



Village Zoning Board of Appeals

Department of Planning and Development
169 Mount Pleasant Avenue – Third Floor
Mount Vernon, New York 10543
(914) 825-8758

Thomas Murphy and Board of Trustees
Mayor

Robin Kramer, Esq.
Chair

July 24, 2020

Mayor ~~Murphy~~ and Board of Trustees
~~c/o Agostino Fusco, Village Clerk~~
Village of Mamaroneck
123 Mamaroneck Avenue
Mamaroneck, NY 10543

RE: Amending Village and Zoning Code Definitions Within the Village's Zoning Code

Dear Mayor and Board of Trustees:

~~The Village's Zoning Code has not been updated and/or revised in any significant manner since its adoption in 1968. With such an antiquated Zoning Code, many of the terms, definitions, policies, and procedures are outdated and incompatible with modern practices to plan for the Village's future in a sustainable manner.~~

~~While we, the Zoning Board, recommend reviewing and amending the Zoning Code in its entirety, the following four terms require immediate attention:~~

To support the effort of the ZBA and other Boards, Commissions and Village Departments, in making decisions impacting our Village and its residents, we respectfully request the Mayor and Board of Trustees consider modifying Village Law by defining, adopting, and incorporating the following terms into Chapter 342, Article II Definitions and other sections of the Village Code as necessary:

- **Event** – There is no definition in the Village's ~~Zoning~~ Code, but this term is mentioned throughout the Code.
- **Non-Member Event** – This term is "loosely" defined in Section 342-35(B)(9) of the Zoning Code which pertains to the permitted uses within the MR (Marine Recreation) Zoning District.
- **Member Event** - There is no definition in the Village's ~~Zoning~~ Code, but this term arose while attempting to understand the definition of "Non-Member Event". ~~and~~
- **Dwelling Unit** – While this term is defined in Section 342-3 of the Village's Zoning Code, this definition has ambiguity which makes it very difficult to render decisions as to what is classified as a "dwelling unit", ~~in accordance with the Village's Multiple Dwellings Law (Chapter 248 of the Village Code)~~
- **Boarder, Lodger and Roomer**-need to be defined. They are implied in (Article II 342-3) definition of Family as "One or more persons occupying a dwelling unit and living together as a single housekeeping unit in a familial relationship or not more than two unrelated persons living together as a single housekeeping unit."

The Multiple Dwelling Law defines Family, Boarder and Apartment as:

Boarder- “roomer or lodger” residing with a family shall mean a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

Family “is either a person occupying a dwelling and maintaining a household, with not more than ~~four~~ two boarder, roomers or lodgers and maintaining a common household, with not more than ~~four~~ two boarders, roomers or lodgers. The word four is struck through as the Village Code only permits two.

While the Multiple Dwelling Law allows up to four boarders, roomers or lodgers, Village Code is more stringent allowing only two. According to the New York State Code the more stringent requirements apply.

- **Apartment-** is that part of a ~~multiple~~ dwelling consisting of one or more rooms containing at least one bathroom and arranged to be occupied by the members of a family, which room or rooms are separated and set apart from all other rooms within a ~~multiple~~ dwelling”. The word Multiple is struck through as it should be consistent for all multiple family houses.

The ZBA recommends definitions be as clear, concise, and consistent as possible across all code’s rules, regulations, ordinances’, and laws. Ambiguity leads to highly subjective interpretations.

The Mayor and Board of Trustees may wish to consider adding a disclaimer to Village Law and Code reflecting the more stringent terms, code requirements, rules, regulations and ordinances shall apply.

The Multiple Dwelling Law, adopted by the Village years ago, is for Cities with populations of 325M or more; in Westchester it possibly applies to Yonkers. The Multiple Residence Law is for areas with less than 325M people. Most of the local communities, who decided to adopt one of these laws, selected the Multiple Resident Law. The Village of Mamaroneck should consider adopting the Multiple Residence Law in lieu of the Multiple Dwelling law.

While the ~~Zoning Board~~ ZBA recognizes updating the Village’s ~~Zoning-Code~~ is an arduous task, ~~we-believe it is necessary for the ZBA, other Boards and Commissions and Village Departments to make informed decisions. the Zoning Board is respectfully, requesting its commencement. If the Board of Trustees can clarify these terms within the Zoning Code, the Village’s Zoning Board will make more informed decision regarding various applications currently before us.~~

~~Any prompt assistance that can be provided will advance the Village’s land use review process for applicants, the Building Inspector, the Planning Department, the Boards’, and the general public. The Zoning Board appreciates your consideration of this matter. We appreciate the Mayor and Boards considerations of our request. If we can provide additional information, support or assistance to the BOT, please let me know. look forward to hearing from Mayor Murphy and Village Board of Trustees.~~

Respectfully,

Robin Kramer, Esq.
Zoning Board Chair

cc: ZBA Members

Cc: ~~Village Manager~~
~~Deputy Village Manager~~
~~Planning Director~~

____ Building Inspector
____ Village Clerk