

JUSTIN K. AREST
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Village Board of Trustees Work Session Agenda

July 14, 2026
6:00 PM

Meeting Information

A Work Session of the Scarsdale Village Board of Trustees is scheduled for 6:00 PM on Tuesday, July 14, 2026. The meeting will be held in the 3rd Floor Meeting Room in Village Hall. Members of the public wishing to attend the meeting remotely can do so via online link at <https://zoom.us/j/93183703358>, or call into the meeting using 1-929-436-2866 and entering the Meeting ID 931 8370 3358.*

Agenda

- 1. Proposed Land Use Code Changes



Date: Tuesday, July 14, 2026

Re: 1. Proposed Land Use Code Changes

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Village Manager's Office

ATTACHMENT(S):

- 07.10.2026 - Memo from Keane and Beane P.C. - Re Local Laws Concerning Land Use Regulations and Licensing of Design Professionals
- 07.08.2026 - Scarsdale - Draft Local Law re Chapter 15 - Appearance Tickets
- 07.10.2026 - Scarsdale - Draft Local Law re Chapter 152 - Environmental Quality Review
- 07.08.2026 - Scarsdale - Draft Local Law re Chapter 171 - Freshwater Wetlands
- 07.10.2026 - Scarsdale - Draft Local Law Chapter 192 - Licensing of Design Professionals
- 07.10.2026 - Scarsdale - Draft Local Law re Chapter 251 - Site Plan Review

MEMORANDUM

TO: Justin Arest, Mayor
Members of the Board of Trustees

FROM: Keane & Beane, P.C.

RE: Proposed Local Laws Concerning Land Use Regulations and
Licensing of Design Professionals

DATE: July 10, 2026

This memorandum provides a general overview of the five (5) local laws to amend the Village Code of the Village of Scarsdale (the “Village Code”) concerning: (i) the issuance of appearance tickets; (ii) local environmental quality review standards and the official in charge of such reviews; (iii) the issuance of wetland permits; (iv) the licensing of design professionals seeking land use approvals; and (v) the site plan review process.

I. CHAPTER 15: APPEARANCE TICKETS

The Local Law amending Chapter 15, entitled “Appearance Tickets,” of the Village Code will authorize the Director of Planning and Assistant Civil Engineer to issue appearance tickets for violations of the Village Code, and the Property Maintenance Code of New York. For background, an appearance ticket is a written notice which directs a person to appear in court at a future time in connection with the alleged commission of an offense of state or local law. Failure to appear in court as directed can result in an arrest warrant being issued. An appearance ticket cannot be issued in connection with all types of offenses but can be issued for a violation of the Scarsdale Village Code. Pursuant to Criminal Procedure Law § 150.20, local officials, not automatically authorized to issue appearance tickets under State law, must be expressly permitted under local law to issue appearance tickets.

Pursuant to Scarsdale Code Section 15-1, the following officials and employees are currently authorized to issue appearance tickets:

1. The Village Manager
2. Deputy Manager
3. The Fire Chief
4. Fire Captains
5. The Fire Inspector and Two Fire Fighters
6. Police Aides
7. Parking Enforcement Officers
8. The Dog Warden
9. The Highway Foreman
10. The Assistant Highway Foreman
11. The Sanitation Foreman
12. The Assistant Sanitation Foreman

- | | |
|---|---|
| 13. The Superintendent of The Water
Department | 19. The Building Inspector |
| 14. The Water Foremen | 20. The Assistant Building Inspector |
| 15. The Superintendent of Public Works | 21. Code Enforcement Officers |
| 16. The Village Engineer | 22. The Superintendent of Recreation
and the Parks Foreman |
| 17. Junior Civil Engineers | 23. Temporary Summer Code
Enforcement Officers |
| 18. Engineering Aides | |

Under New York Law, appearance tickets must be made upon personal knowledge or upon information and belief of the individual issuing the ticket. This Local Law will assist with the prosecution of violations of the Village Code and the Property Maintenance Code because the Director of Planning and Assistant Civil Engineer will now be authorized to issue appearance tickets based upon their personal knowledge instead of requesting another official to issue the ticket.

II. CHAPTER 152: ENVIRONMENTAL QUALITY REVIEW

The primary purpose of the amendments to Chapter 152, entitled “Environmental Quality Review,” are to eliminate provisions of the Village Code which are duplicative of the State Environmental Quality Review (“SEQRA”) regulations. This Local Law removes wetland permits from being considered an Unlisted Action under SEQRA, and thus, are not subject to SEQRA review as wetland permits are properly classified as a Type II Action. Additionally, Village Code §§ 152-2 to 152-8 contains duplicative provisions of existing SEQRA regulations. Accordingly, and to help ensure that the Village’s processes are fully consistent with SEQRA, we recommend these Sections of the Village Code be removed entirely. Finally, the revisions to § 152-3, regarding an Environmental Review Officer, provide that the Director of Planning is responsible for overseeing and guiding all Village boards and departments in navigating the complexities of SEQRA.

III. CHAPTER 171: FRESHWATER WETLANDS

The Village undertook substantial review of its Site Plan and Zoning Code in 2024. The proposed amendments to Chapter 171, entitled “Freshwater Wetlands,” are the proposed next step in the evaluation of the Village’s land use regulations. Specifically, in consultation with staff, revisions are proposed to simplify certain language and processes, and to remove provisions which have allowed certain types of encroachments into wetland-controlled areas and restricted buffers. The Local Law provides for an administrative approval process for minor structures within 50 to 150 feet of a wetland, and a process for administrative approvals of cutting trees within 50 to 150 feet of wetlands. This administrative approval process will be conducted by the Village Engineer and/or Director of Planning and is intended to allow the Planning Board to have more time to review more substantial applications. There are also expanded requirements for mitigation plans, which provide how an applicant will reduce impacts to wetlands. These plans are subject to review and approval by the Planning Board and staff.

Notably, the Local Law redefines “freshwater wetlands” to utilize State and Federal definitions, without lessening its protections. This will help ensure that New York’s robust and flexible definition of “wetlands” are consistently applied within the Village. For ease of implementation “watercourses” are now defined as “freshwater wetlands.” Wetland permits will also expire twenty-four (24) months after approval, unless the applicant is granted an extension. Finally, the Local Law clarifies the process for amending wetland permits and increases the fines for violations of Chapter 171 from \$250 per day to \$1,500 per day.

IV. CHAPTER 192: LICENSING OF DESIGN PROFESSIONALS

Similar to the local law adopted last year concerning the licensing of commercial tree contractors, the Local Law amending Chapter 192 of the Village Code will require the licensing of Design Professional who receive Land Use Approvals in the Village. Currently, the Village Code does not provide a clear mechanism for enforcement of the Village Code and New York Building Code against those professionals who submit applications, land use plans, and documents to the Village. These applications, plans and documents are then relied upon by the Village when issuing land use approvals. However, issues have arisen, as described in the Legislative Intent in the Local Law, which has triggered a need for the “licensing of occupations and businesses” pursuant to the authority granted municipalities under N.Y. Municipal Home Rule §10(1)(a)(12).

A “Design Professional” is defined as “[a] person who is an architect, engineer, landscape architect, or land surveyor issued a license by the State of New York, or a person who is an ISA Certified Arborist.” “Land Use Approval” is defined as “[a] building permit, subdivision, wetlands permit, area or use variance, special use permit, steep slopes permit, site plan, certificate of occupancy, certificate of appropriateness, tree removal permit, or approval by a land use board.”

The Local Law is not intended to hinder the flow of applications or reduce the amount of qualified professionals who seek Land Use Approvals. The licenses are intended to be readily issued upon the submission of a complete application. The license will be valid for at least three (3) years, unless a different time is selected by the Board of Trustees. The Board of Trustees is responsible for setting the fee for the license. A license shall be issued to an applicant unless any of the criteria in § 192-11(A)(1) through (7) are met. There is also an administrative appeals process for any Design Professional who is denied a license or renewal.

The criteria for a denial of an application or renewal are the same grounds for the suspension or revocation of a license, however, the final three (3) grounds pertain to enforcement of local and state code provisions, and are as follows:

1. The applicant has submitted false or materially misleading information and/or certifications in connection with four (4) or more applications for Land Use Approval within the prior 12 months.

2. The applicant has been issued four (4) or more stop-work orders in the Village of Scarsdale within the prior 12 months.
3. The applicant has been issued four (4) or more Notices to Correct or Notices of Violation in the Village of Scarsdale within the prior 12 months.

Similarly, once the criteria for revocation or suspension have been met, the Licensee may appeal that decision by requesting a hearing before the Village Manager. On appeal the Village Manager may grant the appeal or revoke a license, or suspend a license for a period of time, with or without conditions. The penalties for violating this law are a fine of no less than \$5,000 or more than \$10,000, or imprisonment not exceeding thirty (30) days, or to both a fine and imprisonment. The Building Inspector, Assistant Building Inspector, Director of Planning, Village Engineer, or Code Enforcement Officer(s) are responsible for referring license suspension or revocation matters to the Village Manager.

V. CHAPTER 251: SITE PLAN

The changes to Chapter 251 regarding Site Plan are primarily intended to address the sequencing of land use board review of site plan applications which require approval from several of the Village's land use boards. Currently, all site plan applications must be referred to the Board of Architectural Review (the "BAR"). However, this referral is not necessarily for routine applications.

As such, the Local Law will only require mandatory referral to the BAR for:

1. New homes;
2. New commercial buildings and structures; and
3. Changes to more than 50% of a buildings existing square footage consisting of any combination of the front, rear and side elevations.

For avoidance of doubt, the changes will not mean that site plan applications are not subject to review by the BAR. Instead, applications which do not meet the above criteria will not need to undergo a preliminary BAR referral review process before the application for site plan can be approved by the Planning Board and *then* referred to the BAR for consideration. Moreover, the Planning Board may still refer any application to another land use board for review and comment before acting on the site plan.

The Local Law also eliminates two (2) site plan triggers, § 251(1)(F) which provides that any changes to a property located within a cluster subdivision is subject to site plan approval, and § 251(1)(I) which provides that any changes within a flag lot also requires site plan approval. These site plan triggers have resulted in minor structures, such as the installation of zoning compliant sheds and retaining walls, to require site plan approval. Accordingly, these two (2) standalone triggers for site plan approval are unnecessary in light of the several other triggers set forth under § 251(1)(A) through (G) (i.e., construction of a nonresidential or multifamily structure, development within

an adjoining property buffer, exceeding site disturbance thresholds, development within a special flood hazard area, and new homes on a corner lot).

It will also be clear that “material deviations” from an approved site plan must first be approved by the Planning Board. As previously discussed with the Board of Trustees, the term “material deviation” is not defined because (i) staff currently implements this standard without a definition and (ii) no two site plans or parcels of land are identical. What is considered a “material deviation” for one property could be considered insubstantial for another. When the change is not considered a “material deviation,” approval will be administered by the Building Inspector. In either circumstance, a licensed professional who prepared the site plan (or amendment) must submit a plan set which highlights all deviations from the original approved site plan.

