

**September 24, 2007**

Regular Meeting of Board of Trustees  
Called to order 8:00 PM

Present: Mayor John Fitzpatrick  
Trustee Steve Ecklund  
Trustee Luigi Marcoccia  
Trustee Clare Gorman  
Trustee Ernest Zocchi

The meeting opened with the salute to the flag and Pledge of Allegiance.

**SPECIAL PRESENTATION(S)**

**Presentation by Knights of Pythias regarding their annual "Supreme Chancellors Award.**

Grand Chancellor Lloyd Mercer announced that this was the third annual Supreme Chancellor's Award, which was a prestigious award. The recipient, Susan Ciamarra, was chosen by the Board of Trustees based on her commitment to the community, the Beautification Committee, the effort with the Tuckahoe Day, Crestwood Street Fair and all the hidden work she does for the Village. The presentation will be held at 69 Main St. on Oct. 12, 8:30pm. All are welcome. Ms. Ciamarra thanked the Grand Chancellor and each member of the Board for this great honor.

**Presentation by Frank Travers regarding Marbledale Road Traffic issues.**

Mr. Frank Travers, 276 Marbledale Rd., expressed safety concerns with Marbledale Rd. which concerns over the past few years have gone from bad to worse and there have been several accidents. He submitted a petition signed, by neighbors, requesting that the road be changed from a two-way street to a one-way street.

Trustee Ecklund said that he too lives on Marbledale Road and concurs with Mr. Travers. Mayor Fitzpatrick noted that the Board has been exploring the possibility of making the intersection at Marbledale Rd. and Fisher Ave. a 'T' intersection.

John Cavallaro, Village Attorney, added that the direction of a particular road in the Village could be changed by the Village Board with the recommendation from the Fire Dept., Police Dept. and the DPW. The Board may possibly consider receiving a regional perspective by requesting the County Planning Board's input and a traffic impact study must be completed.

Mr. John Costanzo, Police Chief, said that the volume of traffic throughout the Village and Westchester County has increased 100%. To change Marbledale Road to a one-way street will negatively impact the response time for the F.D., P.D. and EVAC. Adding that one-way does not actually slow down vehicles, it sometimes increases the speed as the driver does not need to be concerned about oncoming traffic.

Trustee Marcoccia stated that he is an advocate of speed bumps and asked if the Village would consider a temporary speed bump on Marbledale Rd. Chief Costanzo said he would consider speed bumps on Marbledale and a "T" intersection at the corner.

Mayor Fitzpatrick said he is committed to this project; however, this matter needs to be studied further and hopefully come up with a solution to best correct the problem.

Mr. Travers thanked the Board and the Chief for their input, but noted that in his experience, emergency vehicles travel down one-way streets during an emergency often, so the response time may not be effected. He asked the Mayor to keep him informed of the progress.

## **PUBLIC HEARINGS**

**I. Note. Sequence of the three local laws that follow, as previously advertised, have been changed as noted: Local Law #11 has changed to Local Law #12; Local Law #12 has changed to Local Law #13 and Local Law #13 has changed to Local Law #11.**

### **Public Hearing No. I – LOCAL LAW NO. 11 OF THE YEAR 2007 - A LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY THE NEW YORK STATE CONSTITUTION, ARTICLE IX, SECTION 2, AND ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36**

**Motion by Trustee Ecklund to open public hearing, was seconded by Trustee Marcoccia and upon roll call was carried with a vote of 5 – 0.**

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on September 24, 2007.

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 24th day of September 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties concerning whether it shall be determined by the said Board of Trustees whether a Local Law concerning flood management requirements under the National Flood Insurance Program should be enacted; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 16th day of September 2007; and

WHEREAS, said public hearing was duly held on the 24th day of September 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) it has been determined by the Village Board of said Village that the adoption of said proposed Local Law would not have a significant effect upon the environment; and

WHEREAS, the Village Board adopts a negative declaration pursuant to SEQRA and its implementing regulations; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

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

*Section 1.*

**SECTION 1.0**  
**STATUTORY AUTHORIZATION AND PURPOSE**

**1.1 FINDINGS**

The Board of Trustees of the Village of Tuckahoe finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Tuckahoe and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

**1.2 STATEMENT OF PURPOSE**

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

**1.3 OBJECTIVES**

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

## **SECTION 2.0 DEFINITIONS**

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

**"Appeal"** means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

**"Area of shallow flooding"** means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of special flood hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

**"Base flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means that portion of a building having its floor subgrade (below ground level) on all sides.

**"Building"** see "Structure"

**"Cellar"** has the same meaning as "Basement".

**"Crawl Space"** means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

**"Critical Facilities"** means:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- (2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
- (3) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and
- (4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

**"Elevated building"** means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

**"Federal Emergency Management Agency"** means the Federal agency that administers the National Flood Insurance Program.

**"Flood"** or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;

- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

**"Flood Boundary and Floodway Map (FBFM)"** means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

**"Flood Elevation Study"** means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**"Flood Insurance Study"** see "flood elevation study".

**"Floodplain" or "Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

**"Floodproofing"** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Floodway"** - has the same meaning as "Regulatory Floodway".

**"Functionally dependent use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

**"Highest adjacent grade"** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**"Historic structure"** means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (i) by an approved state program as determined by the Secretary of the Interior or
  - (ii) directly by the Secretary of the Interior in states without approved programs.

**"Local Administrator"** is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

**"Lowest floor"** means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

**"Manufactured home park or subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Mean sea level"** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**"Mobile home"** - has the same meaning as "Manufactured home".

**"New construction"** means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

**"One hundred year flood"** or **"100-year flood"** has the same meaning as "Base Flood".

**"Principally above ground"** means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

**"Recreational vehicle"** means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

**"Start of construction"** means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Structure"** means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**"Substantial damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**"Substantial improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred

"substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

**"Variance"** means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

### **SECTION 3.0 GENERAL PROVISIONS**

#### **3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES**

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Village of Tuckahoe, Westchester County.

#### **3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Village of Tuckahoe, Community Number 360934, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers 36119C0329F, whose effective date is September 28, 2007, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.
- (2) A scientific and engineering report entitled "Flood Insurance Study, Westchester County, New York, All Jurisdictions" dated September 28, 2007.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at: the Building Department of the Village of Tuckahoe, Village Hall, 65 Main Street, Tuckahoe, New York 10701.

#### **3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS**

This Local Law includes all revisions to the National Flood Insurance Program through March 20, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules,

regulations, ordinances, or local laws, the most restrictive, or that imposing the higher standards, shall govern.

### **3.4 SEVERABILITY**

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

### **3.5 PENALTIES FOR NON-COMPLIANCE**

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of Tuckahoe from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

### **3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Village of Tuckahoe, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made thereunder.

## **SECTION 4.0 ADMINISTRATION**

### **4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The Building Inspector is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

### **4.2 THE FLOODPLAIN DEVELOPMENT PERMIT**

#### **4.2-1 PURPOSE**

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

#### **4.2-2 FEES**

All applications for a floodplain development permit shall be accompanied by an application fee of \$100.00. In addition, the applicant shall be responsible for reimbursing the Village of Tuckahoe for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

#### **4.3 APPLICATION FOR A PERMIT**

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency

(FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

#### **4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR**

Duties of the Local Administrator shall include, but not be limited to the following.

##### **4.4-1 PERMIT APPLICATION REVIEW**

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

##### **4.4-2 USE OF OTHER FLOOD DATA**

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

#### **4.4-3 ALTERATION OF WATERCOURSES**

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

#### **4.4-4 CONSTRUCTION STAGE**

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

#### **4.4-5 INSPECTIONS**

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor

compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

#### **4.4-6 STOP WORK ORDERS**

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

#### **4.4-7 CERTIFICATE OF COMPLIANCE**

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

#### **4.4-8 INFORMATION TO BE RETAINED**

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,

- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

## **SECTION 5.0 CONSTRUCTION STANDARDS**

### **5.1 GENERAL STANDARDS**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

#### **5.1-1 SUBDIVISION PROPOSALS**

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

#### **5.1-2 ENCROACHMENTS**

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
  - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
  - (ii) the Village of Tuckahoe agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Tuckahoe for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Tuckahoe for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new

construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

- (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
  - (ii) the Village of Tuckahoe agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Tuckahoe for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Tuckahoe for all costs related to the final map revisions.
- (3) Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

## **5.2 STANDARDS FOR ALL STRUCTURES**

### **5.2-1 ANCHORING**

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

### **5.2-2 CONSTRUCTION MATERIALS AND METHODS**

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

### **5.2-3 UTILITIES**

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## **5.3 RESIDENTIAL STRUCTURES**

### **5.3-1 ELEVATION**

The following standards, in addition to the standards in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES, apply to structures located in areas of special flood hazard as indicated.

- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood level.
- (2) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

- (3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

#### **5.4 NON-RESIDENTIAL STRUCTURES**

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
  - (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
  - (ii) be floodproofed so that the structure is watertight below two feet above the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
  - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
  - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

## **5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES**

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
  - (i) be on site fewer than 180 consecutive days,
  - (ii) be fully licensed and ready for highway use, or
  - (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- (4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).

## **5.6 CRITICAL FACILITIES**

In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any Area of Special Flood Hazard, or within any 500-year flood zone shown as a B zone or a Shaded X zone on the Community's Flood Insurance Rate Maps.

## **SECTION 6.0 VARIANCE PROCEDURE**

## **6.1 APPEALS BOARD**

- (1) The Zoning Board of Appeals as established by the Village of Tuckahoe shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
  - (i) the danger that materials may be swept onto other lands to the injury of others;
  - (ii) the danger to life and property due to flooding or erosion damage;
  - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (iv) the importance of the services provided by the proposed facility to the community;
  - (v) the necessity to the facility of a waterfront location, where applicable;
  - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (vii) the compatibility of the proposed use with existing and anticipated development;
  - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
  - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

## **6.2 CONDITIONS FOR VARIANCES**

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
  - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure".
  - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met;
  - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
  - (i) a showing of good and sufficient cause;
  - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
  - (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
  - (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

Be it enacted this 24th day of September, 2007 by the Board of Trustees of the Village of Tuckahoe, Westchester County, New York, to be effective immediately.

APPLICATION # \_\_\_\_\_

Page 1 of 4

## FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

This form is to be filled out in duplicate.

