

**VILLAGE OF BRONXVILLE  
BOARD OF TRUSTEES**

**PROPOSED LOCAL LAW NO. 1-2021**

**A LOCAL LAW TO AMEND CHAPTER 310, ZONING, REGARDING SITE PLAN  
APPROVAL FOR ONE-FAMILY DWELLINGS, DEMOLITION STANDARDS, AND  
GENERAL SITE PLAN STANDARDS AND APPROVAL TIMING**

Be it enacted by the Board of Trustees of the Village of Bronxville as follows:

**Section 1:** Section 310-26.A of Chapter 310 the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- A. Site plan approval required. Pursuant to § 7-725-a of the Village Law, no land shall be cleared or altered nor shall any building or other structure be constructed, demolished, moved, externally altered or enlarged, nor shall any watercourse, floodplain or wetlands be diverted, dredged or filled, nor shall the use of any land, building or other structure be changed, nor shall any building or other use permit be issued, except in accordance with final approval of a site plan granted by the Planning Board pursuant to this article, provided, however, that (1) with respect to one-family dwellings, Site Plan Approval (including for demolition) shall be required as provided in § 310-26.D below; (2) building permits for interior alterations only, not involving a change in use, shall not require site plan approval; (3) a change in permitted use of first-floor space in the Central Business A District and Service Business B District to another use within the same permitted use category (e.g., retail establishment to another retail establishment, or restaurant to another restaurant), not involving changes to any previously issued special permit, shall not require site plan approval; and (4) in the Central Business A District and Service Business B District, a change from a permitted retail, service, or restaurant use to a permitted office use, not involving changes to any previously issued special permit, shall not require site plan approval.

**Section 2:** There is hereby added to Section 310-26 of Chapter 310 the Code of the Village of Bronxville a new subsection D, titled “Site Plan Approval for Detached One-Family Dwellings”, which shall read as follows:

- D. Site Plan Approval for Detached One-Family Dwellings.

(1) Site plan approval shall be required with respect to the demolition, construction, alteration, or improvement of any detached one-family dwelling that involves or proposes any of the following:

- (a) The construction of a new one-family dwelling;
- (b) The “material alteration” of an existing one-family dwelling. For purposes of this Chapter, any demolition, construction, improvement, or other alteration shall be deemed to constitute a “material alteration” if it would involve:

- [1] An increase in the total FAR of a one-family dwelling by more than 30%;
- [2] The demolition, removal, or structural alteration of more than 50% of a one-family dwelling's total exterior walls (measured in linear feet);
- [3] 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);
- [4] Alteration(s) and/or improvement(s) to a one-family dwelling that would both (i) increase the existing FAR by more than 15% and (ii) result in a one-family dwelling of over 6,000 square feet in floor area; or
- [5] Alteration(s) and/or improvement(s) to a one-family dwelling that would result in a one-family dwelling of over 7,500 square feet in floor area.

(c) For purposes of subparagraph (b), above:

- [1] Demolition, construction, alteration, or improvements proposed in all building permit applications within any 36-month period shall be aggregated to determine if any of the thresholds for "material alteration" have been met; and
- [2] 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 (a) the walls will be, or will have to be, substantially replaced during the construction process, or (b) the walls will not survive the construction process intact.

**Section 3:** There is hereby added to Section 310-26 of Chapter 310 of the Code of the Village of Bronxville a new subsection E, titled "Demolition", which shall read as follows:

E. Demolition.

- (1) The following shall be required in connection with site plan approval for demolition:
  - (a) The Planning Board shall not issue site plan approval for any demolition until the Planning Board approves a demolition management plan and site restoration plan. The demolition plan and site restoration plans shall include, but not be limited to:
    - [1] The time frames during which demolition and site restoration may occur and must be completed;

- [2] A requirement to fill all exposed below-grade areas with soil and that the lot be graded to match adjacent grades, all in compliance with Chapter 257, Stormwater Management and Erosion and Sediment Control;
  - [3] A requirement that all aboveground and overhead utilities be removed;
  - [4] 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 be filed with the Building Department;
  - [5] A plan to protect trees (including the root systems of trees located on adjacent properties) and other vegetation during demolition operations;
  - [6] 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
  - [7] A prohibition against chain-link fencing and gates when demolition is complete.
- (b) If a site plan application for new improvements is pending, the Planning Board shall require that demolition not occur until the new improvements have all required permits and approvals.
  - (c) 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.
  - (d) 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 E(1)

above, and failure to seek such approvals shall be a violation subject to the penalties in the following subsection.