Before a building permit can be issued, owners and applicants (if different) must also sign site plans to confirm they have read the site plan, its notes, will comply with all conditions of approval, and will not deviate from the approved plans without prior approval of the Village. The Clerk to the Planning Board (i.e., the Director of Planning) will also have to sign site plans before a certificate of occupancy can be issued. The Director of Planning’s signature will signify that “all approvals have been granted by other land use boards of the Village and all conditions of site plan approval have been satisfied or arrangements have been made to ensure completion of any outstanding or incomplete conditions.”

Finally, several new enforcement provisions have been added to allow the issuance of stop-work orders, notices of violation, and appearance tickets when: (i) work commences without site plan approval, or (ii) work deviates from an approved site plan or condition of approval (e.g., Planning Board Resolution). The enforcing officer will determine how much time is needed to correct the improper work, which cannot exceed thirty (30) days unless special circumstances (as determined by the issuing officer) warrant a longer period. If an appearance ticket is issued, the offender will be subject to the penalties set forth in the Village’s Zoning Code, which are as follows:

1. First offense, by a fine not less than \$500, not to exceed \$1,000, or by imprisonment not exceeding 15 days, or both. The penalty for a corporate offender's first offense, by fine not less than \$2,500, not to exceed \$5,000, or any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense. Each day that any such violation shall continue or exist shall constitute a separate and distinct offense hereunder.
2. For a second offense within five years after a conviction of a first offense, by a fine not less than \$1,500, not to exceed \$2,500, or by imprisonment not exceeding 15 days, or both. The penalty for a corporate offender's second offense, by fine not less than \$7,500, not to exceed \$15,000, or any higher amount not exceeding double the amount of the corporation's gain from the

commission of the offense. Each day that any such violation shall continue or exist shall constitute a separate and distinct offense hereunder.

3. For a third offense within five years after a conviction of a second offense, which took place within three years after a conviction of the first offense, by a fine not less than \$4,000, not to exceed \$6,000, or by imprisonment not exceeding 15 days, or both. The penalty for a corporate offender's third offense, by fine not less than \$25,000, not to exceed \$50,000, or any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense. Each day that any such violation shall continue or exist shall constitute a separate and distinct offense hereunder.

In addition, the offender could be subject to a civil penalty up to \$50,000.

If the Board of Trustees is ready, the next steps would be to scheduling the public hearing on the local laws and referring the revised Chapter 171 (Freshwater Wetlands) and Chapter 251 (Site Plan) to the Planning Board for a review and recommendation. Unless a longer time is given by the Board of Trustees, the Planning Board will have thirty (30) days to provide its recommendation. The remaining three (3) local laws are not subject to referral to the Planning Board. None of the local laws are subject to referral to Westchester County.

Please do not hesitate to contact our office with any questions. Thank you.

LOCAL LAW NO. ____ OF 2026

**VILAGE OF SCARSDALE
BOARD OF TRUSTEES**

**A LOCAL LAW TO AMEND CHAPTER 15 OF THE SCARSDALE VILLAGE
CODE CONCERNING APPEARANCE TICKETS**

A LOCAL LAW to amend Chapter 15 of the Scarsdale Village Code to provide the Village Planner may issue appearance tickets.

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

Section 1. Chapter 15 of the Scarsdale Village Code entitled, “Appearance Tickets,” is hereby amended as follows:

§ 15-1 Authorization to issue.

Pursuant to § 150.20 of the Criminal Procedure Law of the State of New York, the following Village officials and employees are specifically authorized to issue appearance tickets for violations of the Code of the Village of Scarsdale and certain other violations, including violations of the Property Maintenance Code of the State of New York:

- A. The Village Manager; Deputy Manager.
- B. The Fire Department: the Fire Chief, the Fire Captains, the Fire Inspector and two fire fighters.
- C. The Police Department: police aides, parking enforcement officers and the Dog Warden. These officers are also authorized to issue appearance tickets for auto registration and inspection violations under the Vehicle and Traffic Law of the State of New York.
- D. The Public Works Department: the Highway Foreman, the Assistant Highway Foreman, the Sanitation Foreman, the Assistant Sanitation Foreman, the Superintendent of the Water Department, the Water Foremen and the Superintendent of Public Works.
- E. Engineering and Building: the Village Engineer, the Assistant Civil Engineer, the Junior Civil Engineer, the engineering aide, the Building Inspector, the Assistant Building Inspector and code enforcement officers.

F. Recreation: the Superintendent of Recreation and the Parks Foreman.

G. Temporary summer code enforcement officers.

H. The Director of Planning.

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 15 of the Village of Scarsdale Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification.

It is the intention of the Village of Scarsdale and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Scarsdale; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

Section 5. Effective Date.

This local law shall take immediately upon filing with the Office of the Secretary of State.

LOCAL LAW NO. ____ OF 2026

VILLAGE OF SCARSDALE
BOARD OF TRUSTEES

A LOCAL LAW TO AMEND CHAPTER 152 OF THE SCARSDALE VILLAGE
CODE CONCERNING ENVIRONMENTAL QUALITY REVIEW

A LOCAL LAW to amend
Chapter 152 of the Scarsdale
Village Code concerning
environmental quality
review.

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

Section 1. Chapter 152 of the Scarsdale Village Code entitled “Environmental Quality Review” is hereby amended as follows:

Chapter 152 **Environmental Quality Review**

§ 152-1 **Purpose.**

The purpose of this chapter is to designate the Director of Planning as the Environmental Review Officer who shall administer the environmental review of ~~incorporate environmental factors into the existing~~ planning and decision making procedures of all village agencies ~~by adopting procedures~~. This purpose is to be accomplished through provisions for identifying actions that may ~~an Environmental Review Officer who will assist village agencies in determining what actions may~~ have a significant effect-impact on the environment and by requiring that any action found to have such effect-impact will be carried out in a manner that will minimize its possible harmful effects.

~~§ 152-2 Regulations adopted.~~

~~Except as modified by provisions of this chapter, the requirements of 6 NYCRR 617, as may be amended from time to time, are hereby adopted as the procedures, rules and regulations relative to environmental quality reviews undertaken by any village agency.~~

§ 152-~~23~~ **Definitions.**

For the purposes of this chapter, the ~~definitions set forth in 6 NYCRR 617.2 shall be modified as follows~~ following definitions apply:

AGENCY

A state, local or village agency.

VILLAGE AGENCY

The Board of Trustees or any department, board, commission, officer or employee of the village.

§ 152-4 Environmental Review Officer.

The ~~Board of Trustees shall designate~~ Director of Planning shall be the Environmental Review Officer (ERO) whose duties shall be to:

- A. Recommend to the Village Board such amendments to this chapter, not inconsistent with 6 NYCRR 617, as may from time to time be necessary or advisable for the orderly compliance with the purpose of this chapter.
- B. ~~Prescribe the form of reports required to be filed under the provisions of this chapter and 6 NYCRR 617 and to~~ To cause or effect the notification and filing requirements of 6 NYCRR 617-40 in a timely manner.
- C. Receive copies of all environmental report forms and statements filed in connection with any proposed action and review such forms and statements with respect to scope, content and adequacy and so advise the village agency having jurisdiction.
- D. Notify all applicants or village agencies proposing any action of the procedures to be followed pursuant to this chapter and 6 NYCRR 617 and to serve in an administrative advisory capacity with respect to these procedures to any village agency upon request.
- E. ~~Designate~~ Recommend, in the event of a proposed Type I action or an unlisted action for which a confirmed initial determination of significance is required, which village agency should be designated the lead agency when such proposed action is subject to the jurisdiction of two or more village agencies.
- F. Perform such other related duties as may, from time to time, be directed by the Board of Trustees.
- F.G. To guide, propose, and assist all Village agencies in undertaking environmental review pursuant to 6 NYCRR 617.

§ 152-5 ~~Time period for review.~~

~~Village agencies may vary the time periods established in 6 NYCRR 617 in order to coordinate the environmental review process with other procedures relating to the review and approval of actions. Except for good cause, the following general rules regarding time periods shall be observed.~~

~~A. A village agency not holding regularly scheduled meetings shall observe the time periods set forth in 6 NYCRR 617.~~

~~B. A village agency holding regularly scheduled meetings shall complete any pertinent review, make a determination of environmental significance or perform a related prescribed action no later than the next duly constituted meeting of the agency following that meeting at which all necessary data has been filed and accepted when the time period prescribed in 6 NYCRR 617 expires prior to such next duly constituted meeting.~~

~~C. A village agency customarily holding public hearings shall combine a public hearing on a draft environmental impact statement with its customary hearing on the action, and the time periods for holding of the customary hearing and the public notification therefor shall apply.~~

~~§ 152-6 Environmental impact statement.~~

~~The requirements of 6 NYCRR 617.8 shall be modified as follows:~~

~~A. When a village agency, serving as the lead agency, determines that an Environmental Impact Statement (EIS) is required on a proposed action involving an applicant and the applicant fails to prepare the draft EIS in a timely manner, all further review and consideration of the action shall terminate.~~

~~B. When a village agency proposes a direct action requiring the preparation of an EIS, the village agency shall contract with an outside consultant for preparation of the draft and final (if required) EIS.~~

~~§ 152-7 Type II actions.~~

~~The list of Type II actions as set forth in 6 NYCRR 617.13(d) shall be amended to add the following:~~

(20)	Construction or alteration of a single-family or two-family residence and accessory appurtenant uses or structures not in conjunction with the construction or alteration of two or more such residences and not in one or more of the following areas: i. A freshwater wetlands area as defined in Article 24 of the Environmental Conservation Law; ii. A freshwater wetlands controlled area as shown on the Village Freshwater Wetlands Map; iii. A floodplain area having special flood hazards as defined in 6 NYCRR 500; iv. A site as described in 6 NYCRR 617.12(b)(9) and (11). v. _____
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(21)	The extension of utility facilities to serve new or altered single or two-family residential structures or to render service in approved subdivisions.
(22)	Construction or alteration of a store, office or restaurant designed for an occupancy load of 20 persons or less, if not in conjunction with the construction or alteration of two or more stores, offices or restaurants and if not in one of the areas described in (20) above, and the construction of utility facilities to serve such establishments.

~~§152-8 Fees.~~

~~Applicants proposing an action subject to this chapter and for which a draft or final EIS is required may be charged the following fees and costs:~~

- ~~A. A filing fee representing reasonable reimbursement to the village for administrative costs, including publication and distribution of required notices, attendant upon the action; and~~
- ~~B. A fee to recover the cost of reviewing draft and final EIS's; provided, however, that such fee shall not exceed the limit set forth in 6 NYCRR 617.17.~~

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 152 of the Village of Scarsdale Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification.

It is the intention of the Village of Scarsdale and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Scarsdale; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is

hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

Section 5. Effective Date.

This local law shall take immediately upon filing with the Office of the Secretary of State.

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LOCAL LAW NO. __ OF 2026

VILLAGE OF SCARSDALE
BOARD OF TRUSTEES

A LOCAL LAW TO AMEND THE SCARSDALE VILLAGE CODE
CONCERNING FRESHWATER WETLANDS

A LOCAL LAW to amend
Chapter 171 of the Scarsdale
Village Code concerning
freshwater wetlands.