### SECTION 1: GENERAL PROVISIONS (APPLICANT to read and sign):

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit is invalid if no work is commenced within six months of issuance, and expires 2 years from date of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
7. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. ) THIS

**Attachment A**  
**MODEL FLOODPLAIN DEVELOPMENT**  
**APPLICATION FORM**

### SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT)

NAME	ADDRESS	TELEPHONE
APPLICANT		
BUILDER		
ENGINEER		

### PROJECT LOCATION:

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well-known landmark. A map attached to this application, and a sketch showing the project layout would be helpful.

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APPLICATION # \_\_\_\_\_

DESCRIPTION OF WORK (Check all applicable boxes):

A. STRUCTURAL DEVELOPMENT

<u>ACTIVITY</u>	<u>STRUCTURE TYPE</u>
<input type="checkbox"/> New Structure	<input type="checkbox"/> Residential (1-4 Family)
<input type="checkbox"/> Addition	<input type="checkbox"/> Residential (More than 4 Family)
<input type="checkbox"/> Alteration	<input type="checkbox"/> Non-residential (Floodproofing? <input type="checkbox"/> Yes)
<input type="checkbox"/> Relocation	<input type="checkbox"/> Combined Use (Residential & Commercial)
<input type="checkbox"/> Demolition	<input type="checkbox"/> Manufactured (Mobile) Home
<input type="checkbox"/> Replacement	(In Manufactured Home Park? <input type="checkbox"/> Yes <input type="checkbox"/> No)

ESTIMATED COST OF PROJECT \$ \_\_\_\_\_

B. OTHER DEVELOPMENT ACTIVITIES:

- Fill     Mining     Drilling     Grading
- Excavation (Except for Structural Development Checked Above)
- Watercourse Alteration (Including Dredging and Channel Modifications)
- Drainage Improvements (Including Culvert Work), Stormwater Control Structures or Ponds
- Road, Street or Bridge Construction
- Subdivision (New or Expansion)
- Individual Water or Sewer System
- Other (Please Specify) \_\_\_\_\_

After completing SECTION 2, APPLICANT should submit form to Local Administrator for review.

**SECTION 3: FLOODPLAIN DETERMINATION (To be completed by LOCAL ADMINISTRATOR)**

The proposed development is located on FIRM Panel No. \_\_\_\_\_, Dated \_\_\_\_\_.

The Proposed Development:

- The proposed development is reasonably safe from flooding. Entire property is in Zone B, C or X.
- The proposed development is in adjacent to a flood prone area.  
100-Year flood elevation at the site is:  
\_\_\_\_\_ Ft.  NGVD 1929/  NAVD 1988 (MSL)  
 Unavailable
- See Section 4 for additional instructions for development that is or may be in a flood prone area.

SIGNED \_\_\_\_\_ DATE



in conformance with provisions of Local Law #\_\_\_\_\_, (yr)\_\_\_\_\_. This permit is hereby issued subject to the conditions attached to and made part of this permit.

SIGNED \_\_\_\_\_, DATE \_\_\_\_\_

If BOX A is checked, the Local Administrator may issue a Development Permit upon payment of designated fee.

If BOX B is checked, the Local Administrator will provide a written summary of deficiencies. Applicant may revise and resubmit an application to the Local Administrator or may request a hearing from the Board of Appeals.

Expiration Date: \_\_\_\_\_

APPEALS: Appealed to Board of Appeals?  Yes  No  
Hearing date: \_\_\_\_\_  
Appeals Board Decision --- Approved?  Yes  No

Conditions:

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**SECTION 6: AS-BUILT ELEVATIONS (To be submitted by APPLICANT before Certificate of Compliance is issued)**

The following information must be provided for project structures. This section must be completed by a registered professional engineer or a licensed land surveyor (or attach a certification to this application). Complete 1 or 2 below.

1. Actual (As-Built) Elevation of the top of the lowest floor, including basement (in Coastal High Hazard Areas, bottom of lowest structural member of the lowest floor, excluding piling and columns) is: \_\_\_\_\_ FT.  NGVD 1929/  
 NAVD 1988 (MSL).  
**Attach Elevation Certificate FEMA Form 81-31**

2. Actual (As-Built) Elevation of floodproofing protection is \_\_\_\_\_ FT.  NGVD 1929/  NAVD 1988 (MSL).

***Attach Floodproofing Certificate FEMA Form 81-65***

NOTE: Any work performed prior to submittal of the above information is at the risk of the Applicant.

**SECTION 7: COMPLIANCE ACTION (To be completed by LOCAL ADMINISTRATOR)**

The **LOCAL ADMINISTRATOR** will complete this section as applicable based on inspection of the project to ensure compliance with the community's local law for flood damage prevention.

INSPECTIONS: DATE \_\_\_\_\_ BY \_\_\_\_\_ DEFICIENCIES?  YES  NO  
DATE \_\_\_\_\_ BY \_\_\_\_\_ DEFICIENCIES?  YES  NO  
DATE \_\_\_\_\_ BY \_\_\_\_\_ DEFICIENCIES?  YES  NO

**SECTION 8: CERTIFICATE OF COMPLIANCE (To be completed by LOCAL ADMINISTRATOR)**

Certificate of Compliance issued: DATE: \_\_\_\_\_

Attachment B

**SAMPLE  
CERTIFICATE OF COMPLIANCE**

for Development in a Special Flood Hazard Area  
**CERTIFICATE OF COMPLIANCE  
FOR DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA**

(Owner Must Retain This Certificate)

Premises located at:

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...

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Owner:

---

Owner's Address:

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Permit No.: \_\_\_\_\_ Permit Date: \_\_\_\_\_

Check One:

- New Building
- Existing Building
- Fill
- Other:

The Local Floodplain Administrator is to complete a. or b. below:

- a. Compliance is hereby certified with the requirements of Local Law No. \_\_\_\_, (yr)

Signed: \_\_\_\_\_ Dated:

- b. Compliance is hereby certified with the requirements of Local Law No. \_\_\_\_, (yr)  
, as modified by variance no. \_\_\_\_, dated

Signed: \_\_\_\_\_ Dated:

Section 2. Negative Declaration.

The Village Board of Trustees in finding that the enactment of this Local Law will not produce significant adverse impacts on the environment hereby adopts a negative declaration pursuant to SEQRA and its implementing regulations.

Section 3. Separability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

Section 4. Controlling Provisions.

To the extent this Local Law conflicts with any other chapters, articles, sections, resolutions, ordinances or local laws of the Village of Tuckahoe, this Local Law shall be controlling.

Section 5. Effective Date

This Local Law shall take effect immediately.

Section 6. Notice of Adoption

The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

John Cavallaro, Village Attorney, noted that Local Law will benefit the residents in that the goal is to control flood damage. With a permit requirement in place, residents could get better rates from insurance carriers. It does not help the resident get insurance, but helps with more points when risk is characterized by the underwriter.

**No Public Comments**

**Motion by Trustee Ecklund to close the public hearing was seconded by Trustee Marcoccia and upon roll call was carried with a vote of 5 – 0.**

**Motion by Trustee Ecklund to adopt Local Law #11 of the year 2007 was seconded by Trustee Marcoccia and upon roll call was carried with a vote of 5 – 0.**

**Public Hearing II -**

**LOCAL LAW NO. 12 OF 2007 - A LOCAL LAW REPEALING SECTION 7-6 AND AMENDING SECTIONS 7-7 AND 7-8 OF THE CODE OF THE VILLAGE OF TUCKAHOE AS SET FORTH IN CHAPTER 7, ENTITLED "ELECTRICAL CODE"**

**Motion by Trustee Ecklund to open public hearing, was seconded by Trustee Gorman and upon roll call was carried with a vote of 5 - 0.**

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on September 24, 2007.

WHEREAS, legislation has been requested repealing Section 7-6 and amending Sections 7-7 and 7-8 of the Code of the Village of Tuckahoe, entitled "Electrical Code;" and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 16<sup>th</sup> day of September 2007; and

WHEREAS, said public hearing was duly held on the 24th day of September, 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

NOW, THEREFORE, be it enacted by the Village Board of the Village of Tuckahoe, as follows:

Section 1. Section 7-6 of the Code of the Village of Tuckahoe is hereby repealed in its entirety and said section shall be deemed reserved by the Village.

Section 2. Section 7-7 of the Code of the Village of Tuckahoe is hereby amended and modified as follows:

**Section 7-7. Enforcement; right of entry.**

(a) This chapter shall be enforced by the Building Inspector of the Village of Tuckahoe. He shall, upon application, grant permits for the installation of electrical wiring and equipment and shall make inspections of all new installations and reinspections of all electrical installations all as provided in this chapter. He shall keep

complete records of all permits issued and inspections made and other official work performed under the provisions of this chapter.

(b) The Building Inspector is hereby empowered to [deputize one (1) or more regular inspectors of the New York Board of Fire Underwriters as his deputy inspector or inspector of all electrical installations as provided for in this chapter and said deputy or deputies shall serve without compensation] to engage the services of electrical inspection companies or firms that are properly licensed, accredited, bonded and insured in accordance with industry standards. Provided an electrical inspection company or firm is properly licensed, accredited, bonded and insured in accordance with industry standards and is in good standing with the Village and such other agencies having jurisdiction thereof, the Building Inspector shall not disqualify such company or firm from providing electrical inspection services within the Village of Tuckahoe. It shall be the duty and obligation of such electrical inspection company or firm desiring to provide electrical inspection services within the Village to reasonably evidence to the Building Inspector that the individual or individuals that are actually performing such inspections are properly licensed and accredited and have such other qualifications that the Building Inspector may reasonably require. In the event that the Building Inspector disqualifies an electrical inspection company or firm from providing electrical inspection services within the Village, such company or firm shall have the right to appeal the decision of the Building Inspector to the Village Board of Trustees within 30 days of the Building Inspector's disqualification of such company or firm. The decision of the Board of Trustees shall be deemed final and binding.

(c) It shall be unlawful for the Building Inspector or any of his [deputies] employees to engage in the business of the sale, installation or maintenance of electrical wiring, electrical devices or electrical equipment either directly or indirectly and he shall have no financial interest in any concern engaged in any such business in the Village of Tuckahoe or elsewhere at any time while holding the office of Building Inspector.

(d) The Building Inspector [or his authorized deputy] or the Code Enforcement Officer shall have the right during reasonable hours to enter any building in the discharge of his official duties or for the purpose of making any inspection or test of the installation of electrical wiring, electrical material or apparatus, fixtures or appliances contained therein and shall have the authority to cause the turning off or disconnecting from the source of supply of all electric currents and to cut or disconnect in cases of emergency any wire where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department until such wiring devices and equipment and their installation have been made safe as directed by him.

