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Jerry Barberio, Village Manager  
Village of Mamaroneck  
123 Mamaroneck Avenue  
Mamaroneck, NY 10543

Re: Village of Mamaroneck Zoning Code

Dear Jerry:

We understand that the Village of Mamaroneck is considering updates to its Zoning Code to address concerns raised by members of the Village's land use boards, Village staff, and consultants. The key issues include the following:

- Better facilitate the review and processing of applications and coordination between reviewing land use boards;
- Standardize the public hearing and notification process to reduce the potential for administrative errors;
- Modernize the permitted land uses. Many of the definitions are outdated and do not adequately address current planning concerns;
- Update the Code for ease of use and the consistent use of terms (e.g. the uses in the parking schedule should match the list of permitted uses);
- Ensure that the Code is consistent with applicable State and federal regulations (e.g. the wireless telecommunications section); and
- Streamline the review and approvals processes for the types of businesses and land uses that the Village wishes to encourage.
- Revisit the as-of-right versus special permit uses. Special permits should be reserved for uses that require additional restrictions to address potential nuisance concerns.

To implement the above recommendations, AKRF suggests the following updates to the Zoning Code:

1. **Required Submissions.** The required submissions for zoning applications, particularly the number of copies required, may be unclear or excessive, depending on the Board or application type. For example, site plan review by the Planning Board requires six copies of the application (Section 342-78A), and special permit review requires 16 copies of the application (Section 342-70).

**Recommendation:** Revise the Code to refer to a “schedule of document submissions” that can be updated annually by land use department staff to reflect an appropriate number of hard copies, and the proper format for sending digital submissions.

Consider granting each Board the ability to stipulate in its procedures the number of copies required for applications before it.

2. **Public Notice Requirements.** The current application notice and public hearing notice requirements are inconsistent and unwieldy, which could lead to administrative errors in the process. The Village maintains a website with access to application materials. The current requirement that application materials be mailed to neighbors is excessive. Given the advances in technology, the Village’s website is truly the best way to provide the public with access to information. Excessive mailings are costly and often ignored by recipients.

**Recommendations:**

- Only require mailings for public hearings.
  - Establish a consistent mailing radius for all application types.
  - Establish a consistent number of days in which the notices must be mailed or published in the newspaper.
  - Update the sign requirements such that a sign is only posted once, and refers people to the Village website for application information.
3. **Special Permits.** Revisit the as-of-right versus special permit uses, as well as review procedures. Special permits should be reserved for uses that require additional restrictions to address potential nuisance concerns. Currently, too many uses require special permits, and this can be a burden on desirable new businesses in the downtown. For example, a coffee or bagel shop is subject to the same extensive special permit process as a late-night bar. Similarly, the renewal requirement for special permits should be narrowly applied to only those uses that actually require periodic reassessment. There are no clear guidelines for reviewing renewal requests, which can lead to inconsistent decisions and procedural challenges.

**Recommendations:**

- Reduce the types of uses that require special permits to only those that require particular and specific review.
  - Reassign special permit review authority to the Planning Board, to allow concurrent review with site plan approvals.
  - Reduce the number of special permit uses that require renewal to only those that require continued oversight.
  - Add clear guidelines for renewal approval/denial. For example, reasons for denial could include excessive or repeated noise, criminal activities, or building permit violations.
  - Renewal applications should be reviewed by the Manager’s Office.
4. **Land Use Definitions.** The definitions section of the Code leaves out certain modern land uses, which makes it difficult to regulate those uses, for instance, fast casual restaurants or smoke shops. Other sections of the Code sometimes refer to land uses that are not included in the definitions section, and vice versa. For example, the definitions section includes five types of restaurants, but the parking

requirements section only addresses two types. The special permit section also refers to certain land uses that are not included in the definitions section.

**Recommendations:**

- Expand the definitions to include modern land uses – e.g., doggie daycare, childcare centers, senior centers, convenience store, gas station, medical office, drive-thru restaurant, fast casual restaurant, curbside pickup, smoke shop / tobacco store, and others.
- Review and update the land uses listed in various Code sections (e.g., definitions, off-street parking, special permit, permitted district uses) to ensure consistency throughout.
- Evaluate newly defined land uses for planning concerns and consider use-specific requirements.

5. **Allowable Use Table.** The existing zoning code does not have an allowable use table that clearly summarizes which uses are allowed in each zoning district.

**Recommendations:**

- Add a use table to the end of the zoning code. The use table should clearly specify which uses are allowed in each zoning district, and whether it is a permitted principal or special permit use.
- The Code should be updated to include key land uses that are currently defined but not expressly permitted. There are numerous disconnects between the defined uses and the allowable uses listed for each zoning district.
- The allowable uses in the commercial zoning districts should be updated to include, as appropriate, the modern land uses identified above.

6. **Review Existing Parking Requirements.** The parking standards should be updated to reflect modern parking generation rates for the allowable uses in the Code.

**Recommendations:**

- Use consistent terms in the allowable use table, definitions, and parking requirements.
- Assign parking generation rates to the allowable uses.
- Consider expanding opportunities for shared parking and parking waivers.

7. **Wireless Telecommunications Facilities.** The Federal Communications Commission (FCC) has issued a series of declaratory rulings that narrow the scope of municipal review of applications for wireless telecommunications facilities. Broadly, the FCC rulings address the “shot clock” (the maximum number of days for a municipality to act on an application), limit the requirements that a municipality can impose on an applicant, and clarify certain definitions, e.g., “eligible facilities request.” The most recent rulings address modification requests, notably, that if a proposed modification constitutes an “eligible facilities request,” then the Village will have 60 days to review the application; and, if the proposed modification would not substantially change the physical dimensions of the existing tower, then the application must be approved.

**Recommendation:**

- Update application procedures and reduce restrictions imposed on wireless telecommunication facilities applications to ensure compliance with FCC rulings.

- Simply the process for co-locating wireless facilities.
- Eliminate the re-certification requirements.

## CONCLUSION

The above recommendations would improve the function, readability, and administration of the Village's Zoning Code. In addition to improving the planning and zoning process for Village residents, these changes would also make the Code more business friendly. Unnecessary administrative and financial hurdles discourage potential and existing businesses from locating in Mamaroneck or improving their properties. The recommendations discussed above support businesses by:

- Simplifying application submittal requirements, including more uniform procedures across the review boards.
- Reducing the costs of applications by removing duplicative notification requirements.
- Consolidating special permit and site plan review authority to a single review board.
- Bypassing the special permit requirement for businesses with low potential for nuisance.
- Modernizing land use definitions to capture new business types and provide clear regulations.

AKRF is available to discuss these recommendations at your convenience.

Sincerely,  
AKRF, Inc.



Ashley Ley, AICP  
Vice President – Planning and Land Development