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

Section 1. Chapter 171 of the Scarsdale Village Code, entitled “Freshwater wetlands” is hereby amended as follows:

Chapter 171 **Freshwater Wetlands**

§171-1 **Findings; policy.**

A. Freshwater wetlands in their natural state serve multiple functions and values, including:

- (1) Removing pollutants from surface waters by trapping sediment, removing nutrients and detoxifying chemicals while serving as nutrient traps for nitrogen and phosphorus, and filters for surface water pollutants.
- (2) Recharging groundwater and surface waters, thereby maintaining stream flows needed by plants and animals to survive.
- (3) Controlling flooding by storing and then slowly releasing stormwater runoff.
- (4) Stabilizing stream banks by protecting against erosion caused by stream currents or construction activities.
- (5) Providing unique or essential habitats for diverse fish and wildlife species, including many of those on the New York State and federal lists of special concern, threatened, rare and endangered species.
- (6) Supporting unique vegetative biotic associations specifically adapted for survival in low-oxygen environments.
- (7) Providing areas of unusually high plant productivity which support wildlife diversity and abundance.

- (8) Providing open space and visual relief from intense development.
- (9) Providing recreational opportunities, including fishing, nature study, hiking and wildlife watching.
- (10) Serving as outdoor laboratories and living classrooms for the study and application of biological, natural and physical sciences.
- (11) Protecting aquifers, reservoirs and watersheds vital to the community and to the water supply of New York City, Westchester County and Connecticut.
- (12) Protecting and maintaining stability of streams and watercourses channels, shorelines and banks, thereby controlling and reducing erosion, flooding and related property damage.
- (13) Serving as important, often critical, travel corridors and wetland-to-upland transitional habitats vital to the ecological needs and life cycle of many wetland/watercourse dependent species, including many amphibians, reptiles, birds and mammals whose survival is in jeopardy due to increasing loss of such buffer area habitat. While undisturbed adjacent buffer areas comprise a relatively small portion of the landscape, they, in combinations with wetlands and watercourses, are irreplaceable habitat links in the life cycles of the greatest proportion of area wildlife, including game and nongame species - a number of which are federal, state and county listed as special concern, rare, threatened or endangered.
- (14) Ameliorating potentially harsh environmental conditions by serving as windbreaks and solar reflectors, facilitating the warming of surface waters during early spring to produce water temperatures vital to the initiation of the breeding cycles of many wetland-/watercourse-dependent invertebrates, amphibians, reptiles, and fish; and providing shade - particularly during the growing season when the ambient heat load progresses - allowing wetlands/watercourses to maintain cool, well-oxygenated water supplies, and maintain atmospheric moisture levels amenable to moisture-sensitive amphibians.
- (15) Controlling flooding by slowing overland runoff and absorbing and storing substantial amounts of sheet flow, thereby assisting wetlands and watercourses in controlling flooding and gradually releasing flood flows to lower watersheds.
- (16) Trapping sediments in sheet flow, removing and assimilating excess nutrients from stormwater, and intercepting the soil-erosive force of precipitation, thereby protecting wetlands and watercourses against eutrophication (excess

nutrient enrichment) and sedimentation, which can adversely affect proper wetland and watercourse functions and values.

(17) Providing the first line of defense in the protection of wetlands and watercourses against the adverse impacts of stormwater-borne pollutants of human origin, including fertilizers, herbicides, pesticides, heavy metals, viral and bacterial agents associated with septic leachate, and various types of petroleum products. In essence, wetland and watercourse buffer areas work synergistically with aquatic resources to protect groundwater and surface water quality.

(18) Providing often unique wetland-to-upland transitional communities, with their own distinctive flora and fauna, unlike the habitat of wetlands and watercourses and drier uplands between which they lie. Consequently, buffer areas are critical ecological communities in their own right and serve as unique areas of substantial value for passive recreation, outdoor education and scientific research.

B. Upland adjacent areas surrounding wetlands and watercourses provide an essential protective buffer with benefits which are significant for maintaining the functional integrity and quality of such resources, and for furnishing protection against adverse impacts from activities in surrounding land areas.

C. Many factors affect the ability of buffer areas of various widths to protect wetlands and watercourses, including, but not limited to, type and extent of vegetative cover, time of travel of overland flow, adjacent land uses, amount of impervious cover, slope, soil type, and drainage characteristics.

(10) D. Considerable acreage of these important natural resources has been lost or impaired by draining, dredging, filling, excavating, building, polluting, and other acts inconsistent with the natural uses of such areas. Without increased protection and larger intact upland buffer areas, remaining wetlands and watercourses are in greater jeopardy of being lost, despoiled, or impaired by such acts, contrary to the public safety and welfare.

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B.E. In addition, the Long Island Sound has been declared an Estuary of National Significance by the federal government, and nonpoint source pollution, especially excessive nutrient loadings, has been determined to be a major cause of the water quality problems in Long Island Sound. Siltation into streams, lakes and harbors is a concern to downstream communities.

C.F. It is therefore the policy of the Board of Trustees of the Village of Scarsdale to protect its citizens ~~and those of downstream communities~~, including future generations, by preventing the further despoliation and destruction of freshwater wetlands and

watercourses within the Village while taking into account varying ecological, water quality, economic, recreational and aesthetic values. Activities that may damage wetlands and watercourses should be located on upland areas, separated by densely vegetated upland buffer areas of sufficient width. ~~Activities that may damage freshwater wetlands functions or cause the loss of freshwater wetlands and watercourses should be avoided and, where avoidance is not practicable, minimized to the fullest practicable extent.~~

§ 171-2 **Intent.**

It is the intent of the Board of Trustees of the Village of Scarsdale that activities in and around freshwater wetlands conform with the Building Code (Chapter 132), the Flood Damage Prevention Code (Chapter 167), Site Plan (Chapter 251) Stormwater Management, (Chapter 254) and all other related codes and regulations, and that such activities not threaten public safety or the natural environment or cause nuisances by.

- A. Impeding flood flows, reducing flood storage areas or destroying storm barriers, thereby resulting in increased flood heights, frequencies or velocities on other lands.
- B. Increasing water pollution through inappropriate siting of stormwater control facilities; excessive or unauthorized application of fertilizers, pesticides, herbicides and algicides; disposal of solid wastes at inappropriate sites; creation of unstabilized fills; or the destruction of freshwater wetlands soils and vegetation serving pollution and sediment control functions.
- C. Increasing erosion or sedimentation.
- D. Adversely altering the recharge or discharge functions of freshwater wetlands, thereby impacting groundwater or surface water supplies.
- E. Significantly altering the freshwater wetlands hydrology and thereby causing either short- or long-term changes in vegetative composition, soils characteristics, nutrient recycling or water chemistry.
- F. Destroying sites needed for educational and scientific research, such as outdoor biophysical laboratories, living classrooms and training areas.
- G. Destroying or damaging aesthetic and property values.
- G.H. Destroying or reducing undisturbed adjacent upland areas surrounding wetlands and watercourses, which provide a protective buffer.

§ 171-3 **Definitions.**

As used in this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein:

CONTROLLED ACTIVITY

Any of the following activities:

- A. Any form of draining, dredging, excavation, ~~or removal~~ or modification of soil, mud, sand, gravel, natural material or other material either directly or indirectly.
- B. Any form of dumping, filling, grading or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind either directly or indirectly.
- C. Erection of any structures or roads if the actual construction activity is within a freshwater wetland /watercourses, freshwater wetland controlled area ~~or freshwater wetland buffer~~.
- D. Driving of pilings or the placement of any other obstructions, whether or not changing or diverting the flow of water, or alteration or modification of natural drainage patterns.
- E. Alteration or modification of the contours of the land.
- F. Introduction of any form of pollution or stormwater runoff, including but not limited to installing a septic tank, running a sewer outfall discharging sewage treatment effluent, ~~or other liquid wastes~~, stormwater runoff or any other form of discharge into or so as to drain into a freshwater wetlands area.
- G. Destruction or removal of natural growth, including living trees, ~~and shrubs and plants~~.
- G.H. Any form of disturbance, temporary or permanent, involving or related to construction activities.
- H.I. Any other activity which may ~~substantially~~ impair the natural functions served by the freshwater wetlands /watercourses or the benefits derived therefrom on site or off site, as described in § 171-1 of this chapter.

DIRECTOR OF PLANNING

The duly appointed Director of Planning of the Village of Scarsdale.

DREDGING

To excavate or remove sediment, soil, mud, sand, gravel or other aggregate or decomposed biomass.

ENVIRONMENTAL REVIEW OFFICER

Pursuant to Chapter 152 of this Code the Environmental Review Officer is the Director of Planning.

FLOODPLAIN

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Property within the special flood hazard areas subject to inundation by the one-percent (one-hundred year) annual chance flood as shown on the Flood Insurance Rate Maps or other such document for the Village of Scarsdale, as issued by the Federal Emergency Management Agency, or such other agency of legal jurisdiction.

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FRESHWATER WETLANDS

Any area of land within the Village of Scarsdale which meets one or more of the following criteria:

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- A. Any area of lands and waters within the Village of Scarsdale comprised of hydric soils which are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, hydrophytic vegetation; as set forth in the Corps of Engineers Wetland Delineation Manual, dated January 1987 and the US Army Corps of Engineers Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region as updated from time to time, as shown on the Freshwater Wetlands Map dated April 25, 2011 or any amendments thereto.
- B. Lands and waters within the Village of Scarsdale that meet the definition provided in the New York State Freshwater Wetlands Act, Article 24 of the N.Y. Environmental Conservation Law, as may be amended and/or updated from time to time and are indicated on the official freshwater wetlands map promulgated by the Commissioner of the New York State Department of Environmental Conservation.
- C. Watercourses as defined in this Chapter. Areas within the Village of Scarsdale which are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of hydrophytic vegetation as defined by the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (January 1989) prepared by the Federal Interagency Committee of the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service and U.S.D.A. Natural Resources Conservation Service.

FRESHWATER WETLANDS-CONTROLLED AREA

All lands in the Village of Scarsdale identified as freshwater wetlands and those lands within 100 feet of said freshwater wetlands.

FRESHWATER WETLANDS MAP

The map dated April 25, 2011, and adopted by the Village Board of Trustees on December 13, 2011, as may be amended.

FRESHWATER WETLANDS/WATERCOURSES BUFFER

A specified area surrounding freshwater wetlands or a watercourse that is intended to provide some degree of protection to the freshwater wetlands or watercourse from human activity and other encroachment associated with development. The freshwater

wetlands* buffer shall be subject to the regulations for wetlands as defined in this chapter and shall generally be determined to be the area extending 25 feet horizontally away from and paralleling the outermost boundary of wetlands and/or the point of mean high water of a watercourse or floodplain, or if a state-designated wetlands is involved, the area as may be designated by the Commissioner of the New York State Department of Environmental Conservation. Pursuant to § 171-7D of this chapter, no controlled activities are permitted within the freshwater wetlands/watercourse buffer except as approved as part of the conditions required by the Planning Board pursuant to § 171-7E of this chapter.