Section 3. Section 7-8 of the Code of the Village of Tuckahoe is hereby amended and modified as follows:

**Section 7-8. Inspection and certificates.**

(a) Upon the completion of the installation of the electrical wiring, devices and equipment which have been authorized by issuance of a permit, it shall be the duty of the person, firm or corporation installing the same to notify the Building Inspector of the completion of such work and the person, firm or corporation installing the same shall select an electrical inspection company engaged and authorized to provide electrical inspection services within the Village and said electrical inspection company or firm [who] shall inspect the installation promptly after such notice is given, and if it is found to be fully in compliance with the provisions of this chapter, [he] such electrical inspection company shall endorse on the countersign a [of the] certificate [the New York Board of Fire Underwriters] of completion or such other certificate on [such] forms provided and approved by the Building Inspector and the Building Inspector shall issue to such person, firm or corporation this certificate as a final approval authorizing connection to the electrical service and the turning on of the current and the use of the installation and shall send written notice of the authorization to the public utility corporation furnishing the electrical service. When a certificate is issued authorizing the connection and the use of temporary work, such a certificate shall be issued to expire at a stated time and shall be revocable by the Building Inspector at his discretion. A preliminary certificate may be issued authorizing the connection and use of certain specified portions of an uncompleted installation; such a preliminary certificate shall be revocable at the discretion of the Building Inspector.

(b) If upon the inspection of the installation it is not found to be fully in compliance with this chapter, the Building Inspector shall at once forward to the person, firm or corporation installing the wiring a written notice stating the defects which have been found to exist. When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the wiring shall notify the Building Inspector and such parts of the wiring installation shall not be concealed until they have been inspected or until twenty-four (24) hours, exclusive of Sundays and legal holidays, shall have elapsed from the time of such notification, provided that, on large installations where the concealment of parts of the wiring proceeds continuously, the person, firm or corporation installing the wiring shall give the Building Inspector due notice and inspections shall be made periodically during the process of the work.

Section 4. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

Section 5. This Local Law shall take effect immediately.

Section 6. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

New Matter Underlined  
Deleted Matter in Brackets [ ]

Mayor Fitzpatrick noted that the Village currently uses only one electrical company to inspect buildings, this law would allow competition. Now other electrical companies may apply to perform electrical work for the Village. The increase of the number of electrical inspection companies will be from 1 – 4.

### **No Public Comments**

**Trustee Gorman motioned to close public hearing, was seconded by Trustee Marcoccia and upon roll call was carried with a vote of 5 - 0.**

**Trustee Ecklund motioned to adopt Local Law No. 12 of the year 2007, was seconded by Trustee Gorman and upon roll call was carried with a vote of 5 - 0.**

### **Public Hearing No. III - LOCAL LAW NO. 13 OF 2007 -A LOCAL LAW AMENDING AND SUPPLEMENTING THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE CONCERNING THE REGULATION OF SIGNS AND AWNINGS**

**Trustee Gorman motioned to open the public hearing was seconded by Trustee Zocchi and upon roll call was carried with a vote of 5 – 0.**

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on September 24, 2007.

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 24th day of September 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties concerning whether certain sections of the Code of the Village of Tuckahoe and the Zoning Ordinance of the Village of Tuckahoe shall be repealed. These sections include Article II of Chapter 3 of the Village Code, Article V of Chapter 19 of the Village Code, Section 19-62 of the Village Code, Section 4-6 of the Zoning Ordinance of the Village of Tuckahoe governing signs, Section 4-7.7 of the Zoning Ordinance of the Village of Tuckahoe, Article VIII of the Zoning Ordinance of the Village of Tuckahoe as it pertains to the Planning Board having jurisdiction over the approval of signs and awnings and those other certain provisions of the Zoning Ordinance of the Village of Tuckahoe governing signs and awnings. In addition, at said public hearing it would be determined by the said Board of Trustees whether a new,

comprehensive chapter or article of the Village Code of the Village of Tuckahoe would be enacted that would govern and regulate signs and awnings; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 16th day of September 2007; and

WHEREAS, said public hearing was duly held on the 24th day of September 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) it has been determined by the Village Board of said Village that the adoption of said proposed Local Law would not have a significant effect upon the environment; and

WHEREAS, the Village Board adopts a negative declaration pursuant to SEQRA and its implementing regulations; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

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

*Section 1. Repeal of Article II*

Article II of Chapter 3 of the Code of the Village of Tuckahoe, inclusive of Section 3-16 through and including Section 3-30, entitled “Signs”, is hereby repealed in its entirety.

*Section 2. Restatement of Article II*

Article II of Chapter 3 of the Village Code of the Village of Tuckahoe, entitled “Signs” is hereby re-stated, amended and supplemented as follows:

**Article II. Signs and Awnings**

**Purpose and Intent**

The purpose of this Article is to promote and protect the general health, safety and welfare of the Village of Tuckahoe by regulating the design, construction, installation and maintenance of existing and proposed exterior signs and awnings and interior signs to be viewed externally. This Article is intended to: protect property values and create an attractive and harmonious economic climate; to permit effective identification of businesses to encourage economic prosperity; to protect and enhance the aesthetic environment by ensuring signage appropriate to the character of the Village; to reduce sign distractions and obstructions that may contribute to traffic accidents; to reduce hazards which may be created by signs projecting over or standing on sidewalks and streets; and to regulate signs and awnings in a manner consistent with the legislative intent and purposes set forth herein.

3-16. Definitions

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

1. **Sign** – Any material, structure or device which is composed of letters, pictures, engravings or symbols; designed or used for the purpose of attracting, or which does attract, the attention of the public to the subject matter thereof; and either located out of doors on the exterior of a building or located inside a building within five (5) feet of the window or in a manner to be viewed principally by passersby.
2. Other Definitions
  - a. **Awning** - A roof-like shelter over a door or window of durable waterproof fabric attached to a rigid frame and supported entirely from a wall of a building.
    - a. Retractable Awning – Any awning supported solely by the wall of a building which can be raised to position flat against the building when not in use.
    - b. Stationary Awning – Any awning that is not moveable.
  - b. **Awning Sign** - Any awning with a visual message.
  - c. **Banner**- A sign or decoration composed of cloth or lightweight material and is typically hung over a street or an entrance.
  - d. **Barber Pole** - Any cylindrical, rectangular or polygonal upright column, either with or without a rotating core, and having no internal illumination which is customarily used for advertising a barber shop.
  - e. **Bill** - A public notice such as an advertising poster.
  - f. **Billboard** – A sign which directs attention to a business, commodity, or service or entertainment conducted, sold, or offered elsewhere.
  - g. **Building Fascia** – That portion of any elevation of a building extending vertically from the grade to the top parapet wall or eaves, and horizontally across the entire width of the building elevation, including slanted wall surfaces sometimes referred to as a mansard.
  - h. **Building Inspector** – the Building Inspector of the Village of Tuckahoe
  - i. **Business Establishment** – Any premises either separate or defined by permanent party walls within a building, with a common entrance or entrances for one (1) or more businesses conducted therein. Each business in a building shall be considered its own business establishment for purposes of this Article.

- j. Code Enforcement Officer – The Code Enforcement Officer of the Village of Tuckahoe.
- k. Directional Sign – A sign designed to provide direction to pedestrian or vehicular traffic.
- l. Display Window – The area in a storefront specifically designed to display an arrangement or visual representation of merchandise to attract buyers.
- m. Erect - When used with respect to signs, means to paint, build, construct, alter, display, relocate, attach, hang, place, suspend, or affix. Such term does not include the repainting or refinishing of a sign in a manner which changes the color or design of a sign or any of its components.
- n. Free-Standing Sign - A sign not permanently attached to or part of any building but separate and permanently affixed into or upon the ground, including but not limited to pole and pylon signs, and monument signs.

Pole/Pylon - A freestanding sign with the base of the actual sign area at least six feet above the ground and supported by a vertical pole(s) or pylon(s).

Monument Sign - A freestanding sign supported by a base or one or two posts, with the top edge of the sign no more than six feet above the grade.

Post and Arm Sign - A freestanding sign comprising a vertical post to which a perpendicular arm is attached and from which the sign hangs.

- o. Gasoline Filling Station Canopy - A roof-like structure covering fuel dispensers at a gasoline filling station.
- p. Illuminated Sign - Any sign, including but not limited to neon, in or upon which an artificial light source is utilized in a manner to illuminate the information and graphics of the sign. There are four (4) types:

Self-Illuminated:

*Type A – Direct source wherein the light source itself is shaped and utilized to form the sign (e.g., neon or an array of individual lamps).*

*Type B - Internal-Illumination wherein a translucent, transparent or opaque material which forms the sign is back-lighted by the light source and the light source is enclosed from direct view.*

Externally Illuminated:

*Type C – Direct external illumination wherein the sign is illuminated by a light source placed in a manner to cast light upon the sign.*

*Type D - Indirect external illumination –wherein the sign, whether on an opaque, transparent or translucent panel, or applied to the window of the business establishment, is illuminated by ambient light.*

- q. Informational Sign – Signs permanently affixed to doors or windows advertising hours of operation, accepted credit cards, national or regional brands, menus.
- r. Logo/Logotype - A distinctly styled representation of the business, building or trademark for the specific business or building it serves.
- s. Off-Premises Sign - A sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.
- t. Painted Sign - Any sign which is painted or otherwise inscribed directly on any wall of a building or structure.
- u. Parapet Wall – The part of any wall entirely above the roof line.
- v. Plaque - A professional or commemorative, flat, thin, sign affixed directly to a building facade (e.g., professional name plates, historical plaques, directory plaques, etc.).
- w. Portable Sign - A sign designed to be moveable and not structurally attached to the ground, a building, a structure or another sign, including, but not limited to banners, balloons, and sandwich boards.
- x. Principal Sign – The establishment’s primary sign identifying the business to passersby, whether on a wall, awning or window.
- y. Professional Name Plate - A plaque limited to the name of the professional.
- z. Representational Sign – A three-dimensional sign built so as to physically represent the object advertised.
- aa. Right of way – A public path or route over private property that may lawfully be used by pedestrians.
- bb. Shopping Center- A group of stores, restaurants, and/or businesses within a single architectural plan. For the purposes of this Article, the compilation of businesses commonly known as Depot Mall at the corner of Columbus Avenue and Main Street.
- cc. Sidewalk – A paved walk way along the side of the street for pedestrian use.