**Section 4:** Section 310-27.E(1) of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- (1) The Planning Board shall review such application and after notice and hearing shall take official action within 62 days after such hearing is completed by (a) granting preliminary approval; (b) granting preliminary approval with modifications (including conditions and safeguards designed to promote the purposes of Article VIII); or (3) disapproving the application, being guided by the standards set forth in § 310-30 of this article. Preliminary approval shall be subject to any site and on-tract improvement requirements imposed pursuant to § 310-29 of this article. The Board shall furnish copies of the decision to the Building Official and the Village Clerk.

**Section 5:** Section 310-28.C of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- C. Statement from Design Review Committee. The application shall be reviewed by the Design Review Committee which shall report to the Planning Board as to the acceptability of the proposal with respect to the factors and criteria related to design/architecture enumerated in § 310-30, and as to any other issues the Committee deems relevant.

**Section 6:** Section 310-30.A(1) of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- (1) Landscape and environment. To prevent the unnecessary destruction or blighting of the Village's landscape or achieved man-made environment, particular consideration shall be given to the following, insofar as practical:
  - (a) Provision for minimal degradation of unique or irreplaceable land types and protection of the water flow of aquifers and other groundwater courses and wetlands;
  - (b) Preservation of desirable land characteristics and significant geological and topographic features;
  - (c) Preservation or replacement of existing trees and treescapes, plants, and other vegetation;
  - (d) Preservation and protection of historical, archaeological and landmark areas and structures;
  - (e) Protection of animal and plant life processes; and
  - (f) Underground placement of utility services.

**Section 7:** Section 310-30.A(2) of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- (2) Relationship of structures and open space: To assure that the treatment of built-up areas and open spaces in the Village have been designed so that they relate harmoniously to the terrain and landscape and to existing buildings that have a visual relationship to the proposed development, particular consideration shall be given to:
  - (a) Siting of buildings and accessory structures and equipment;
  - (b) Effects of building height, length, bulk and shadows. This shall include consideration of the visual compatibility of, among other things: height, gross volume, and rhythm of solids to voids created by openings in the façade;
  - (c) Landscape design;
  - (d) Location and layout of walks, drives and other site features;
  - (e) Preservation of views from the site and from adjoining areas;
  - (f) Appropriateness of building architectural style and materials (including colors, textures, and patterns) to ensure visual compatibility with the surrounding buildings and environment;
  - (g) Provisions of screening around and landscape treatment within open parking and service areas;
  - (h) Relationship and scaling of building design and exterior architectural features to the environment to which it is visually related and to the pedestrian; and
  - (i) Likelihood of nuisances.

**Section 8:** There is hereby added to Article VI of Chapter 310 of the Code of the Village of Bronxville a new section 310-33.1, titled “Penalties”, which shall read as follows:

§ 310.33.1. Penalties. In addition to any other penalties provided in law or in equity, any party violating any of the provisions of this Article VI of the Code of the Village of Bronxville or any condition of a Planning Board approval shall be guilty of a violation (i.e., not a misdemeanor or felony) punishable by a fine of up to \$5,000 for each violation. Each day a given violation continues shall constitute a separate offense.

**Section 9:** Section 310-44.F(8) of Chapter 310 the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

- (8) Time for decision on applications to Planning Board for development. Preliminary approval shall be granted or denied on applications for development to the Planning Board within 62 days after completion of the public hearing before the Planning Board,

except as otherwise provided in this article or agreed to by the applicant. Final approval shall be granted or denied on applications for development to the Planning Board within 62 days after completion of the public hearing before the Planning Board, except as otherwise provided in this article or agreed to by the applicant.

**Section 10:** Section 310-44.F(10) of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

(10) Reserved.

**Section 11 [OPTION A]:** Grandfathering. The provisions of this local law requiring Site Plan Approval in connection with one family dwellings shall not apply to improvements for which a complete Building Permit application is filed with the Village's Building Department prior to November 13, 2020, except that such proposed alterations or improvements (and any prior improvements) shall be taken into consideration in determining whether any applications filed on or after November 13, 2020 require Site Plan Approval pursuant to the provision of Section 2 above for the enactment of the new § 310-26.D(1)(c)[1].

**Section 11 [OPTION B]:** Grandfathering. The provisions of this local law requiring Site Plan Approval in connection with one-family dwellings shall not apply to improvements for which a complete Building Permit application is filed with the Village's Building Department prior to the effective date of this law, except that such proposed alterations or improvements (and any prior improvements) shall be taken into consideration in determining whether any applications filed on or after the effective date of this law, require Site Plan Approval pursuant to the provisions of Section 2 above that provide for the enactment of new § 310-26.D(c)[1].

**Section 12:** Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**Section 13:** This Local Law shall take effect immediately upon filing with the Secretary of State.