GRADING

To adjust the degree of inclination of the natural contours of the land, including leveling, smoothing, filling and other modifications to the natural or pre-existing land surface.

HYDRIC SOIL

A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part as set forth in the Corps of Engineers Wetland Delineation Manual, dated January 1987, the US Army Corps of Engineers Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, and the USDA Natural Resources Conservation Service Field Indicators of Hydric Soils in the United States Guidebook as updated from time to time.

HYDROPHYTIC VEGETATION

Macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present as set forth in the Corps of Engineers Wetland Delineation Manual, dated January 1987, the US Army Corps of Engineers Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region and the US Army Corps Wetland Plant List as updated from time to time. ~~Macrophytic plant life growing in water, soil or substrate that is at least periodically deficient in oxygen as a result of excessive water content.~~

LOT

A tax lot as shown on the current Tax Assessment Map of the Village of Scarsdale and any amendments thereto.

MITIGATION PLAN

~~The plan prepared by an applicant when the applicant has demonstrated that either losses or impacts to the freshwater wetlands or freshwater wetlands buffer are necessary and unavoidable and have been minimized to the maximum extent practicable. The plan prepared by an applicant to compensate for proposed wetland,~~

watercourse and buffer area impacts pursuant to the standards and requirements of this chapter, upon demonstration that either losses or impacts to the wetland, watercourse or regulated buffer area are necessary and unavoidable as defined herein and have been minimized to the maximum extent practicable as determined acceptable by the approval authority.

PERSON

Any corporation, firm, partnership, association, trust, estate and one or more individuals.

POLLUTION

The presence in the environment of man-induced conditions or contaminants in quantities or characteristics which are or may be injurious to human or plant life or wildlife or other animal life or to property.

SENSITIVE DRAINAGE AREA WETLAND BUFFER

All lands in the Village of Scarsdale within 150 feet of an identified federally mapped floodplain or local critical sub-drainage basin and a national, state or local wetland.

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VILLAGE ENGINEER

The duly appointed Village Engineer of the Village of Scarsdale.

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WATERCOURSE

Any natural or artificial, intermittent, seasonal or permanent and public or private water body or watercourse. A water body is intermittently, seasonally or permanently inundated with water and contains a discernible shoreline and includes ponds and lakes. A watercourse includes rivulets, brooks, creeks, streams, rivers and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.

§ 171-4 Controlled activities requiring permit.

Within a freshwater wetland controlled area, no person shall allow or conduct, either directly or indirectly, any controlled activity without a permit issued in accordance with the requirements of this chapter.

§ 171-5 Activities not controlled.

None of the following shall constitute a controlled activity:

- A.** Swimming or fishing, where otherwise legally permitted.
- B.** Public health activities, orders and regulations of the State or County Department of Health.

C. Mosquito control projects, unless determined by the Planning Board of the Village to have an adverse impact upon the freshwater wetlands.

~~D. Gardening.~~

~~D. Construction activities that are more than 100 feet from a freshwater wetland, shown on the Freshwater Wetlands Map.~~

~~E. Work performed by the Village of Scarsdale, or any of the Village's authorized agents, in consultation with the Director of Planning and Village Engineer.~~

F. Operation and maintenance of dams, retaining walls, walkways, terraces, sluices, culverts or other water-control structures or devices as were in existence on the effective date of this chapter.

~~G. Conduct of normal land maintenance and conservation measures for existing landscaped areas, including tree trimming and pruning, the removal of dead or diseased vegetation, lawn and garden care and the planting of shrubs or trees, subject to the limitation that excessive amounts of fertilizers should not be applied and that application of herbicides and pesticides shall be as regulated pursuant to Article 33 of the New York Environmental Conservation Law and Article 16 of the New York Public Health Law.~~

~~G.H. Emergency activity immediately necessary to protect life, property or natural resources, as determined by the Town Village Engineer, Superintendent of the Department of Public Works, Building Inspector, and/or Director of Planning; provided, however, in the case of an emergency declared by the federal, New York State, Westchester County, or Village government, during the course of such an emergency an activity may be undertaken to remedy any situation which poses an imminent risk of personal injury or property damage to a principal or accessory structure. In the event of an emergency action taken without the prior determination of a Village official, the individual who took or authorized the taking of such action shall, within 10 days following the termination of the declared emergency, report, in writing, the action to the Village Engineer and Director of Planning, together with supporting photographs and other information, and shall be subject to such mitigation action consistent with the Village Code as shall be determined by the Village Engineer or Director of Planning.~~

§ 171-6 Authority to review, ~~approve, approve with conditions or deny~~ applications.

A. Authority is hereby vested in the Village Engineer ~~and the Director of Planning~~, pursuant to § 171-6B, and the Planning Board, pursuant to § 171-6C, of the Village of Scarsdale to review applications for the conduct of any controlled activity, as defined in this chapter, within ~~100 feet of any freshwater wetland or the specified distances.~~

B. The Village Engineer ~~or Director of planning~~ is hereby authorized to review, approve, approve with conditions or deny the following types of applications within a freshwater wetland ~~or /watercourses~~ controlled area. ~~The Village Manager may, in their sole discretion, assign a particular application to either the Village Engineer or Director of Planning but is not required to.~~

(1) Activities involving minor soil disturbances, such as, but not limited to, the placement of fence and gateposts, supports for decks and similar construction activities. "Minor soil disturbances" shall not include the placement of any fill, any regrading, ~~soil disturbance,~~ or the removal of any soil from the site other than is incidental to the excavation for fence posts, supports for decks or similar construction activities ~~and not occurring within a wetland or wetland buffer.~~

(2) ~~In kind~~ Construction, replacement, or repairs of footbridges across watercourses, subject to the requirements of Chapter 167, Flood Damage Prevention, of the Code of the Village of Scarsdale.

(3) Installation of granite curbing and minor amounts of paving at a driveway terminus onto a public street.

~~(4) Notwithstanding the requirements of Chapter 281, Trees, Grass, Brush and Weeds removal of living trees and shrubs, not to exceed two trees or shrubs in a two-year period. The Village Engineer and Village Planner may consult with the Village Naturalist Arborist prior to issuance of a permit~~

~~(4) Construction, maintenance, repair, replacement, rehabilitation, or improvements of structures or facilities which are owned or maintained by the Village of Scarsdale.~~

~~(5) Accessory structures to a single-family residence, with a footprint area of less than 200 square feet and located within 50 to 100 linear feet to a wetland or watercourse and not located in the Sensitive Drainage Area.~~

~~(6) Accessory structures to a single-family residence, with a footprint area of less than 200 square feet and located within 100 to 150 linear feet to a wetland or watercourse and located in the Sensitive Drainage Area.~~

~~(7) Cutting of any tree, as regulated by Chapter 281 of the Village Code located within 50 to 100 linear feet to a wetland or watercourse involving removal of the stump or use of a motorized vehicle.~~

C. The Planning Board is hereby authorized to review, approve, approve with conditions or deny all other applications for the conduct of any controlled activity within a

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freshwater wetland controlled area. Applications to the Planning Board shall be as provided in § A319-44 of the Code of the Village of Scarsdale.

§ 171-7 **Determination of impact; denial of permit; referrals; prohibited activities; conditions.**

A. In approving, denying or conditioning any permit, the Planning Board, and the Village Engineer or Director of Planning as the case may be, shall evaluate the freshwater wetland functions and the role of the freshwater wetland in the hydrologic and ecological system of which it is a part and shall determine the impact of the proposed activity upon the public health, safety and welfare and the flora and fauna, water quality and freshwater wetland~~s~~ functions. Factors to be considered may include, as appropriate:

(1) The direct and indirect impact(s) of the proposed activity upon neighboring land uses and freshwater wetland functions as set forth in § 171-1 of this chapter, including but not limited to:

- (a) Filling of freshwater wetlands or other modification of natural topographic contours.
- (b) Disturbance or destruction of natural flora and fauna.
- (c) Influx of sediments or other materials causing increased water turbidity or downstream siltation.
- (d) Reduction in freshwater wetland~~s~~ groundwater or surface water supply and recharge.
- (e) Interference with freshwater wetland~~s~~ water circulation.
- (f) A damaging reduction or increase in nutrients to a freshwater wetland.
- (g) Influx of toxic chemicals and/or heavy metals.
- (h) Damaging thermal changes in the freshwater wetlands water supply.
- (i) Destruction of natural aesthetic values.

(+)(j) Any other potential impacts not listed in this chapter as determined by the Planning Board, the Village Engineer or the Director of Planning.

(2) Any existing freshwater wetland~~s~~ impact(s) and the cumulative effect of reasonably anticipated future activities in or adjacent to the freshwater wetland~~s~~ subject to the application.

(3) The impact of the proposed activity and reasonably anticipated similar activities upon flood flows, flood storage and water quality.

- (4) The safety of the proposed activity from flooding, erosion, soil limitations and other hazards.
- (5) The availability of preferable alternative locations on the subject parcel.
- (6) The demonstration by the applicant that any direct and indirect impact(s) has/have been avoided to the maximum extent practicable and that any remaining unavoidable direct and indirect impact(s) has/have been minimized to the maximum extent practicable

B. The Planning Board, and the Village Engineer ~~or the Director of Planning as the case may be,~~ shall deny a permit if the proposed activity may threaten the public health, safety or welfare, cause nuisances, impair public rights to the enjoyment and use of public lands and waters, threaten a rare or endangered plant or animal species or violate pollution control standards.

B.C. Referrals may be made to the Village's ~~Naturalist,~~ environmental consultants, ~~if any,~~ and/or to the Westchester County Soil and Water Conservation District, as appropriate, to assist the Planning Board, ~~and the Village Engineer,~~ ~~and Director of Planning~~ in evaluating potential impacts of the proposed activity.

C.D. In order to preserve the natural functions of freshwater wetlands, no controlled activity will be permitted within a freshwater wetlands/~~watercourse~~ buffer as defined in this chapter except as provided in Subsection **E** of this § 171-7.

D.E. In consideration of applications, the Planning Board, ~~and the Village Engineer,~~ ~~and the Director of Planning~~ are authorized to attach reasonable conditions intended to minimize the overall impact of the activity on ~~the~~ nearby freshwater wetlands ~~or watercourse~~. Such conditions may include but are not limited to:

- (1) Erosion and sediment controls in compliance with the provisions of the New York State Standards and Specifications for Erosion and Sediment Control as same may be amended, modified or superseded, from time to time, by other standards and specifications.
- (2) In the event that it is determined by the Planning Board that impacts to freshwater wetlands or a freshwater wetlands/~~watercourse~~ buffer are necessary and unavoidable and have been minimized to the maximum extent practicable, the Board may permit a controlled activity, ~~provided that the Planning Board also approves a mitigation plan supplied by the applicant, in accordance with the New York State Stormwater Management Design Manual as same may be amended modified or superseded, from time to time, by other standards and specifications, within a freshwater wetlands/watercourse buffer and, in such~~

event, shall require the applicant to develop a mitigation plan, to include, if appropriate, creation of replacement freshwater wetlands that recreate as nearly as possible the original freshwater wetlands in terms of type, functions and setting, and that is larger, by a ratio of at least 1.5 to 1.0, than the original freshwater wetlands. All mitigation plans approved by the Planning Board shall be subject to approval upon the following conditions:

(a) That the mitigation plan reduces the impact and disturbance to freshwater wetlands and the wetland buffer area (in that order) as is necessary to substantially achieve the applicant's desired outcome.