- dd. Sidewalk Partition – A barrier or separator that divides or encloses the business and is located outside of the business on the sidewalk.
- ee. Sign Directory - A listing of two or more business enterprises.
- ff. Sign Structure - The supports, uprights, bracing and framework for a sign. In the case of a sign structure consisting of two or more sides where the angle formed between any two of the sides or projections thereof exceeds 30 degrees, each side shall be considered a separate sign.
- gg. Sign Surface Area - The entire area within a single, continuous perimeter enclosing all elements which form an integral part of a sign. The structure supporting a sign shall be excluded unless the structure is designed in a way so as to form an integral background for the display.
- hh. Street – Means any public or private way, street, avenue or road.
- ii. Temporary Sign - Any sign that is displayed for thirty (30) days or less, herein, including but not limited to signs for construction projects, political campaigns, real estate sales, grand openings, seasonal sales, anniversaries, or any other special event.
- jj. Wall Mounted Sign - A sign which is mounted directly on and parallel to the building wall.
- kk. Window – The entire glassed area within the frame.
- ll. Window Sign
  - a. (Exterior) - A sign visible from a sidewalk, street, or other public place which is permanently painted or etched on a window.
  - b. (Interior) - A sign visible from a sidewalk, street, or other public place which is supported on an easel, mounted on a wall, affixed to a window or suspended from a ceiling, located inside and primarily intended to be viewed from the exterior and is located five (5) feet or less from the window.

3-17. Prohibited Signs.

- a. All signs not specifically permitted are prohibited.
- b. Exterior signs containing product or service advertising or trade names separate from the name of the business.
- c. Neon signs.
- d. Non-street level window signs, except in industrially zoned areas.
- e. Off-premises signs and billboards, except as expressly permitted herein.
- f. Painted signs.

- g. Permanent interior window signs.
- h. Pole/pylon signs.
- i. Portable signs; except as expressly permitted herein.
- j. Representational signs.
- k. Self-illuminated signs.
- l. Signs or sign supports placed on the roof of a building and signs on parapets of buildings with more than one (1) story. For the purpose of this local law, a mansard fascia shall be considered a parapet.
- m. Signs illuminated by or containing flashing, intermittent, rotating or moving lights, or which vary in intensity or color or that resembles traffic control devices.
- n. Signs with visible moving, revolving or rotating parts, or visible mechanical movement, except traditional barber pole made of non-reflective materials.
- o. Signs constructed of or containing mirrors or other reflective materials.
- p. Signs that emit smoke, vapors, particles, or sounds.
- q. Signs that, by dimension, placement or visible light sources, obstruct the traversing by or the vision of pedestrians, cyclists or motorists, traveling on or entering buildings, public streets, sidewalks or rights-of-way.
- r. Signs or exterior displays consisting of pennants, flags, (except for one American Standard) ribbons, streamers, spinners, or similar moving, fluttering, or revolving devices, except as expressly permitted herein.
- s. Signs that are painted, pasted, or printed on any wall, façade, roof, door mansard, curbstone, flagstone, pavement or any portion of any sidewalk or street except house numbers and traffic control signs.
- t. Signs placed upon any covered way, fencing or barricades other than those of the owner, tenant or occupant of the premises or the contractor engaged in the construction of the building in front of which such covered way, barricade or fence is located.
- u. Signs placed upon benches or waste receptacles, except for a plaque not in excess of thirty-six (36) square inches in area identifying the donor of the bench or the receptacle.
- v. Signs and bills placed upon fences or barriers around construction sites.
- w. Signs or sign structures that interfere in any way with free use of any fire escape or emergency exit.
- x. Signs that contain any lighting or control mechanism that may cause interference with radio, television, or other communications signals.
- y. Signs with the optical illusion of movement, changing copy or holograms.
- z. Temporary signs except as expressly permitted herein.

### 3-18. Exemptions

#### 3-18.1. Temporary Banners

1. Temporary banners which are not in excess of twenty-five (25) square feet and are intended to be posted for a period less than thirty (30) days are exempt from review by the Sign and Awning Review Board as required herein. However, they must receive written permission from the Village Clerk before being posted. In order to receive written permission one must present the following to the Village Clerk:
  - a. A written request stating the dates the temporary banner will be posted and removed; and
  - b. A drawing or sample of the proposed temporary banner.

Upon receiving the written request and drawing or sample, the Village Clerk may give written permission noting the date that the banner may be posted and the date the banner

- c. must be removed. This period shall not exceed thirty (30) days.
2. Limitations of Temporary Banners
  - a. Once the business removes the temporary banner after the specified time, the business will be required to wait a period of sixty (60) days before again requesting written permission from the Village Clerk for another temporary banner.

#### 3-18.2 Temporary Signs

1. Temporary signs which are not in excess of two (2) feet by two (2) feet and are intended to be posted for less than thirty (30) days do not need a permit and are exempt from approval of the Sign and Awning Review Board. The following are considered temporary signs for the purposes of this Article:
  - a. Commercial special event signs such as those used to announce grand openings or other similar events;
  - b. Signs used to announce or advertise such temporary uses as fairs, carnivals, seasonal events, agricultural events, circuses, revivals, sporting events, flea markets, or any public, cultural, charitable, educational or religious event or function, including messages of congratulations or commemoration.
  - c. Advertising display panels, posters and similar graphic material relating to general sales information, special offerings, sales promotions and events may be displayed without a permit as long as:
    - i. They are in an orderly, clean condition and are neatly displayed and are mounted on solid, sturdy material. Metallic, iridescent and bright colors are prohibited.
    - ii. That if affixed to a window, such signs shall not, individually or cumulatively, cover greater than one-third (1/3) of the outside door glass or street-level window space of any store, office or place of

business.

- iii. That if not affixed to a window, such signs are individually supported on easels, mounted on a wall or suspended from the ceiling in a true and square manner and are located at least five (5) feet back of the window glass.

### 3-18.3 Other Exempt Signs

1. Informational signs as defined herein, not exceeding a total gross area of one (1) square foot per door or window. No informational sign shall be illuminated.
2. Holiday lights and decorations displayed in season, including temporary seasonal paintings on windows, and special contest events by local schools, etc; provided they are removed within fourteen (14) days after the holiday or event.
3. Signs incorporated into machinery or equipment by a manufacturer or distributor which identifies or advertises only the product or services dispensed by the machine or equipment, such as signs integrated into the design of vending machines, newspaper racks, telephone booths and gasoline pumps.
4. Warning signs to indicate the dangers of trespassing, swimming, and/or similar hazards, not exceeding one square foot in area, or as deemed adequate by the Building Inspector when special conditions apply.
5. Alarm or security signs, no more than one square foot in area.
6. Interior directory signs on commercial or multi-family residential properties which are not visible from any public street.
7. On-premise directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs. Business names shall be allowed, excluding advertising messages.
8. Identification numbers on buildings, which shall be at least three (3) inches in height, but no greater than six (6) inches in height and are displayed in numeric value and shall be placed on the front of the building in such manner as to be plainly legible from the center of the street and said number shall be placed near a source of illumination so that it may be readily seen at night.
9. Professional name plates provided, however, that such professional name plates shall not exceed one square foot in area and in no case exceed 18 inches in length, and provided they are placed flat against the exterior wall or door of the occupied premises. Name plates at buildings with multiple business establishments shall be of a uniform design.
10. Political signs, not exceeding twenty (20) square feet in area, including signs

promoting, advertising or identifying a political party, candidate or issue, shall be limited to one such sign per candidate (or per party or issue) per storefront or lot except that two such signs shall be permitted on a premises located at a corner property at the intersection of two public streets. Political signs relating to elections shall not be erected prior to 90 calendar days before the election, and must be removed no later than five (5) calendar days after the election.

11. Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency or non-advertising signs as may be approved by the Building Inspector, Superintendent of Highways and/or Chief of Police.
12. One parking and/or towing sign per seventy-five (75) parking spaces, which is located inside a private lot and is no greater than five (5) square feet in area and is either black and white or red and white.
13. Real estate “For Sale” or “For Rent” signs for commercial properties in the non-residential zoning districts as defined by the Village of Tuckahoe zoning code shall be permitted provided that there is not more than one sign, no greater than two feet by two feet, and it is installed only in the interior window of the subject property. The sign is limited to stating “for sale/lease/rent” and phone number of owner or owner’s agent and must be on a black background with red lettering.
14. Construction signs for commercial or multifamily properties: A single temporary construction sign displaying the name of the architect, principal contractor, subcontractors and other contractors engaged in the work of constructing a building or structure for which a building permit has been issued and has not expired, shall be permitted. Such temporary sign shall be no more than twenty-five (25) square feet and may be erected only upon the private property and not on the town right of way. Text is limited to project, contractor, owner, future tenant, agent, and telephone number. Said sign shall be removed immediately upon completion of construction or renovation.
15. The Village of Tuckahoe, its agents, departments or officials shall not be subject to the requirements of this Article.

### 3-19 Standards/General Provisions

#### 3-19.1 Dimensions and Placement

##### 1. Wall Mounted Signs

- a. The maximum vertical dimension or height of each sign shall be **twenty-four (24) inches** and the maximum horizontal dimension or length of each sign shall not exceed **seventy-five (75) percent** of the building housing the business which is the subject of the sign and has street frontage. In any case, the maximum horizontal dimension or length of each such sign shall not exceed **thirty (30) feet** on any street frontage for the same business establishment.

- b. The lower edge of a sign shall not be located above the level of the floor of the second story of the building upon which the sign is placed or maintained. On a one-story building, such sign may be located on the face of a parapet wall.
  - c. Where the design of an existing building façade incorporates a specific area for signs, the height and length of the signs shall be restricted to the dimensions of this location.
  - d. The maximum overall height of letter groups (including upper and lower case letters) and graphic symbols (including logos) shall be **eighteen (18) inches**. Where there is more than one (1) line of letters and symbols, the **combined height of letters and symbols shall not exceed eighteen (18) inches**, including span between lines. No individual letter mounted directly on the wall shall exceed eighteen (18) inches in height.
  - e. The minimum thickness of letter forms and graphic symbols, other than those painted on the surface, shall be **three-eighths (3/8) inch**.
  - f. Signs shall be placed parallel to the façade of the building and, except for those on awnings, no part of a sign shall project more than **two (2) inches** beyond the face of the surface to which it is applied nor extend beyond the building in any direction.
2. Monument Signs
- a. Monument signs shall be limited to the private property of the business unless the Village first consents to the sign being placed on public property.
  - b. Monument signs shall not obstruct drivers' sight lines.
  - c. Monument signs shall not be more than **six (6) feet** in height, measured from the grade to the top edge of the sign, and shall have an area no greater than twenty-four (24) square feet.
  - d. Letters shall not exceed three (3) inches in height.
  - e. Monument Signs may be used as secondary signs.
3. Window Signs
- a. Applicants may use exterior window signs as a secondary sign (to be included in the total number of signs) with business name and description.
  - b. Phone numbers, email addresses, fax numbers, etc. may be displayed as part of the exterior window sign.
  - c. Window signs may not exceed one-third (1/3) of the total window area.
  - d. Lettering shall not exceed **five (5) inches** in height.
  - e. Vinyl letters may be used on windows.
  - f. When the applicant uses a display window, the applicant may have window signs that do not exceed ten (10) percent of the total window area.
4. Banners
- a. Banners not in excess of twenty-five (25) square feet in area shall follow the provisions set forth for temporary banners in section 3-18.1.
  - b. Banners greater than twenty-five (25) square feet in area shall be required to meet these additional requirements:
    - i. Apply for a permit from the Sign and Awning Review Board;
    - ii. If such permit is granted it shall be limited to thirty (30) days unless a greater amount of time is specifically requested by

applicant and reasons for an extension are given and approved by the Sign and Awning Review Board.

