, to all other applicable laws and ordinances.
- D. As applicable, the application for a perimeter permit shall include information necessary to complete the Village building application to erect marine structures. In addition, the perimeter permit application shall include the following:
 - (1) A notarized letter of consent if the applicant is not the owner of the upland property.
 - (2) A site plan map, prepared and sealed by a registered professional engineer or architect, which includes an upland reference of a suitable scale detailing existing conditions of the in-water structures of said property, as well as for a distance of a of 50 feet on all water sides of the proposed perimeter permit area, showing the uses of the properties within 400 feet. The Harbor and Coastal Zone Management Commission may require a larger site plan map depending on the area. The site plan map shall include all dimensions of fairways immediately adjacent to the permit area defining access to open waters.
 - (3) A statement describing the nature of planned in-water activity and the type, size and number of watercraft contained in the perimeter area.
 - (4) Proposed plans for changes of construction and usage within the perimeter during the term of the permit.
 - (5) A listing of names and addresses of all property owners within 400 feet of the subject premises.
- E. Limitations of the perimeter permit.
 - (1) No additional boat slips may be incorporated beyond the number which is authorized and approved in the perimeter permit, unless authorized by the Harbor and Coastal Zone Management Commission.
 - (2) No change in the function or use of the docking facility of the perimeter water area may be undertaken (e.g., floating to fixed docks).

- (3) Excavation, dredging, bulkheading or filling shall not be commenced by any person prior to receiving all local, state and federal regulatory approvals or permits.
- (4) Boats may not protrude outside of the approved perimeter.

F. Review procedure for perimeter permits.

[Amended 3-27-2006 by L.L. No. 4-2006, effective 4-10-2006]

- (1) Upon receipt of a perimeter permit application and appropriate documentation, the Building Department shall circulate the application to the Harbor and Coastal Zone Management Commission, the Village's engineering consultant, the Harbor Master, the Clerk-Treasurer and the Village Manager for their review and comment.
- (2) The Harbor and Coastal Zone Management Commission shall review the application at a public meeting and set a hearing date. Such hearing date, unless for good cause shown, shall be a regularly scheduled meeting of the Harbor and Coastal Zone Management Commission, no less than 31 days or more than 62 days from the date of receipt of the application from the Building Department, and all property owners within 400 feet shall be notified of said hearing date by the applicant, who shall provide proof to the Harbor and Coastal Zone Management Commission of such notification.
- (3) Every applicant that submits an application to the Building Department, which is subsequently referred to the Harbor and Coastal Zone Management Commission, must post a notification sign on the property which is the subject of said application within three days of acceptance of the application and must maintain the posted sign in place until the Harbor and Coastal Zone Management Commission has rendered its final decision approving or denying said application. The sign shall be erected not more than 10 feet from the front yard boundary of the property that abuts a public road and must be conspicuous to the public. The bottom edge of the sign so erected shall be positioned no less than 2.5 feet and no more than three feet above the ground. If the sign's visibility is obscured by vegetation, the applicant must cut the vegetation to a degree sufficient to maintain clear visibility of the sign from the road. If the front yard of the property does not abut a public road, a sign shall be posted in a location that can readily be seen by the public. A sign erected under this provision must be removed within 10 days after the Harbor and Coastal Zone Management Commission has rendered its final decision approving or denying said application.
- (4) In the event that an application shall be withdrawn or become inactive, the applicant shall remove the sign within five business days of withdrawing the application or of receiving notice from the Harbor and Coastal Zone Management Commission that the application has been designated inactive. For the purposes of this section, any application which has not appeared on the Harbor and Coastal Zone Management Commission's agenda for six or more months shall be designated inactive. The Harbor and Coastal Zone Management Commission shall notify the applicant, in writing, that the application has become inactive and instruct the applicant to remove the sign until such time as the application shall be reactivated. Once the application is reactivated, the sign shall be posted within three days.
- (5) Said sign shall be at least 30 inches by 20 inches in size, consist of sturdy and serviceable material containing a white background with black letters and shall read as follows, in legible lettering at least two inches high:

“ON THIS SITE A (describe action set forth in the application) IS
PROPOSED. THIS MATTER WILL BE DISCUSSED AT A HARBOR
AND COASTAL ZONE MANAGEMENT COMMISSION MEETING ON
(give date) AT (give time) AT (give location).”

The applicant shall update said sign at least two weeks prior to every Commission meeting in which the applicant's matter will be heard.

- (6) Prior to the commencement of any public hearing or, if no public hearings are required, prior to the rendering of any decision disposing of any application, the applicant shall submit a sworn certification verifying placement and maintenance of the required notice sign. If the certification is not timely submitted, any scheduled public hearings shall be cancelled, subject to rescheduling, and any expositive action by the Harbor and Coastal Zone Management Commission shall be deferred until timely certification is submitted. In the event of repeated or continued noncompliance with the sign posting and certification requirements, the application may be dismissed at the discretion of the Harbor and Coastal Zone Management Commission.

G. Criteria for consideration of perimeter permits. The Harbor and Coastal Zone Management Commission shall approve, approve with conditions or disapprove an application for a perimeter permit. The approval, approval with conditions or disapproval of any application for a perimeter permit shall be by the majority vote of the Harbor and Coastal Zone Management Commission members present, using as a guide the following criteria:

- (1) General criteria. The proposal for which an application is made shall not result in:
 - (a) Conflicts with the Harbor Management Plan or any of the activities stated in this chapter.
 - (b) Navigation. An actual or potential hazard to navigation.
 - (c) Environment. An adverse environmental impact (in accordance with the State Environmental Quality Review Act).
- (2) Specific criteria. The permit shall be denied if:
 - (a) The proposal does not provide adequate fairways for access to and from open waters.
 - (b) The application does not adequately describe the nature of activities to reconfigure or relocate docks, pilings and ramps within the perimeter area.
 - (c) The application plans construction activities for which insufficient specifications are set forth.
 - (d) The proposal is determined to be inconsistent with the policies and purposes of the Local Waterfront Revitalization Program of the Village of Mamaroneck and the Harbor Management Plan contained within it, pursuant to Article VIII of this chapter.
 - (e) The proposal is determined to be inconsistent with the Harbor Management Plan.
 - (f) The proposal would result in a significant adverse environmental impact.
- (3) The permit may be denied for any other documented reason in writing.

H. Duration and revocation. A perimeter permit, upon approval, shall remain in effect for four years and may be renewed by the Harbor and Coastal Zone Management Commission as of right for two additional three-year terms, unless denied by the Harbor and Coastal Zone Management Commission, and provided that the Harbor and Coastal Zone Management Commission has not revoked the permit upon a determination that the permittee has failed to comply with the terms and conditions of the permit.