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(b) That the mitigation plan results in the restoration or repair of existing damaged freshwater wetlands and wetland buffer areas to the greatest extent possible.

(c) That the mitigation plan, to the greatest extent reasonably possible, results in the preservation of remaining wetlands.

(d) That the mitigation plan limits the removal of, or disturbances to, hydrophytic vegetation to the greatest extent possible while still substantially achieving the applicant's desired outcome.

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(e) That the mitigation plan provides for the replacement of the original freshwater wetlands or wetland buffer by recreating, as nearly as possible, in terms of type, function, and setting, additional wetland or wetland buffer areas that are larger, by a ratio of at least 1.0, than the originally effected area. Meaning that for every square foot of disturbance within the wetland/watercourse buffer area that at least one square foot of wetlands or wetland buffer are recreated on the property.

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(f) That the mitigation plan provides stabilization and other measures to prevent erosion and siltation of wetlands.

(g) Any other requirements deemed necessary by the Planning Board to protect and enhance the wetland or wetland buffer.

(3) Any mitigation plan approved by the Planning Board pursuant to this section shall become part of the permit for the application, even if not affixed thereto or referenced therein.

(2)(4) The Planning Board shall have the authority, when approving a permit under this Chapter, to condition the permit upon the acceptance of a monitoring, maintenance, and inspection plan to be approved by the Village Engineer or the Director of Planning. The Planning Board shall, when conditioning a permit

upon the acceptance of a monitoring, maintenance, and inspection schedule plan, require that the applicant establish an escrow fund with the Village to cover the reasonable and necessary costs of staff and any consultants retained by the Village for purposes of conducting the monitoring and inspection on behalf of the Village.

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~~(3)(5)~~ In the consideration of applications for subdivisions and for nonresidential construction, the Planning Board may require creation and continuous maintenance of natural vegetation within the freshwater wetlands/~~waterecourse~~ buffer as defined in this chapter.

~~(4)(6)~~ In the event that it is determined by the Planning Board that there are no feasible alternatives to a construction activity within the freshwater wetlands/~~waterecourse~~ buffer, the Board may approve a permit subject to the condition that the applicant post a bond or other surety adequate to hire a qualified person to regularly inspect the project during construction to ensure that all mitigation measures required in the Board's approval are in fact implemented prior to the start of construction and continuously throughout the construction process until a certificate of occupancy is issued.

§ 171-8 Expiration; no changes to permit without approval.

A. All permits approved under this Chapter shall expire twenty-four (24) months after the permit is approved, unless an extension is granted by the Planning Board, Village Engineer or Director of Planning, as applicable.

B. There shall be no changes, additions, erasures, modifications, or revisions to any plans, applications, or permits unless approved by the Planning Board, Village Engineer or Director of Planning, as applicable.

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§ 171-8-2 State-designated freshwater wetlands Compliance with other laws.

No permit granted pursuant to this chapter shall remove an applicant's obligation to comply in all respects with the applicable provisions of any other federal, state, or local law, statute or regulation, including, but not limited to, the acquisition of any other required permit or approval by another governmental agency having jurisdiction over the project. New York State has designated one freshwater wetland (MV-1) within the Village on the New York State Freshwater Wetlands Map, under the provisions of Article 24 of the Environmental Conservation Law. This wetland is along a tributary of the Sheldrake River, near Crossway Field. In addition to compliance with the requirements of this chapter, any activity within 100 feet of this state-designated freshwater wetlands will require a permit from the New York State Department of Environmental Conservation.

§ 171-~~9-10~~ **Performance bond.**

The Planning Board, ~~and~~ the Village Engineer, or the Director of Planning may require that, prior to commencement of work under any permit issued pursuant to this chapter, the applicant post a performance bond, cash deposit or other surety in an amount not to exceed ~~20% of the anticipated cost of the work covered by the permit~~ the full restoration cost, including professional fees, of the wetland, wetland buffer and wetland controlled area, and approved as to form by the Village Attorney, to insure that all conditions of the permit are adhered to. The bond shall be released upon completion of the work permitted by said permit, provided that such work is found to be in accordance with the provisions of the permit and is completed to the satisfaction of the Village Engineer or the Director of Planning.

§ 171-~~40-11~~ **Stop-work order.**

A. The Village Engineer or Director of Planning may suspend or revoke a permit in the form of a stop-work order based on a finding that the applicant has not complied with any or all of the terms of such permit, has exceeded the authority granted in the permit or has failed to undertake the project in the manner set forth in the approved application.

B. Upon the issuance of a stop-work order the applicant shall file, within 30 days, an application for an amended permit with the Planning Board, Village Engineer or Director of Planning, as applicable, and pay double the applicable filing fee according to the Village schedule of fees. No work pertaining to the stop work order shall commence until after securing approval of an amended permit unless prior authorization is granted by the Village Engineer or Director of Planning.

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§ 171-~~44-12~~ **Fees.**

For the purposes of defraying administrative costs involved in the review of applications and costs of legal notices required by law, all applications shall be accompanied by a fee, payable to the Village of Scarsdale, as established by the Village Board.

§ 171-~~42-13~~ **Appeals.**

- A.** An applicant may appeal from any decision of the Village Engineer or Director of Planning. The applicant shall apply to the Planning Board within 30 days after the decision of the Village Engineer or Director of Planning.
- B.** An applicant may appeal from any decision of the Planning Board. The applicant shall commence an action pursuant to Article 78 of the Civil Practice Law and Rules within 30 days after the date the decision of the Planning Board is filed with the Village Clerk.

§ 171-~~13-14~~ **Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to this Chapter, and not the Penal Law of the State of New York, punishable by a fine not exceeding less than \$250-1,500 a day or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offence hereunder.

~~§ 171-14 15. Amendments to Freshwater Wetlands Map.~~

~~The Village Board shall have the authority to amend the Freshwater Wetlands Map upon review and report from the Planning Board, pursuant to Chapter 77, Planning Board, of the Code of the Village of Scarsdale.~~

§ 171-15 **Applicability.**

Any existing encroachment into a freshwater wetland controlled area as of the effective date of this amendment shall not be subject to the requirements of this article.

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 171 of the Village of Scarsdale Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification.

It is the intention of the Village of Scarsdale and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Scarsdale; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not

been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

Section 5. Effective Date.

This local law shall take effect upon filing with the Office of the Secretary of State.

DRAFT

LOCAL LAW NO. ____ OF 2026

VILAGE OF SCARSDALE
BOARD OF TRUSTEES

A LOCAL LAW TO AMEND CHAPTER 192 OF THE SCARSDALE VILLAGE
CODE CONCERNING LICENSING

A LOCAL LAW to amend Chapter 192 of the Scarsdale Village Code to add Article II providing for the licensing of design professionals who submit plans and/or applications to the Village.

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

Section 1. Chapter 192 of the Scarsdale Village Code, entitled “Licensing,” is hereby amended to provide that Section 192-1 through Section 192-4 shall be contained in Article I entitled “Licensing Requirements.”

Section 2. Chapter 192 of the Scarsdale Village Code, entitled “Licensing,” is hereby amended to add Article II entitled “Licensing of Design Professionals” as follows:

Article II Licensing of Design Professionals

§ 192-5 Legislative findings.

Pursuant to Municipal Home Rule § 10(1)(a)(12), it is hereby declared and found that because of pervasive and increased complaints and errors in materials submitted by Design Professionals, abuses in improper oversight and control over land use plans and documents by Design Professionals, consistent and blatant errors by professionals implementing approved plans and documents in the field, submission of differing land use plans and documents to different departments and land use boards by Design Professionals, intentional mischaracterizations to land use boards and staff on land use applications by Design Professionals, submission and implantation of incorrect measurements and calculations by Design Professionals, and failure to adhere to approvals and permits granted by the Village and its land use boards, it has become desirable to safeguard and protect the residents of the Village of Scarsdale by licensing the occupations which submit applications, land use plans, and documents for Land Use Approvals to the Village which are then relied upon to issue said Land Use Approvals and implementing approved plans and permits in the field.

§ 192-6 Definitions.

When used in this Article, the following terms shall have the meanings indicated:

DESIGN PROFESSIONAL

A person who is an, architect, engineer, landscape architect, or land surveyor issued a license by the State of New York, or a person who is an ISA Certified Arborist.

LAND USE APPROVAL

A building permit, subdivision, wetlands permit, area or use variance, special use permit, steep slopes permit, site plan, certificate of occupancy, certificate of appropriateness, tree removal permit, or approval by a land use board.

LAND USE BOARD

The Scarsdale Planning Board, Board of Appeals, Board of Architecture Review, or Committee for Historic Preservation.

LICENSEE

A person licensed by the Village of Scarsdale to engage in the services of a Design Professional in the Village of Scarsdale.

PERSON

An individual.

§ 192-7 License required.

- A. No Design Professional shall submit, or allow to be submitted, plans, applications, and/or documents in connection with a Land Use Approval unless such person is licensed pursuant to this Article.
- B. No Land Use Approval shall be approved or implemented unless all Design Professionals in connection therewith have a valid license.
- C. The license numbers of all Design Professional submitting applications, plans, and/or documents for a Land Use Approval in the Village of Scarsdale shall be written on the application for Land Use Approval.
- D. Notwithstanding Subsection A, any Design Professional who has not obtained a license under this Article but submits an application for Land Use Approval which requires approval by a Land Use Board shall have four (4) business days before such matter is scheduled to be heard by a Land Use Board, to acquire a license hereunder. If the Design Professional does not acquire a License within this timeframe the matter will be removed from the Land Use Board's agenda but will be placed on the next available agenda once a license is acquired.

E. Any license granted under this Article shall not be assigned or transferred by the Licensee.

§ 192-8 Application for license or renewal; affirmation regarding adherence to laws and approvals.

A. An application for a license under this Article, or a renewal thereof, shall be made in writing to the Scarsdale Building Department in accordance with such procedures, with such information and on such forms as the Director of Planning may from time to time require. An application shall require any information that is necessary to render a determination in accordance with this Article, and shall, at a minimum, include a certified and valid copy of the Design Professional's license issued by the State of New York.

B. A Design Professional seeking to obtain or renew a license under this Article, shall attest that such Design Professional is familiar with Chapters 132, 158, 171, 182, 205, 251, 254, 256, 281, 302, 310, A317, A319, and A321 of the Scarsdale Village Code, and will adhere to the requirements thereof.

C. A Design Professional seeking to obtain or renew a license under this Article, shall attest that such Design Professional will adhere to the Scarsdale Village Code, the Uniform Code of the State of New York, and the conditions, restrictions, or requirements required for the issuance of a Land Use Approval or set forth in a resolution adopted by any Land Use Board, and that no deviation from any Land Use Approval will be made without the prior approval of the Village.

§ 192-10 Fees.