- c. Such banners shall be made of durable waterproof material and shall be securely affixed to the building façade or other approved surface.
  - d. Each business shall be limited to one (1) banner displayed at a time.
  - e. Banners shall at no time be hung from awnings.
  - f. Any banner which shall be displayed over any sidewalk, street or highway, shall be subject to approval from both the Building Inspector and the Superintendent of Highways, and New York State and Westchester County Departments of Transportation, if required.
5. Illuminated Signs
- a. Self-illuminated signs (Types A and B) and product and brand name advertising signs are prohibited on the building exterior, in the window or within the interior arranged in a manner intended to be seen by passersby.
  - b. One (1) externally illuminated sign (Types C or D) identifying the name of the business and/or the principal business activity or service provided will be permitted per street façade whether on the exterior of the building, located on the window, or within the interior arranged in a manner intended to be seen by passersby. On buildings located on two (2) or more streets, a maximum of two (2) illuminated signs, with no more than one (1) per street, is permitted.
  - c. The light sources providing the illumination for Type C signs shall be one (1) of two (2) types:
    - i. Ornamental incandescent fixture mounted to the façade of the building with a maximum projection of fifteen (15) inches.
    - ii. Concealed continuous strip with incandescent or fluorescent lamps mounted immediately adjacent to the plane of the building façade and enclosed, with minimum projection (four (4) inches).
  - d. The design and appearance of light fixtures shall be fitting and appropriately integrated with the architectural character of the building façade and that of its neighbors.
  - e. Light sources shall be:
    - i. Shielded or screened in a manner not to be seen by passersby from a normal viewing angle. Intense or glaring light is to be avoided.
    - ii. Limited to natural white incandescent or fluorescent lamps.
    - iii. Designed to cause a reasonable uniform distribution of light upon the full extent of the sign.
  - f. Illumination generally:
    - i. No exterior signs on any building or premises shall be illuminated after 12:00 midnight, except those places of business which shall remain open after 12:00 midnight, and they shall be extinguished at the time of closing of such business.
    - ii. Illuminated signs shall employ only lights emitting an essentially white light. No intermittent flashing or revolving illumination shall be employed nor shall any sources of illumination be exposed except as herein provided.

- iii. No illuminated sign employing any red, green or amber light source shall be located as to be in the direct line of vision to and beyond a traffic light from any point in the street served by such traffic light.

6. Portable Signs and Additional Signs

a. Sandwich Board Signs

- i. Sign dimensions shall not exceed 36 inches in height and 25 inches in width;
- ii. Limit of one sign per business establishment; this is in addition to the principal and secondary business signs;
- iii. Signs shall be located so as to maintain pedestrian accessibility and not obstruct drivers' sight lines;
- iv. Sandwich board signs may be displayed only during the operating hours for the business with which it is associated;
- v. Signs must be placed directly in front of the business;
- vi. Signs must be constructed of durable weatherproof materials; plastic is not permitted;
- vii. Moveable type is not permitted on sandwich board signs;
- viii. The Village reserves the right to require the removal of any sandwich board sign that does not comply with the above restrictions;
- ix. Signs shall not be displayed during periods of high winds or during snow storms;
- x. Whenever possible, signs shall be located on private property;
- xi. If it is not feasible to locate the sign on private property, the sign may be permitted within the Village right-of-way provided the applicant provides a certificate of insurance and proof of endorsement naming the Village of Tuckahoe as an additional insured in an amount no less than \$1,000,000.00 prior to the issuance of a permit. The owner, or majority shareholder if a corporation, shall sign a statement assuming sole responsibility for the maintenance and control of said sign and shall indemnify and hold harmless the Village of Tuckahoe.

b. Sidewalk Partitions

- i. Partitions are permitted to be placed on the sidewalk outside of the business as long as they are on private property and do not interfere with the public right of way.
- ii. The business name may be written one (1) time on each partition in lettering no greater than three inches in height. This is in addition to the principal and secondary signs.
- iii. Partitions shall be constructed of durable waterproof materials.
- iv. Partitions may only be outside during business hours.

c. Post and Arm Signs

- i. Businesses are limited to one (1) post and arm sign in addition to their principal and secondary signs.

- ii. The bottom edge of any such sign extending over a walkway must be a minimum of seven (7) feet high.
- iii. The maximum area of any post and arm sign shall be five (5) square feet.
- iv. Letters shall not exceed three (3) inches in height.

7. Style

- a. Signs shall be in keeping with the architectural design of the building upon which they are placed, the design of neighboring properties and adjoining signs and the character of the Village of Tuckahoe and its commercial district as a residential village.
- b. Signs shall be limited to two colors, with the option of a third color to only be used for the return edge of letter forms and graphic symbols on carved signs. Black, white, natural finish and tints of the same color shall be considered separate colors. Metallic, iridescent and bright colors are prohibited. Use of natural bronze, aluminum and stainless steel metals, and genuine gold or silver leaf, is permitted. The Village Board shall promulgate a list of acceptable and/or prohibited colors and the Building Department shall maintain the list and examples of designated colors.
- c. Except as provided in 3-19.1(a), signs shall consist of individual letters and symbols painted or separately mounted to the appropriate area of the building façade.
- d. Signs may contain trademarks, logos or graphics so long as they are within the guidelines above as to the height, width, and color requirements.
- e. No streamers, pennants or similar advertising devices shall be displayed.
- f. No advertising sign shall have any reflective material, such as mirror, glass, shiny metal or plastic, which is moveable or moving.
- g. The signs for each business establishment in a building shall be coordinated in material, shape, lettering, color and/or decorative elements.

8. Awnings

- a. General Regulations:
  - i. Awnings shall be fabricated to conform to the shape and dimensions of window and doorway openings.
  - ii. Awnings extending beyond the private property line shall be stationary and extend no more than eighteen (18) inches over the public way.
  - iii. Awnings that remain over private property may be retractable and extend a maximum of eighteen (18) inches over the public way.
  - iv. Arms and braces shall be fully concealed from end view of the awning.
  - v. Awning material, including any lettering or signs, shall be limited to two (2) colors. Black, white and tints of the same color shall be considered separate colors. Metallic, iridescent and bright colors are prohibited. The Village Board shall promulgate a list of acceptable and/or prohibited colors and the Building Department

shall maintain the list and examples of the designated colors and materials.

- vi. The awning support and finish structure, mechanism and enclosure housing shall be of a neutral color, harmonious with the materials of the building façade and awning fabric.
- vii. All awnings on the same building shall compliment those of any other awning on the building in terms of color, style, and material.
- viii. Awning material shall be of fabric. The use of metal, plastic or other rigid materials is prohibited. Fabric shall be canvass duck or vinyl-coated canvass or vinyl-coated polyester fabric. Solid vinyl fabric is prohibited. [Minimum weight of fabric shall be ten (10) ounces per square yard for canvass and twelve (12) ounces per square yard for vinyl-coated canvass. The Sign and Awning Review Board will have samples of the acceptable materials.
- ix. The minimum height from the sidewalk to any part of the awning covering or its supporting frame shall be seven (7) feet.
- x. The awning shall be installed in a manner which does not cover the solid wall surface or architectural features of the building façade. Awnings shall be fitted and mounted within the interior or exterior of the architectural frame of the window and door openings. Any overlap of the awning onto the building façade where necessitated by the particular characteristics of the building façade shall be limited to six (6) inches. Awning enclosure housings should be integrated and recessed within the window head construction.
- xi. Every owner or occupant of any building shall at all times keep the awning in front of such building free of ice, snow, dirt or other obstructions. Merchandise or other obstructions shall not be suspended from any awning over any sidewalk.

#### 9. Awning Signs

- a. Signs on awnings shall be restricted to the name and description of the business. Product or service advertising is prohibited.
- b. Trademarks, logos or graphics may be represented on awning signs so long as they satisfy the designated height and color requirements set forth in this Article and are in congruence with the rest of the sign.
- c. All lettering on awning signs shall be a maximum of six (6) inches in height.
- d. Awnings shall not be illuminated so as to permit the illumination to show through the awning or any part of the awning.

#### 10. Number

- a. Each business establishment shall be limited to:
  - i. One (1) principal sign per façade identifying the name and type of business;
  - ii. One (1) secondary sign identifying the name and type of business located either on an awning, on the front door, on a monument sign or an exterior window sign;
  - iii. One (1) portable or additional sign (sandwich board sign, sidewalk partitions, or post and arm sign); and

- iv. If the business establishment is located on the corner of a public right-of-way the business may place one additional sign each additional façade.
- v. Each business that takes up multiple storefronts is permitted to each of the provisions for each additional storefront.

3-20

1. Shopping Centers

- a. In shopping centers, in addition to the signs herein permitted, one (1) monument sign is permitted, provided that:
  - i. The entire sign shall not exceed four feet by six feet in size;
  - ii. No lettering on such sign shall be more than twelve inches in height or width;
  - iii. Such sign identifies the name and/address of the shopping center and the individual store names within the shopping center only;
  - iv. Such sign shall be located entirely within the property line of the premises;
  - v. Such sign shall only be illuminated from an exterior light source;
  - vi. Such sign shall be suitably landscaped and such landscaping shall be periodically updated and suitably maintained.

2. Gasoline Filling Stations

- a. At a gasoline filling station, in addition to the signs permitted herein, one monument sign is permitted, provided that:
  - i. The entire sign shall not exceed four feet by six feet in size;
  - ii. No lettering on such sign shall be more than twelve inches in height or width;
  - iii. Such sign shall identify the name and/or address of the gasoline filling station only;
  - iv. Such sign shall be located entirely within the property line of the premises;
  - v. Such sign shall only be illuminated from an exterior light source;
  - vi. Such sign shall be suitably landscaped and such landscaping shall be suitably maintained.
- b. No signs are permitted on canopies which cover fuel pumps.
- c. Price information shall be limited to fuel pump mounts with numbers and letters not exceeding four inches in height or width
- d. Light sources on gasoline filling station canopies must be recessed or shrouded so light is directed onto fuel pumps only.