A non-refundable flat fee for a license, including renewals, under this Article shall be established in the Schedule of Fees by the Board of Trustees. The license for a Design Professional shall be for three (3) calendar years, commencing on January 1st and expiring on December 31st. There shall be no pro rata fee.

§ 192-11 Grant or denial of license or renewal.

A. Within four (4) business days of receipt of an application by a Design Professional seeking to obtain or renew a license under this Article, the Director of Planning, or designee, shall grant or deny the license or renewal. The Director of Planning, or designee, shall grant the license or renewal unless the Director of Planning, or designee, determines that:

(1) The applicant is not licensed by the State of New York as a Design Professional or ISA.

(2) The applicant has not submitted a complete application, including attestations required therein.

- (3) The applicant has not paid the fee required for issuance of a license.
 - (4) The applicant has made a false or materially misleading statement on their application for a license or renewal.
 - (5) The applicant has submitted false or materially misleading information and/or certifications in connection with four (4) or more applications for Land Use Approval within the prior 12 months
 - (6) The applicant has been issued four (4) or more stop-work orders in the Village of Scarsdale within the prior 12 months.
 - (7) The applicant has been issued four (4) or more Notices to Correct or Notices of Violation in the Village of Scarsdale within the prior 12 months.
- B. Any denial of a license or renewal shall be made by the Deputy of Planning, or designee, in writing and set forth the specific reason(s) for said denial, and such denial shall be subject to administrative and judicial review in accordance with Subsection B of this Section.
- C. Within thirty (30) days after denial of an application for a license or a renewal thereof, the Design Professional may demand a hearing before the Village Manager, who shall schedule a hearing to determine whether to uphold the denial or grant the license. The Village Manager shall issue a written decision within ten (10) business days of the conclusion of the hearing, and such decision shall be mailed to the Design Professional. If the denial of the license or renewal is sustained by the Village Manager, the Design Professional may reapply for a license twenty-four (24) months after the determination is made. The Design Professional whose license or renewal is denied by the Village Manager may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules.

§ 192-12 Revocation or suspension of license.

- A. The Village Manager may revoke a license, or suspend a license for a period of time, with or without conditions, upon referral from the Building Inspector, Assistant Building Inspector, Director of Planning, Village Engineer, or Code Enforcement Officer(s) that any one or more of the grounds for denial of a license set forth in §§ 192-11A(1) to (5) have been satisfied by the Licensee.
- B. The Licensee shall be given written notice by the Village Manager that a proceeding to revoke or suspend their license has been commenced, including a copy of the charges and grounds for revocation or suspension. Notice shall be transmitted via certified mail to the Licensee to the mailing address provided by the Licensee in their application or most recent renewal. The Licensee shall have thirty (30) days from the date the notice is mailed to answer the charge(s) and demand a hearing before the Village Manager to

appeal such revocation or suspension. A hearing shall be conducted in accordance with § 192-11C. A Licensee aggrieved by any decision of the Village Manager to suspend or revoke a license, may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules.

§ 192-13 Exemptions.

The following persons are exempt from the requirements of this Article: A person employed by or retained by the Village of Scarsdale, a municipality of the State of New York, or the State of New York, including agencies thereof, seeking Land Use Approval in their official capacity.

§ 192-14 Penalties.

Except for a circumstance provided for in § 192-7D, any Design Professional, ~~Contractor or Entity~~ who knowingly violates this Article shall be guilty of an unclassified misdemeanor hereunder, and shall, upon conviction, be subject to a fine of no less than \$5,000 or more than \$10,000, or imprisonment not exceeding thirty (30) days, or to both a fine and imprisonment.

Section 3. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 192 of the Village of Scarsdale Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. Numbering for Codification.

It is the intention of the Village of Scarsdale and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Scarsdale; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 5. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

Section 6. Effective Date.

This local law shall take effect on [INSERT DATE], 2026, after filing with the Office of the Secretary of State.

DRAFT

LOCAL LAW NO. ____ OF 2026

**VILLAGE OF SCARSDALE
BOARD OF TRUSTEES**

**A LOCAL LAW TO AMEND THE SCARSDALE VILLAGE CODE
CONCERNING SITE PLAN APPROVAL**

A LOCAL LAW to amend Chapter 251 of the Scarsdale Village to amend certain site plan approval regulations.

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

Section 1. Chapter 251 of the Code of the Village of Scarsdale, entitled “Site Plan,” is hereby amended as follows:

CHAPTER 251 SITE PLAN

§ 251-1. Site plan required.

- A. Whenever any nonresidential building or any multifamily dwelling is proposed to be erected or enlarged or altered or whenever any dwelling or other structure is proposed to be erected, enlarged or altered on a lot at a distance from the street or on a lot approved by the Planning Board under the provisions of § 7-738 of the Village Law, a site plan for such building shall be submitted to the Planning Board for review and approval, approval with modifications, or disapproval. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.
- B. Whenever any land-disturbing activity within the adjoining property buffer area, as defined in § 254-4, is proposed, a site plan shall be submitted to the Planning Board pursuant to § 254-10.1 for review and approval, approval with modifications, or disapproval. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.
- C. Whenever any site disturbance, as defined in § 310-2 of this Code, exceeds the thresholds set forth in § 251-1C(1) below, a site plan shall be submitted to the Planning Board for review and approval, approval with modifications, or disapproval. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.

- (1) Site disturbance thresholds for site plan review in the following zoning districts shall be as follows:

Zoning District	Thresholds for Site Plan Review
A-5: 5,000 sf min.	50% of lot area
A-4: 7,500 sf min.	45% of lot area
A-3: 10,000 sf min.	40% of lot area
A-2a: 15,000 sf min.	40% of lot area
A-2: 20,000 sf min.	35% of lot area
A-1: 1 acre	30% of lot area
AA-1: 2 acres	30% of lot area

- (2) The following activities are exempt from the site disturbance thresholds set forth in § 251-1C(1) above.
- (a) Repairs to any stormwater management practice or facility deemed necessary by the Village Engineer;
 - (b) Routine landscaping maintenance activity in areas that have already been cultivated, including, but not necessarily limited to, the stripping of existing lawn areas followed by the immediate replacement in kind where there are no proposed changes in grade;
 - (c) Repair in kind or repaving of existing walls, driveways, patios, walkways, tennis courts, and swimming pools, provided the parcel is not regraded in the process; and
 - (d) Emergency activity necessary to protect life, property, or natural resources.
- D. For all construction and other development ("development" as defined in § 167-4 of this Code) to be undertaken within a special flood hazard area (SFHA), as identified in Flood Insurance Rate Maps (FIRMs) and/or Flood Hazard Boundary Maps (FHBM) published by the Federal Emergency Management Agency (FEMA), a site plan shall be submitted to the Planning Board for review and approval, approval with modifications or disapproval. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.
- (1) The Village Engineer, in its sole discretion, may grant a waiver from receiving site plan approval under this Subsection D, as follows:
- (a) When site plan approval is not required under any other subsection of § 251-1; and
 - (b) The proposed construction or development would not result in an increase in stormwater surface runoff within a SFHA or FHBM; or
 - (c) The proposed construction or development would not result in an increase in impervious surface coverage within a SFHA or FHBM; or
 - (d) The proposed construction or development would not result in an adverse impact on a wetland, watercourse, water body, or environmentally critical area; or
 - (e) Otherwise impair the objectives of this section or Chapters 167, 171 or 254.
- (2) The waiver standards set forth under § 251-1D(1) above shall not impair or interfere with the requirements or approvals set forth under Chapters 167, 171 or 254 of this Code.
- E. For any corner lot within a residential zoning district, where a newly constructed home is proposed, a site plan shall be submitted to the Planning Board for review and approval, approval with modifications, or disapproval. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.
- F. A demolition site plan, in accordance with § 251-~~5D5E~~^{5D5F}, shall be submitted to the Planning Board for review and approval, approval with modifications, or disapproval for i) the

demolition, removal, or structural alteration of more than 50% of a one-family dwelling's total exterior walls (measured in linear feet) or ii) the demolition, removal, or structural alteration of more than 50% of a one-family dwelling's total front-yard-facing exterior walls (measured in linear feet). Exterior walls will be deemed to be the subject of "structural alteration" if, in the judgment of the Building Official, there is reasonable cause to believe that the walls will be, or will have to be, substantially replaced during the construction process, or the walls will not survive the construction process intact. Demolition site plan approval shall only be granted after the Committee for Historic Preservation, or the Board of Trustees on appeal, has issued a certificate of appropriateness and, if applicable, such demolition site plan shall be approved at the same time as any other site plan approval required under this Code. If a demolition site plan is required, no demolition permit shall be issued except in conformity with a demolition site plan approved by the Planning Board.

- G. The construction or enlargement of any residential property in a Residence A Zoning District with a proposed gross floor area of 15,000 square feet or more shall require site plan approval from the Planning Board. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.

~~H. Applications for a cluster site plan, pursuant to Village Law § 7-738, shall require site plan approval from the Planning Board. In addition to the requirements and standards set forth in this chapter, such applications shall also comply with § A319-45 of this Code. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.~~

~~I. In accordance with § 310-19 of this Code, site plan approval shall be required for any legal nonconforming interior lot, commonly referred to as a "flag lot." No building permit shall be issued except in conformity with a site plan approved by the Planning Board.~~

- JH. Site disturbances in the aggregate. For the purposes of Subsections C and F above, demolition, construction, alteration, or improvements proposed in all building permit applications within any thirty-six-month period shall be aggregated to determine if any of the thresholds for "site disturbance" or "structural alteration" have been met.

§ 251-2. General requirements and considerations.

- A. In the case of each nonresidential building in any Residence A District, the Planning Board may prescribe:
- (1) The maximum height of all such buildings, which height shall not be greater than the maximum height of residential buildings permitted by this Code.
 - (2) The maximum percentage of the gross area of the lot which may be occupied by the buildings and improvements.
 - (3) The maximum length and width of all such buildings.
 - (4) The minimum distances which such buildings must set back from front, rear and side lot lines, which distances shall not be less than the minimum distances which residential buildings are required by this Code to be set back from such lot lines in the district in which the lot is located.
 - (5) The minimum number of parking spaces to be provided and maintained on the lot, which number shall not be less than the minimum number required by § 310-70 of

Chapter 310.

- B. Such requirements may be prescribed after taking into consideration, among other factors, the general character of the neighborhood, the size and location of buildings in the vicinity, extent and types of uses to be made of the proposed building or buildings and traffic conditions and parking facilities in the area, and such requirements shall be consistent with the public health, safety and general welfare of the community and shall be designed, insofar as practicable, to avoid or minimize:
- (1) Creation of or seriously aggravating a traffic or other hazard.
 - (3) Any significant impairment of the use, enjoyment or value of properties in surrounding areas.
 - (4) Any incongruous or detrimental change in the prevailing character of the neighborhood.
 - (5) Any deterioration of the appearance of the area.

§ 251-3. Expansion of preexisting nonresidential and multifamily buildings.

- A. If the proposed nonresidential or multifamily building or buildings are designed to expand or enlarge facilities existing on October 11, 1966, and presently used for the same or similar purposes, the Planning Board shall take into consideration, in addition to the above considerations, the following:
- (1) Changes which have taken place since the erection of such existing building or buildings which have led to the proposed expansion or enlargement.
 - (2) Any anticipated future need for further expansion or enlargement.
 - (3) Whether the proposed expansion or enlargement is for educational, religious or benevolent purposes.
 - (4) Whether any curtailment of or relocation of the proposed or existing facilities would result in unnecessary hardship.
 - (5) Alternatives, if any, and the relative costs thereof available to provide for the proposed expansion or enlargement.
 - (6) The size and shape of the lot, the size, shape and location of existing buildings and the relationship thereto of the proposed expansion or new buildings.
- B. The Planning Board, in determining the requirements to be imposed in connection with proposed nonresidential and multifamily buildings designed to expand or enlarge existing facilities, shall attempt to establish a reasonable balance between any unnecessary or unreasonable hardship to the users of the existing facilities found to exist after consideration of the factors set forth above and a reasonable modification of the standards otherwise applicable to nonresidential or multifamily buildings.

§ 251-4. Special application requirements in Village Center Area.

In the Village Center Area, any application for site plan approval shall be accompanied by a plan

indicating how the applicant proposes to mitigate any potential impacts upon parking and traffic conditions which may occur during the period of project construction. Approval of such a plan, with such modifications as may be required by the Planning Board, shall be a required element precedent to site plan approval.

§ 251-5. Content of site plan and submission materials.

The site plan and submission materials shall ~~be accompanied by the following~~ contain the following:

- A. A narrative statement detailing the proposed project and site drawing showing the location and dimensions of principal and accessory structures, parking areas, signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations and other environmental matters.
- B. A sketch map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements, and other pertinent features.

C. A signature block on the approved plans for the Clerk to the Board.

D. A signature block on the approved plans for the owner and/or applicant.

EC. Site plan checklist:

- (1) Legal data.
 - (a) Section, block, and lot numbers of the property taken from the latest tax records along with a copy of the most recent property card on file with the Assessor's office.
 - (b) Title of the drawing, including the name and address of the applicant and person responsible for preparation of such drawing and the date, and date of revision, if any.
 - (c) North arrow, scale, and location map drawn to a scale of not less than one inch equals 1,000 feet.
 - (d) Survey map accurately reflecting existing conditions and defining precisely the boundaries of the property, setbacks of all structures, location of easements, and such other information as required by the Building Inspector or Village Engineer, including a topographical survey. Such survey shall be certified by a New York State licensed land surveyor no more than one year prior to the date of the application.
 - (e) The locations, names, and existing widths of adjacent streets, including curblines.
 - (f) The location and owners of all adjoining lands as shown on the latest tax records.
 - (g) Copies of:

[1] The deed to the property;

- [2] All easements; and
 - [3] All existing and proposed deed restrictions or covenants applying to the property, including, but not limited to, covenants and agreements restricting the use and establishing future ownership and maintenance responsibilities for all private roads, recreation, and open space areas.
- (h) Existing and proposed zoning compliance table. Calculations of lot coverage shall be performed pursuant to §§ 310-22 or 310-23 using the prescribed online forms.
 - (i) Any prior land use approvals with respect to the subject property.
 - (j) Any other legal agreements, documents, or information required by the Planning Board
- (2) Natural features.
- (a) As defined in Chapter 171 of the Code, the location of all existing watercourses, intermittent streams, freshwater wetland/watercourse buffer areas, and springs.
 - (b) Topographic data at a minimum contour interval of two feet, showing existing and proposed contours on the property and a minimum of 25 feet into all adjacent properties.
 - (c) Approximate boundaries of any areas subject to flooding or stormwater overflows, including areas of special flood hazard and coastal high-hazard areas.
 - (d) Rock outcroppings and areas of steep slope.
 - (e) Pursuant to § 281-25 of this Code, a tree inventory plan, tree preservation plan, and, if required, a tree removal and replacement plan. In addition, such plans shall show the location and characteristics of the different areas of vegetation and tree canopies, including the identification and species of all individual trees six or more inches in diameter at breast height ("DBH") requiring a tree removal permit pursuant to § 281-4, protected and heritage trees of any size, as well as stands of trees and wooded areas, and tree canopies within areas of proposed disturbance.
- (3) Existing structures and utilities.
- (a) Location of all buildings and structures on the premises and approximate location of all neighboring buildings or structures within 100 feet of the lot line.
 - (b) Location of all existing public and private roads, paved areas, and sidewalks.
 - (c) Locations, dimensions, grades, and flow direction of existing sewers, culverts, waterlines, as well as other underground utilities within and adjacent to the property.
 - (d) Other existing site improvements, including, but not limited to, fences, landscape walls, retaining walls, landscaping, and screening.
 - (e) Location of all existing drainage infrastructure, including, but not limited to, swales, drainage easements, dry wells, and basins.

(4) Proposed development.

- (a) Grading and drainage plan, showing existing and proposed contours, new grades indicating clearly how such grades will meet existing grades of adjacent properties or the street, and calculations of expected storm drain loads to be accommodated by the proposed drainage system.
- (b) Any stormwater management plan required by Chapter 254 of this Code, or that will be required.
- (c) Location, design, type of construction, proposed use, and exterior dimensions of all buildings, including length, width, ground floor elevation, and height.
- (d) Location, design, and type of construction of all parking and truck loading areas, showing access and egress.
- (e) Provision for pedestrian access.
- (f) Location, size and proposed screening of outdoor storage areas, if any.
- (g) Location, design, and construction material of all existing or proposed site improvements, including drains, culverts, retaining walls, landscape walls, and fences.
- (h) Description of the method of sewage disposal and storm drainage location, design, and construction material of such facilities.
- (i) Description of the method of securing public water and location, design, and construction material of such facilities.
- (j) All proposed above and underground utilities.
- (k) Location of fire and other emergency zones, including the location of fire hydrants.
- (l) Location, design, and construction materials of all energy distribution facilities, including electrical, gas, and solar energy.
- (m) Location, size, wording, design, color, illumination, and type of construction of all proposed signs.
- (n) Location and proposed development of all buffer areas, including existing vegetative cover.
- (o) Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
- (p) Landscape plan with a plant schedule that includes the common name, scientific name, height and/or spread, nursery condition, and quantities of all plant material proposed and specifications and details for plant installation and post-planting maintenance.

- (q) Landscape plan shall include all plantings within five feet of the subject property line and/or within the adjoining property buffer, as defined in § 254-4 of this Code. The landscape plan shall also show all mature trees on neighboring properties that are within 10 feet of the subject property line and have a diameter at breast height ("DBH") of 12 or more inches.
- (r) Estimate of earthwork showing the quantity of any material to be imported to and/or removed from the site.
- (s) Description of measures planned to assure proper erosion and sedimentation control.
- (t) An estimated project construction schedule.
- (u) Record of application for and approval status of all necessary permits from state and county officials and local utility companies.
- (v) Identification of any federal, state, or county permits required for the project's execution, including project referrals, if any, and environmental review procedures mandated by Article 8, Environmental Quality Review, of the Environmental Conservation Law (SEQRA).
- (w) The outlines of any proposed easements, deed restrictions, or covenants.
- (x) Details outlining tree removal, protection, and replacement plan(s).
- (5) Other elements integral to the proposed development as deemed necessary by the Planning Board.

FD. Demolition. When so required by § 251-1F, the following shall be required in connection with site plan approval for demolition:

- (1) The Planning Board shall not issue site plan approval for any applicable demolition until the Planning Board approves a demolition management plan and site restoration plan. The demolition plan and site restoration plan shall include, but not be limited to:
 - (a) The time frames during which demolition and site restoration may occur and must be completed;
 - (b) A requirement to fill all exposed below-grade areas with soil and to grade the lot to match adjacent grades, all in compliance with Chapter 254, Stormwater Management and Erosion and Sediment Control;
 - (c) A requirement that all aboveground and overhead utilities be removed;
 - (d) Where, upon satisfaction of the conditions provided below, the Planning Board permits foundation and/or other below-grade infrastructure or materials to remain on the lot, a requirement that a survey showing the locations and dimensions of such foundation and below-grade infrastructure and materials to remain after demolition will be filed with the Building Department;
 - (e) A plan to protect trees (including the root systems of trees located on adjacent properties) and other vegetation during demolition operations;

- (f) A plan showing the extent of the proposed site disturbance, as defined in § 310-4 of this Code, caused by the demolition, including any proposed site disturbance caused by new construction;
 - (g) A post-demolition landscaping plan in accordance with the Planning Board's requirements, which shall include maintenance of such landscaping and a prohibition against bare areas of soil; and
 - (h) A prohibition against chain-link fencing and gates when demolition is complete.
- (2) If a site plan application for new improvements is pending, no demolition permit may be approved or issued until the new improvements have all required permits and approvals.
 - (3) Where an applicant seeks approval for the foundation and/or other below-grade infrastructure or materials to remain on the lot, the applicant shall submit a certified statement from the applicant's engineer that the foundation and such infrastructure and materials and the methods proposed to cover them are structurally sufficient and will not, under reasonably expected circumstances, cause any instability on the lot within the next 10 years.
 - (4) Exceptions. Where the Building Official determines that the improvement or part thereof creates an immediate threat to the health, safety, or welfare of the community, the Building Inspector may permit demolition to occur without the Planning Board having first issued site plan approval, including a demolition management plan and site restoration plan. The applicant must, either concurrently during demolition or immediately thereafter if it is not feasible to do so concurrently, seek approval from the Planning Board of a site plan and post-demolition site restoration plan, which shall include the same provisions referenced in Subsection D(1) above, and failure to seek such approvals shall be a violation of this Code subject to the penalties set forth in § 310-94 of this Code.

GE. Waiver of requirements. The ~~Village Planner~~Director of Planning may waive any of the above submission requirements that it believes to be unnecessary based on the location or scope of the proposed development. Notwithstanding any waiver granted by the ~~Village Planner~~Director of Planning, the Planning Board may require such information or additional submissions as it deems reasonably necessary to enable it to reach an informed result.

§ 251-6. Construction management plan.

- A. Any residential or commercial construction project that is subject to the site plan review and approval of the Planning Board shall be required to prepare a construction management plan (CMP), unless the Planning Board waives the CMP requirement. The CMP shall be submitted as part of the application for site plan approval and shall be reviewed and approved by the Planning Board and shall be subject to further and final review and approval by the Building Inspector and the Village Engineer, prior to the issuance of any permit for the project.
- B. The CMP shall include the following information:
 - (1) Schedule. The applicant shall provide a project schedule.