3. Signs in Residential Districts or Upon Residential Uses

- a. The following signs are exempt from sign requirements under this Article:
  - i. Identification signs not exceeding one square foot in area and used solely for indicating the name and address of the occupant(s) of a residence affixed to the structure for a one-family, two-family or multifamily residence, memorial or historic structure.

- ii. Identification signs that are freestanding monument signs or post-and-arm signs and are for a one-family or two-family residence.
  - iii. Real estate “For Sale” or “For Rent” signs for one-family, two-family and multifamily properties, shall be permitted provided that not more than one sign, no greater than four (4) square feet, is installed only on the subject property and that the sign is placed at least fifteen (15) feet from the curb where possible.
  - iv. Construction signs for one and two family properties: A single temporary construction sign displaying the name of the architect, principal contractor, subcontractors and other contractors engaged in the work of constructing a building or structure for which a building permit has been issued and has not expired, shall be permitted. Such temporary sign shall not exceed **ten (10) square feet**, may be erected only upon the property and not on the Village right-of-way. Text is limited to project, contractor, owner, future tenant, agent, and telephone number. Said sign shall be removed immediately upon completion of construction or renovation.
  - v. One bulletin board or other announcement sign for educational or religious institutions with an area of not over twelve (12) square feet, provided that such sign is located on or adjacent to the wall of a building or, if freestanding, then not nearer than fifteen (15) feet to any street or property line.
- b. A temporary sign shall be permitted to announce an individual or neighborhood tag or garage sale provided that the following conditions are met:
- i. A permit is obtained from the Village Clerk’s Office.
  - ii. Any such sign may be displayed only during the hours of the sale event.
  - iii. Only one such sign may be posted on the site of the proposed sale. No signs may be posted on telephone poles, street signs, or anywhere in the Village right-of-way.
  - iv. Such sign shall be no larger than two (2) feet by two (2) feet in size.
- c. The following signs must be approved by the Sign and Awning Review Board and must have a sign permit from the Building Inspector:
- i. Identification sign that is a freestanding monument sign or post-and-arm sign for multifamily residence, memorial or historic structure or nonconforming use.
  - ii. Identification sign affixed to structure for nonconforming use.
- d. The following signs are prohibited:
- i. All signs not expressly exempted or permitted are prohibited
  - ii. Wall signs
  - iii. Window signs
  - iv. Temporary signs

### 3-21 Sign Application and Approval

- 1. Permit required

- a. It shall be unlawful for any person to erect, alter, relocate, reconstruct or maintain or cause to be erected, altered, relocated, reconstructed or maintained within the village any sign or signs (including awnings) without having obtained approval of the Sign and Awning Review Board and if approved having obtained and paid for and having in force and effect a permit therefore from the Building Inspector.

## 2. Permit Applications

- a. An application for a sign or awning permit shall comply with the following requirements. Such application shall be made to the Building Department by submitting six (6) copies thereof upon forms prescribed by the Sign and Awning Review Board and provided by the Building Inspector and shall be accompanied by the following documents:
  - i. A drawing of the sign or awning, accurately depicting and dimensioning it (including its thickness), with a scale of not less than one (1) inch equals one (1) foot;
  - ii. A drawing of the sign or awning illustrating the façade and accurately depicting and dimensioning the sign on the façade with a scale of one-quarter inch (1/4) equals one (1) foot; or in lieu thereof a photograph of the sign or awning digitally imposed on the façade;
  - iii. The size and layout of letter forms and graphic symbols and materials, colors and thickness shall be indicated;
  - iv. Samples of each material and color to be used in the sign or awning;
  - v. Photographs clearly showing the building façade in its entirety and that of the immediately adjoining buildings. One (1) photograph should be a close-up showing the area where the proposed sign or awning will be placed;
  - vi. A description of the construction details of the sign or awning and structure;
  - vii. A location plan showing the position of the sign or awning on the building or premises;
  - viii. The location of any lighting or landscaping, if appropriate;
  - ix. The method of attachment;
  - x. If the applicant is the owner, the applicant shall provide sufficient proof of ownership. If the applicant is not the owner of the premises, then the applicant shall provide a sworn statement signed by the owner of the premises consenting to the application for a sign, in addition to the sufficient proof of ownership;
  - xi. Proof of insurance for the sign or awning with an indemnification clause for the Village; and

xii. Building permit filing fee.

3. Permit and Fee

- a. Upon the filing of the application and consent as required in this Article and upon its approval by the Sign and Awning Review Board and the Building Inspector, the Building Inspector shall issue a sign or awning construction and maintenance permit. The fee schedule for such permits shall be posted by the Building Department.
- b. Proof of insurance shall also be provided upon every permit filing and an indemnification clause to be signed by the Village of Tuckahoe.

All permits shall expire and must be **renewed three (3) years** from the date they were

- c. originally issued.
  - d. A permit shall expire and cease to exist upon the change of ownership of the business or other commercial enterprise which the sign is used to advertise.
  - e. No refund shall be made or allowed for the abandonment of a permit.
4. Revocation of permit

- a. The Building Inspector may, at any time for a violation of this Article, revoke any existing permit. Notice of such revocation and the reason or reasons therefore in writing shall be served by him upon the person named as the licensee in the application by mailing the same to the address given in the application and by filing a copy thereof immediately in his office.

3-22 Condition and Maintenance

1. Every sign shall be inspected by the Building Inspector at least once a year and he shall keep a record of such inspections.
2. Signs and awnings shall be maintained in good and complete condition, with panels, letter forms and graphics firmly mounted and in true alignment, finishes in good repair, and properly lighted where applicable.
3. The Building Inspector will notify the property owner of the failure to properly maintain signs, including, but not limited to, torn awnings, faded colors, missing letters and worn material. Failure to comply with the Building Instructor's order to repair or refurbish a sign in the allotted time is a violation of this Article.
  - a. Property owners shall not be required to obtain a permit to repair an existing sign or awning as long as it is in its originally approved state and will not be altered in any way.
4. The applicant shall be responsible for any necessary cleaning and repair of the building façade prior to the installation of the sign.
5. All signs shall be properly secured, supported and braced and shall be kept in perfect structural condition and clean and well painted at all times. Every sign, its framework, braces, anchors and other supports, shall be constructed of such material and in such workmanlike manner as shall make them safe and satisfactory to the Building Inspector.

6. The Building Inspector may, at any time for a violation of this Article, revoke any existing permit. Notice of such revocation and the reason or reasons therefore in writing shall be served by him upon the person named as the licensee in the application by mailing the same to the address given in the application and by filing a copy thereof immediately in his office.
7. Safety Provisions
  - a. All signs and associated lighting shall be erected in compliance with all applicable provisions of the Village of Tuckahoe Building Code, the National Electrical Code and all applicable New York State codes and shall be approved and inspected by the Building Inspector and Electrical Inspector and certified by the New York State Board of Underwriters or other approving testing agent as required.
  - b. Whenever it shall appear to the Building Inspector or the Code Enforcement Officer that any sign has been constructed or erected or is being maintained in violation of any of the terms or provisions of this Article or is unsafe or insecure, or is in such condition as to be a menace to the safety of the public, he shall thereupon issue or cause to be issued a notice in writing to the licensee informing such person of the violation of this Article and the dangerous condition of this sign and directing him to make such alterations or repair thereto or to do such things or acts as are necessary or advisable to place such a structure in a safe, substantial and secure, condition and to make the same comply with the requirements of this Article within such reasonable time as shall be stated in such notice. If such licensee cannot be found or his whereabouts cannot be ascertained with reasonable diligence, the Building Inspector shall attach or cause to be attached to such structure a notice of the same import as that required to be sent to the licensee. Upon failure to comply with such notice within the time stated therein, the Sign and Awning Review Board shall cause such sign or such part thereof as is constructed or maintained in violation of this Article to be torn down and removed and shall charge the expense of such tearing down and removing to the person so notified; provided, however, that nothing herein contained shall prevent the Building Inspector from adopting such precautionary measures as may be necessary or advisable, in case of imminent danger, to place such sign in a safe condition, the expense of which shall be charged to and paid by the licensee.

### 3-23 Non-conforming Signs

1. Amortization
  - a. All interior window signs shall be removed within sixty (60) days of the effective date of this law.
  - b. All non-conforming signs or awnings under this Article or any sign or awning that shall become non-conforming as a result of the enactment of any future amendment to this Article shall be removed no later than **two (2) years** from the effective date of this Article or such amendment,

except as may otherwise be provided in such amendment.

- c. A non-conforming sign shall not be structurally repaired or enlarged and shall be removed if the Building Inspector declares it unsafe; a non-conforming sign shall not be re-lettered, painted or decorated.

2. Approval of non-conforming signs

- a. The Sign and Awning Review Board may, subject to the provisions below, grant exceptions and approve a sign that does not meet the requirements of this Article under the following circumstances:

- i. The proposed sign has more than two colors with the additional color(s) not being the return edge of the letters or graphic symbols on a carved sign; provided, however, that no bright or iridescent colors shall be permitted;
- ii. The sign includes lighting or is of a size that, while not in conformance with the requirements of this Article, is compatible with the architectural or design elements of the building or property where the sign is to be located;
- iii. Such other circumstances which the Sign and Awning Review Board in its sole reasonable discretion shall consider, including, but not limited to:

- 1. Economic hardship based on competent financial proof;
- 2. Aesthetic and architectural characteristics;
- 3. Relationship to adjoining signs, adjoining neighborhood and adjacent properties;
- 4. Public safety, general welfare and security;
- 5. Minimum signage that can be designed to satisfy the needs of applicant;
- 6. Topography or other circumstances of that particular property which may affect its placement and/or size and which may differentiate it from any adjoining properties;
- 7. The aggregate signage as proposed by the applicant in addition to any of those signs already in existence.

- b. All applications for approvals of exceptions pursuant to this 3-23.2(a) shall specifically indicate the sections of this Article which the proposed or existing sign does not conform to, state the reason such approval is requested and state why it is appropriate.

- c. The Sign and Awning Review Board may grant an exception to a new sign that does not conform to all of the requirements of this Article through a unanimous vote under circumstances as stated above in Section 3-23.2

3-24 Removal of Certain Signs

1. A sign which no longer advertises a business or activity other than one being conducted on the premises on which such sign is located, or which does not comply with the regulations established for the issuance of a permit pursuant to this Local Law shall be deemed prohibited and shall be brought into compliance with this Local Law.
2. If necessary, the Village of Tuckahoe may remove such sign(s) and the expense may be recovered by the Village in an action on this Local Law, which shall be instituted in the Village court which shall have jurisdiction over this matter.

### 3-25 Violations, Penalties, and Enforcement

1. Any person, who himself or by his agent or employee shall construct, erect, relocate, alter, repair, maintain or use a sign or awning without a permit or shall violate any of the provisions of this Article or who, having had his permit revoked, shall continue to construct, erect, relocate, alter, repair, maintain or use a sign or awning shall, upon conviction thereof be subject to a penalty as prescribed in Section 1-7, and each day on which such violation continues shall constitute a separate offense. In addition to any penalty imposed, the permit of the person violating same shall be canceled or revoked.
2. Any person who has received notification of a violation of this Article by the Code Enforcement Officer must file an application for a compliant sign or awning with the Sign and Awning Review Board within thirty (30) days of such notification. Such applicant must then procure within ninety (90) days of said notification by the Sign and Awning Review Board. During this one hundred twenty (120) day period, there will be a stay of enforcement of penalty fees. Upon expiration of said one hundred twenty (120) days, a fine will be applied for each day he/she remains in violation as stated above in Section 3-25.1.

### 3-26 Sign and Awning Review Board

1. Establishment
  - a. There shall be a Sign and Awning Review Board of three (3) members pursuant to the provisions of the Village Law, with all the power and duties prescribed by law and by this Article. One of the three (3) members of the Sign and Awning Review Board shall be the Chairperson of the Planning Board, or the Chairperson's appointed designee. In the event that the Chairperson of the Planning Board changes, there shall be an automatic change to the Sign and Awning Review Board so at all times the Planning Board Chairperson is on the Sign and Awning Review Board.
  - b. The Mayor shall designate one member of the Sign and Awning Review Board to serve as Chairperson of such Board for a period of one (1) official year.
  - c. The first Sign and Awning Review Board shall be composed of:
    - i. One member who shall be appointed for a term of three (3) years;
    - ii. A second member who shall be appointed for a term of two (2) years; and

- iii. The third member, who shall be the Chairperson of the Planning Board, shall be appointed for a term of one year.
- d. After the first Sign and Awning Review Board is constituted, each future appointee shall serve a term of three (3) years to such Board.
- e. In addition to the three (3) regular members of such Board, the Board of Trustees may appoint one (1) ad hoc member to the Sign and Awning Review Board to serve a one (1) year term. Such ad hoc member shall serve on the Sign and Awning Review Board whenever absences or conflicts of interest of regular members prevent three regular members from hearing an application or applications.
- f. The powers and duties of the Sign and Awning Review Board are summarized and more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the Sign and Awning Review Board.

## 2. Powers and Duties

- a. The Sign and Awning Review Board shall review each permit application and shall approve, disapprove, or approve subject to modifications or conditions being guided by the purpose and intent of this local law of the Village of Tuckahoe. The Building Inspector shall within five (5) business days of approval by the Sign and Awning Review Board or such period of time as he shall determine, or within five (5) working days of compliance with any modifications or conditions required for approval as the case may be, issue a permit for the erection of the proposed sign or awning, provided all fees and insurance requirements have been met.

In instances where a construction project is in its approval stages in front of the Planning

- b. Board, the Sign and Awning Review Board will take into consideration the recommendations of the Planning Board in terms of sign placement and other issues concerning signage when deciding whether to grant approval of the sign(s) in question.
- c. The Sign and Awning Review Board shall meet once per month pursuant to a schedule of meetings available in the Office of the Village Clerk.

## 3. Rules and Regulations

- a. The Sign and Awning Review Board may adopt such rules and regulations as are necessary or proper to the performance of its powers and duties hereunder and may amend or repeal the same.

## 4. Quorum and Decision

- a. The presence of a majority of the members of the Sign and Awning Review Board shall be necessary for a quorum. The concurring vote of a majority of the total members of the Sign and Awning Review Board shall be necessary to decide any matter before it.

## 5. Comprehensive Plan

- a. The Sign and Awning Review Board shall recommend revisions to the Village Comprehensive Plan to the Village Board of Trustees.
6. Sign and Awning Review Board Approval
- a. Signs and awnings requiring a sign permit shall be erected, constructed, reconstructed or altered only after approval by the Sign and Awning Review Board as to design, colors, materials, illumination, location and size and:
    - i. When granted a sign permit from the Building Inspector; and
    - ii. Upon payment of the required fees and the required proof of insurance.

3-27 Amendments

- 1. The Village Board may from time to time on its own motion, on petition, or on recommendation of any board, agency or official of the Village, after public notice and hearing, amend, supplement, repeal or change the regulations and districts established under this Local Law. Amendments shall be permitted as provided in Section \_\_\_ of the Village Law.

3-28 Severability

- 1. Should any section, sub-section, paragraph, sentence, clause, provision or phrase of this Local Law be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect any other portion of this Local Law.

3-29 Earlier Ordinances Repealed

- 1. Upon the effective date of this Local Law, the previous Sign Law of the Village of Tuckahoe and any amendments thereto is hereby repealed.

3-30 Effective Date

- 1. This Local Law shall take effect on November 1, 2007.

3-31

- 1. Nothing in this Article shall relieve the owner of a vicious dog from the requirements of Section 5-32 of the Village Code. However, any sign posted in connection with Section 5-32 shall be compliant in all respects with this Article.

Section 3. Repeal of other inconsistent local laws

In furtherance of this Local Law, the following articles, local laws, ordinances and/or resolutions are hereby repealed in their entirety: (i) Article V of Chapter 19 of the Code of the Village of Tuckahoe, inclusive of Section 19-94 through and including Section 19-98; (ii) Section 19-62 of the Code of the Village of Tuckahoe; (iii) Section 4-6.1.8(a)-(g) of the Zoning Ordinance of the Village of Tuckahoe governing signs; and (iv) Section 4-7.7 of the Zoning Ordinance of the Village of Tuckahoe governing signs.

Section 4. Planning Board.

Subject to Article II of Chapter 3 of the Code of the Village of Tuckahoe, as above re-stated and amended, the Planning Board, as created under Article VIII of the Zoning

Ordinance of the Village of Tuckahoe is divested of its authority to approve signs and/or awnings and such authority shall be vested in the Sign and Awning Review Board as created and set forth in Article II of Chapter 3 of the Code of the Village of Tuckahoe, as above re-stated and amended.

*Section 5. Negative Declaration.*

The Village Board of Trustees in finding that the enactment of this Local Law will not produce significant adverse impacts on the environment hereby adopts a negative declaration pursuant to SEQRA and its implementing regulations.

*Section 6. Separability.*

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

*Section 7. Controlling Provisions.*

To the extent this Local Law conflicts with any other chapters, articles, sections, resolutions, ordinances or local laws of the Village of Tuckahoe, this Local Law shall be controlling.

*Section 8. Effective Date*

This Local Law shall take effect on November 1, 2007.

*Section 9. Notice of Adoption*

The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

Ms. Joanna Levin, law student intern, summarized the changes in the proposed law. She noted that the existing law was scattered between the Village ordinance and the Zoning Code. As a result, business owners did not know where to look for guidance. She combined the existing laws and created a very comprehensive law. Some of the changes include creating a Sign and Awning Review Board to work strictly with applicants for signs and awnings. The Board will consist of 3 members with the Chairperson of the Planning Board presiding as a member. This Board may grant a variance to an applicant with a unanimous vote. Additional changes include business owners will now be able to add logos, brand names and/or trademarks on their signs. A third color will be acceptable, temporary banners will not require permits, only written permission from the

Village Clerk for a certain time limit. The code enforcement will inspect for maintenance issues.

Trustee Ecklund thanked Ms. Levin and suggested that the Village distribute this new, proposed law to local businesses for their benefit. He added that the Village will now allow post and arm signs and sandwich signs with restrictions.

Ms. Ciamarra noted that the Beautification Committee would like the Board to take a closer look at the logos, while it may be a good thing; she noted that it may present problems with the color of the logo unless the board has jurisdiction over the color. She also voiced her concern regarding the sandwich signs as they may obstruct the path for wheelchairs and baby carriages. The third color may be an issue, as well as materials. Ms. Ciamarra recommended that the materials be uniform such as wood signs and stick letters. She thanked Ms. Levin for a great job interviewing the business owners for their input.

No written responses; one email from a Planning Board member expressing ideas.

**Trustee Gorman motion to keep the public hearing open, was seconded by Trustee Marcoccia and upon roll call was carried with a vote of 5 - 0.**

#### **OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS**

**No Public Comments**

#### **RESOLUTIONS -**

**1. Mayor Fitzpatrick motioned for a RESOLUTION by Village Board to adopt Local Law No. 9 of the year 2007 - A LOCAL LAW AMENDING SECTION 8-1 OF THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001, ENTITLED "PLANNING BOARD"**

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 13th day of August 2007 at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties on a proposed Local Law entitled, A LOCAL LAW CONCERNING AN AMENDMENT TO SECTION 8-1 THEREOF THAT WOULD INCREASE THE NUMBER OF PLANNING BOARD MEMBERS FROM FIVE (5) TO SEVEN (7); and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 31st day of August 2007; and

WHEREAS, said public hearing was duly held on the 13th day of August 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act

(SEQRA) it has been determined by the Village Board of said Village that adoption of said proposed Local Law would not have a significant effect upon the environment, thus the Village Board adopts a Negative Declaration pursuant to SEQRA; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

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

*Section 1.*

Section 8-1.1. Of the Village of Tuckahoe Zoning Ordinance of 2001, entitled "Establishment" in the "Planning Board" section (Section 8-1) of said Zoning Ordinance is amended, reenacted and restated as follows:

**§ 8-1. Planning Board.**

8-1.1. Establishment. There shall be a Planning Board of seven [five] members pursuant to the provisions of the Village Law, with all the power and duties prescribed by law and by this chapter. The Board of Trustees shall designate one member of the Planning Board to serve as Chairperson of such Board for a period of one official year. In addition to the seven [five] regular members of such Board, the Board of Trustees may appoint two ad hoc members to the Planning Board. Such ad hoc members shall serve on the Planning Board whenever absences or conflicts of interest of regular members prevent seven [five] regular members from hearing an application or applications. The powers and duties of the Planning Board are summarized and more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the Planning Board.

*Section 2.* Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

*Section 3.* This Local Law shall take effect immediately.