- (2) Job site, facilities, and storage. The CMP shall include the location on the project site of all loading/unloading areas, job box and material storage areas, portable toilet(s), dumpsters, on- site temporary power, any protective fencing around the job site, any trees and vegetation to be preserved, and any trees and vegetation to be removed. These and any other construction-related facilities shall not be located in the public right-of-way without the prior approval of the Building Inspector.
- (3) Traffic control plan. The traffic control plan shall identify the path of travel for delivery trucks and emergency vehicles to and from the project site. In addition, all on- and off-site worker parking locations shall be identified, including any carpool pickup and dropoff locations.
- (4) Staging areas. The CMP shall specify construction staging area locations. The CMP shall also address delivery and construction vehicle staging for the duration of the project. The staging plan shall estimate the number of truckloads, number of heavy equipment deliveries, etc., expected and their timing and duration for each stage of the project.
- (5) Stone cutting. If stone cutting is proposed to be done on-site, the CMP shall designate the area where stone is to be cut, the approximate number of days of stone cutting, and mitigation measures, including but not limited to noise and dust.
- (6) Excavated materials. The CMP shall describe the estimated quantity of soil being:
 - (a) Excavated;
 - (b) Disposed off-site;
 - (c) Stockpiled on-site; and
 - (d) How much soil, if any, will be reused on-site.

C. Waiver of requirements. The Building Inspector may waive any of the above submission requirements that it believes to be unnecessary based on the location or scope of the proposed development. Notwithstanding any waiver granted by the Building Inspector, the Planning Board may require such information or additional submissions as it deems reasonably necessary to enable it to reach an informed result.

§ 251-7. Review standards.

The following standards are offered to facilitate guidance during the Planning Board's review and evaluation of a site plan. As no two parcels of land are exactly alike, and each proposed site plan introduces a different set of circumstances into the evaluation equation, the factors to be reviewed and the relative weight given to them will vary from site to site. Therefore, these standards are not exclusive nor mandatory, but are to be considered by the Planning Board as they determine, in their sole discretion, is appropriate.

- A. Landscape and environment. To prevent the unnecessary destruction of the existing landscape and improvements, particular consideration shall be given to the following:
- (1) Provision for minimal degradation of unique or irreplaceable land types and protection of the water flow of aquifers and other ground watercourses and wetlands;

- (2) Preservation of desirable land characteristics and significant geological and topographic features;
 - (3) Examination of any proposed change in the topography of the site;
 - (4) Preservation or replacement of existing trees and treescapes, plants, and other vegetation;
 - (5) Preservation and protection of historical, archaeological and landmark areas and structures;
 - (6) Protection of animal and plant life processes; and
 - (7) Underground placement of utility services.
- B. Relationship of structures and open space. To assure harmony between development and open spaces in the Village, particular consideration shall be given to:
- (1) Siting of buildings and accessory structures and equipment;
 - (2) Landscape design;
 - (3) Location and layout of walks, drives, and other site features;
 - (4) Preservation of views from the site and from public areas;
 - (5) Provisions of screening around and landscape treatment within open parking and service areas;
 - (6) Relationship and scaling of building ~~design footprint~~ and ~~height exterior architectural features~~ to the environment to which it is visually related and to the pedestrian; and
 - (7) Likelihood of nuisances.
- C. Circulation and parking. To determine that the proposal facilitates safe and appropriate pedestrian access, vehicular traffic movement, servicing, and parking within the Village, particular consideration shall be given to:
- (1) Vehicle sight lines at street and drive intersections;
 - (2) Provisions for access and movement of fire and emergency vehicles;
 - (3) Width and alignment of drives and access roads and layout of parking and service areas;
 - (4) Location and distance of curb cuts in relation to street intersections;
 - (5) Effect of traffic generated by the proposed development upon surrounding streets, intersections, and off-site parking; and
 - (6) Appropriateness of location, width, and layout of internal circulation to the proposed development.
- D. Protection of neighbors. To protect owners and users and the Village by providing for such matters as:

- (1) Surface water drainage;
 - (2) Sound and sight buffers;
 - (3) Natural light and air;
 - (4) Disposal of solid, liquid, and gaseous waste and for avoidance of odors and air pollutants; and
 - (5) Aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses and the functioning of the Village and its services.
- E. Compliance with other laws and regulations. To coordinate compliance with other standards and local, state, and federal laws and regulations which affect design:
- (1) The Comprehensive Plan;
 - (2) This chapter and other local laws related thereto;
 - (3) New York State Uniform Code;
 - (4) Utility standards and regulations;
 - (5) Environmental protection laws;
 - (6) Pollution control standards;
 - (7) Noise control standards; and
 - (8) Floodplain regulations.
- F. Surface water drainage. The Planning Board's review of stormwater management, erosion, sediment, and pollution control shall be in accordance with Chapter 254 of this Code.
- G. Application to accessory uses. The standards of review prescribed by this section shall also apply to all accessory buildings, structures, freestanding signs, and other site features, however related to primary buildings or structures of a site development.
- H. The Planning Board may refer matters to other land use boards for review and reporting, and to require performance bonds or other security sufficient to cover the cost of compliance.

§ 251-8. Conditions attached to the approval of site plans; Signature on site plan.

A. Conditions. The Planning Board shall have the authority to impose reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of the site plan, any conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Village.

B. Clerk's Signature. No certificate of occupancy shall be issued unless the site plan has been signed by the Clerk to the Board. The Clerk to the Board shall only sign the site plan after all approvals have been granted by other land use boards of the Village and all conditions of site plan approval have been satisfied or arrangements have been made to ensure completion of

any outstanding or incomplete conditions to the satisfaction of the Village Engineer.

- C. Owner's Signature. The owner and applicant (if different) shall sign the site plan after approval but before any building permit is issued or work commences. The owner and applicant (if different) shall sign the site plan to confirm they have read and are familiar with the site plan, and its notes, will comply with all conditions of approval, and shall not deviate from same without prior authorization from Village staff or Planning Board, as the case may be.

§ 251-9. Expiration of site plan approval.

At the time of approving the site development plan, the Planning Board may set forth the time period in which construction is to begin and be completed. Otherwise, a building permit must be applied for within 12 months of site plan approval, construction commenced within 18 months of approval, and a certificate of occupancy obtained by the later of two years from site plan approval or 18 months after issuance of a building permit. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.

251-10 Processing of site plans.

- A. The following types of applications requiring site plan approval, and approval by the Board of Appeals or Board of Architectural Review Board, shall first be submitted to the Planning Board prior to review by any other Board: (i) construction of a new residence; (ii) construction of new commercial buildings or commercial structures; or (iii) modifications to more than 50% of a building or structure's existing square footage consisting of any combination of the front, rear and side elevations.
- B. Any application requiring site plan approval not subject to Subsection A above, which requires approval by the Board of Appeals, shall be first submitted to the Board of Appeals.
- C. Any application requiring site plan approval and not subject to Subsection A or B above, shall be first submitted to the Planning Board.
- D. In no instance shall an application requiring site plan approval be submitted to the Board of Architectural Review prior to being submitted and reviewed by the Planning Board.
- E. Site plan approval involving a Certificate of Appropriateness. No application for site plan may be granted by the Planning Board involving the demolition of a substantial part of any building in the Village, as defined in § 182-3E, unless a Certificate of Appropriateness has been first granted pursuant to Chapter 182, Historic Preservation. No application for site plan may be decided by the Planning Board pending the ultimate determination of an appeal made pursuant to § 182-11A and B of this Code. Any site plan approval issued by the Planning Board shall incorporate any conditions attached to a Certificate of Appropriateness, which conditions are hereby incorporated by reference even if not expressly set forth in the Planning Board's approval resolution. Nothing herein shall be construed to prevent the Planning Board

from referring an application to the Committee for Historic Preservation.

F. Processing of referrals. The Planning Board shall refer, with or without comments, applications to the Board of Architectural Review, Board of Appeals or any other Village land use board for review and comment in such order as determined by the **Director of Planning**. The Planning Board shall not issue site plan approval until any required variances or special permits are issued by the Board of Appeals or any Certificate of Appropriateness is issued by the Committee for Historic Preservation.

G. Deviation(s) from an approved site plan.

(a) Any actual or proposed material deviation from an approved site plan is prohibited unless the Planning Board grants amended site plan approval. Actual or proposed non-material deviations to an approved site plan (i.e. field changes) may be administratively approved by the Building Inspector. In either circumstance, a licensed professional shall submit a plan set highlighting all deviations from the approved plan(s).

(b) For avoidance of doubt, and notwithstanding anything to the contrary, once the Planning Board has granted site plan approval, the Board of Architectural Review may not require modification(s) to the location of the principal building on the lot nor deny an application because an applicant does not consent to said modification(s).

H. In the instance that an applicant to the Planning Board begins work or is found to be in violation of Chapter 132, Chapter 134, Chapter 152, Chapter 167, Chapter 171, Chapter 254, Chapter 277 and Chapter 310 of the Village Code the applicant shall correct such violation before a certificate of occupancy may be issued.

§ 251-11 Statutory authority.

This chapter is enacted pursuant to the authority granted to the Village of Scarsdale pursuant to Section 7-725-A of the New York State Village Law.

§ 251-12 Enforcement; penalties.

A. The Building Inspector, Assistant Building Inspector, Village Engineer, Assistant **Civil Engineer, Director of Planning**, or Code Enforcement Officer(s), are hereby granted enforcement authority as follows:

(1) To issue a stop-work order to any owner, lessee, contractor, corporation, architect, builder, engineer, surveyor, agent, employee, or other natural or non-natural person, or the agent or employee of any of them performing work on a property, based upon a finding that the work has not complied with this Chapter, the site plan approval resolution, or any requirements of approval by the Planning Board, including amendments thereto. Upon the issuance of a stop work order the property owner, or their representative, shall correct the violation within the timeframe set forth in the stop-work order, which may include paying a filing fee, according to the Village schedule of fees. No work shall be performed on a property that is subject to a stop-work order except at the discretion of the enforcement officer.

(2) To issue a notice of violation and/or order to remedy, which shall direct the owner, lessee, contractor, corporation, architect, builder, engineer, surveyor, agent, employee, or other natural or non-natural person, or the agent or employee of any of them performing work at a property, to correct any unauthorized work undertaken in violation of this Chapter, the site plan approval resolution, or any requirements of approval by the Planning Board, including amendments thereto. The notice of violation and/or order to remedy shall set forth a reasonable timeframe to correct such unauthorized work, provided that such timeframe shall not exceed thirty (30) days unless special circumstances warrant a longer period to correct such unauthorized work.

(3) To issue appearance tickets to any owner, lessee, contractor, corporation, architect, builder, engineer, surveyor, agent, employee, or other natural or non-natural person, or the agent or employee of any of them performing work at a property, based upon reasonable cause that the owner, lessee, contractor, corporation, architect, builder, engineer, surveyor, agent, employee, or other natural or non-natural person, or the agent or employee of any of them performing work at a property has violated this Chapter, the site plan approval resolution, or any requirements of approval by the Planning Board, including amendments thereto.

B. Any violation of this Chapter, the site plan approval resolution, or any requirements of approval by the Planning Board, including amendments thereto, shall be subject to the penalties set forth in § 310-94 of this Code.

§ 251-~~10~~13. Conflict with other provisions.

In the event any of the provisions set forth in Chapter 251 of this Code, concerning site plan review, conflict with any of the provisions of site plan review set forth in Chapter A319 of this Code, this chapter shall control and supersede such inconsistent provision(s).

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 251 of the Village of Scarsdale Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification.

It is the intention of the Village of Scarsdale and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Scarsdale; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State.