*Section 4.* The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

New Matter Underlined

Deleted Matter in Brackets [ ]

**Trustee Gorman motioned to adopt Resolution #1, was seconded by Trustee Zocchi.**

**Discussion: Trustee Marcoccia** felt this was premature and the Board should have further discussion before voting this evening. He added that the Planning Board has been a five member board for a very long time and felt there had not been enough discussion on the subject and he was further concerned that the mayor had not

spoken with the chair, the Planning Board members, the Master Plan Committee and/or each of the Village consultants.

**Mayor Fitzpatrick** replied that the public hearing was announced in August and, indeed, he had spoken with the chair of the Planning Board and further this matter is an administrative decision, beneficial to the Village, for the sole purpose of having more eyes and expertise on the projects which appear before the Planning Board. His intention to add persons with certain qualifications.

**Trustee Ecklund** said the current Planning Board was working hard on the largest project coming to the Village. He voiced his concern regarding the timing of adding new members to a Board already in the process of reviewing a project. His preference would be to add 2 ad hoc members to the board.

**Mayor Fitzpatrick** noted that the Planning Board and the developers of this current project have not had a work session on this project as of yet.

**Village Attorney Cavallaro** said that any individual interested in becoming a member of the Planning Board will be appointed by the Mayor subject to the Board's approval.

**Trustee Marcoccia** requested a resolution to table this for 30 days.

**Trustee Marcoccia motioned for a resolution calling for a 30 day postponement. This motion was seconded by Mayor Fitzpatrick. Upon roll call was denied with a vote of 3 – 2, with Mayor Fitzpatrick, Trustee Gorman and Trustee Zocchi voting 'Nay'.**

**2. Mayor Fitzpatrick motioned to adopt Resolution #1, was seconded by Trustee Gorman and upon roll call was approved with a vote of 3 – 2, with Trustee Ecklund and Trustee Marcoccia voting 'Nay'.**

**3. Mayor Fitzpatrick motioned for a Resolution to accept and award bid for the Union Place Park Improvements Project to the lowest qualified bidder P. Corsetti, Inc. at the base bid of \$76,786.50 plus the Alternate "A" bid for \$11,690 plus the Alternate "B" bid of \$17,918 for a total contract award of \$106,394.50. A total of six bids were received ranging from \$106,394.50 to \$467,212.58.**

**Trustee Ecklund motioned to adopt Resolution #3 was seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.**

**4. Mayor Fitzpatrick motioned for a Resolution to accept a grant in the amount of \$30,930 from the Generoso Pope Foundation for the purchase of a license plate scanner by the Police Department.**

**Trustee Gorman motioned to adopt Resolution #4, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.**

**5. Mayor Fitzpatrick motioned for a Resolution authorizing the Mayor to sign the 2007 Inter-municipal Agreement between the Town of Eastchester, the Village of Tuckahoe, the Village of Bronxville, the Eastchester Union Free School District and the Tuckahoe Union Free School District with respect to street resurfacing.**

**Trustee Ecklund motioned to adopt Resolution #5, was seconded by Trustee Marcoccia and upon roll call was approved with a vote of 5 – 0.**

**6. Mayor Fitzpatrick motioned for a Resolution** scheduling a public hearing for Monday, October 22, 2007 where all persons shall have the opportunity to be heard concerning an amendment to that certain resolution that designates and sets forth the rates and fares for public carriages and hacks as set forth in Section 22-22 of the Village Code.

**Trustee Gorman motioned to adopt Resolution #6, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.**

**7. Mayor Fitzpatrick motioned for a Resolution** accepting proposal of Link Land Surveyors to provide a new topographic survey of Section 74, Block 2, Lot and the abutting streets including Main Street from Midland Place to Midland Avenue; Midland Avenue from Winterhill Road, Village/Town Line and the portion of Winterhill Road from Main Street to Midland Avenue (both sides of the street) at a cost of \$6,200.

**Trustee Ecklund motioned to adopt Resolution #7, was seconded by Trustee Gorman and upon roll call was approved with a vote of 5 – 0.**

**8. Mayor Fitzpatrick motioned for a Resolution** authorizing advertisement to receive sealed proposals for sale of a 1999 Chevy Cavalier 2.2 liter to be sold as is.

**Trustee Ecklund motioned to adopt Resolution #8, was seconded by Trustee Gorman and upon roll call was approved with a vote of 5 – 0.**

**9. Mayor Fitzpatrick motioned for a Resolution** authorizing the hiring of three seasonal employees for the Department of Public Works for a period of ten weeks during leaf season.

**Trustee Gorman motioned to adopt Resolution #9, was seconded by Trustee Marcoccia and upon roll call was approved with a vote of 5 – 0.**

#### **APPOINTMENTS**

**Mayor Fitzpatrick motioned for the following Environmental Committee Appointments: Umberto Baldassara, Charles Cinquemani, Peter Costa, Roseanne O'Toole.**

**Trustee Gorman motioned** to accept these appointments, was seconded by Trustee Zocchi and upon roll call was carried with a vote of 5 – 0.

**Trustee Marcoccia motioned** to appoint Terry Felton to the Disability Committee.

**Mayor Fitzpatrick motioned** to accept this appointment, was seconded by Trustee Ecklund and upon roll call was carried with a vote of 5 – 0.

## **APPROVAL OF MINUTES –**

Trustee Gorman motioned for the approval of the minutes of the Regular meeting September 10, 2007. This motion was seconded by Trustee Zocchi and carried with a vote of 5 – 0.

## **REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS**

### **Department of Public Works**

Mr. Mascianica, Supt. of Public Works, stated that the leaf season will begin Oct. 15. The DPW will be closed Oct. 8 in observance of Columbus Day. There will be three new employees to rake leaves, clean parks etc. Regarding the painting of the footbridge, Mr. Mascianica stated that he would need to check with the county engineer who in the past asked that the foot bridge not be painted. Regarding replacement of sidewalks, there are enough employees at the DPW to handle this. He will rate the sidewalks and streets in the Village for an overall view.

Trustee Zocchi noted that Bronxville, Greenburg and Eastchester have three DPW employees on each truck, while Tuckahoe has four on each truck.

Mr. Mascianica noted that he would check the contract regarding this matter.

### **Building Department**

Bill Williams, Building Inspector, noted that his department was very busy with enforcement issues. Regarding the Fountains, Mr. Williams noted that they have not selected a contractor as of yet. If they are in violation, he will take pictures and submit fines. The generator has been delivered to the Rivervue, they are waiting for the contractor to install the generator, the fence and the siding. The Building Dept. fees collected this year are approximately \$400,000.

### **Police Department**

Chief Costanzo stated that on Sept. 13, the Tuckahoe Police Dept. was awarded a re-accreditation by the NYS Law Enforcement process. There were many categories researched and all members participated. He thanked the Generoso Pope Foundation for the Licenses Plate Reader. The Tuckahoe PD, along with the DPW, Building Dept., EVAC and FD, participated in a 5 day hurricane drill. Each department learned a lot.

## **CORRESPONDENCE**

Ms. Ciamarra reported that a 1.5 page petition was submitted in opposition of moving the WWI monument.

## **BOARD OF TRUSTEES MEMBER REPORTS:**

- **TRUSTEE GORMAN** reported that the Library has many activities starting again this fall. Please call to register 961-2121. The Senior Center will host free flu vaccinations on Oct. 23 and 29, Nov. 1 and 19. No appointment necessary and there is no shortage of vaccines. Tuckahoe Senior Bazaar will be Sept 29, from 10:00am to 3:00pm at 4 Union Place. Trustee Gorman stated that she received an email from a parent of a soldier stationed at Camp Bucca to thank Tuckahoe for all the packages.

Some troops do not receive any packages, so they enjoy the packages sent from Tuckahoe. Trustee Gorman thanked Storage Deluxe for their generosity in donating all the boxes, tape etc. for this project. Columbus Day parade – Sunday, Oct. 7, festivities all day in Depot Square.

- **TRUSTEE ZOCCHI** noted that he attended the Chamber of Commerce meeting this month which hosted a great speaker. He noted that former Mayor Phil White and his wife Alice would love some assistance with all the history of the Village. All who would like to participate there is a meeting Sept. 27, from 9:00am to 12:00pm.
- **TRUSTEE MARCOCCIA** noted that he attended the grand opening of the Generoso Pope Foundation building in Depot Square and he is happy to have this wonderful foundation in Tuckahoe. Verizon FiOS is now available as the Village is fully wired. Residents will be able to view the Board meetings in just a few weeks.
- **TRUSTEE ECKLOND** reported on the re-opening of the Constitution Park and asked residents for their patience with regards to the street paving on Columbus Ave. the second week in October. Further, he will follow up on the progress of the Marbledale Rd. and Fisher Ave. intersection.
- **Mayor Fitzpatrick** announced that the STAR paperwork has been sent out to residents. The shred mobile successfully helped 75 households destroy their private paperwork and will return again Nov. 4, from 12pm – 2pm in Depot Square. A letter has been received from Westchester County regarding grants to assist homeowners to repair flood damaged homes. These grants would need to be paid back only if the property is sold by the owner. Also, he received a complaint regarding outdoor deck chimanias. Since there is no ordinance against the use of chimanias, he asked residents to use discretion when using theirs.

## **SECOND OPPORTUNITY TO ADDRESS THE BOARD**

Mr. Alfasi wondered if the intention to add two additional members to the Planning Board were for two additional votes for this project to move forward quickly.

Mayor Fitzpatrick said that he would have no way of knowing how a potential member of the Planning Board would vote. He noted that he recently renewed a present member of the Planning Board for another term. By adding two additional members to the Board, it may very well slow down the process of approving new projects.

Jeff Zuckerman, 24 Bronx St., added that he was a member of the Planning Board and he never felt obliged or beholden to anyone to vote a certain way. He noted that these fears are unfounded. He added that the THA financial problems, which were discussed at the previous meeting, were not caused by one family with a handicap child. The THA is a troubled agency and the judgement against the THA was due to the objection to make any changes. Their current financial problems are due to the manner in which the THA handled this.

Mayor Fitzpatrick indicated that several of the Board members of the THA are committed to do the right thing while some Board members are not acting in the best interest of the community.

Mr. Alfasi stated that he does not know anything with regards to the THA lawsuit, but noted that former Mayor Phil White was not present to defend his statements.

Mayor Fitzpatrick noted that the former Mayor Phil White is very fully aware that if he comes to the podium to speak, public comments may be made at a future date.

There being no further business the Board unanimously voted to adjourn the meeting at 10:20 PM.

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Susan Ciamarra, Village Clerk