

LEGAL NOTICE IS HEREBY GIVEN that pursuant to Section 130 of the Town Law of the State of New York, and pursuant to a resolution of the Mamaroneck Town Board adopted on March 1, 2017 a Public Hearing will be held on Wednesday, March 15, 2017 at 8:00 PM or as soon thereafter as is possible at the Town Center, 740 W. Boston Post Road, Mamaroneck, New York to consider: "Assignment of Certain Duties to the Environmental Planner and Amendment of Appellate Procedure" Law.

Purpose

The Town Board finds that the procedure under Chapter 207 of the Town Code regarding tree removal should be revised to make the procedure more efficient and to assign tasks to Town personnel who are better suited to administer that procedure. The functions currently assigned to the Tree Preservation Commission can be performed by the Environmental Planner, thereby streamlining the process for applying for tree removal. Appeals from decision and determinations regarding tree removal can and should be handled by the Board of Appeals, which is the board within the Town that has been established to handle appeals of administrative decisions.

The full text of this law can be viewed on the website or copies can be obtained at the Town Clerk's office during regular hours, Mon-Fri, 8:30 AM to 4:30 PM, In June, July and August until 4:00 PM at 740 W. Boston Post Road Mamaroneck, NY

PLEASE TAKE FURTHER NOTICE that at the Public Hearing all persons interested will be given an opportunity to be heard and that all persons are invited to submit written comments at or prior thereto.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF MAMARONECK**

**CHRISTINA BATTALIA
TOWN CLERK**

Published: March 8, 2017

Local Law No. - 2017

This local law shall be known as the “Assignment of Certain Duties to the Environmental Planner and Amendment of Appellate Procedure” Law.

BE IT ENACTED by the Town Board of the Town of Mamaroneck

Section 1 – Purpose:

The Town Board finds that the procedure under Chapter 207 of the Town Code regarding tree removal should be revised to make the procedure more efficient and to assign tasks to Town personnel who are better suited to administer that procedure. The functions currently assigned to the Tree Preservation Commission can be performed by the Environmental Planner, thereby streamlining the process for applying for tree removal. Appeals from decision and determinations regarding tree removal can and should be handled by the Board of Appeals, which is the board within the Town that has been established to handle appeals of administrative decisions.

Section 2 – Amendment of a current section of the Mamaroneck Code:

Section 207-1 of the Code of the Town of Mamaroneck hereby is amended by designating the current paragraph as paragraph “A” and adding the following paragraph B.:

B. “Environmental Planner” means the person serving in that capacity. If the position of Environmental Planner is vacant, or if the Environmental Planner is unable to perform the tasks of that position, the Town Board may appoint another Town employee or a consultant to perform the tasks required to be performed under this chapter.

Section 3 – Amendment of current sections of the Mamaroneck Code:

- A. Sections 207-2 A., 207-2 B., 207-3, 207-4 A. (2) and (4), 207-4 B., 207-C., 207-6 A., 207-6 B., 207-6 C., 207-6 D., 207-E., 207-6 F., 207-6 G., 207-6 J., 207-7 A., 207-7 C., 207-7 D., 207-8 of the Code of the Town of Mamaroneck are amended to substitute the words “Environmental Planner” for the words “Tree Preservation Commission” each time that the words “Tree Preservation Commission” appear in those sections.

- B. Sections 207-4 A. (5), 207-6 B., and 207-7 B. of the Code of the Town of Mamaroneck are amended to substitute the words “Environmental

Planner” for the words “Tree Commission” each time that the words “Tree Commission” appear in those sections.

- C. Section 207-6 D. of the Code of the Town of Mamaroneck is amended to substitute the words “Environmental Planner” for the word “Commission” where it appears in that section unmodified by the words “Tree Preservation”.

- D. The title of Section 207-3 of the Code of the Town of Mamaroneck is amended by substituting the words “Environmental Planner” for the words “Tree Preservation Commission” in that title.

- E. The title of Section 207-5 of the Code of the Town of Mamaroneck is amended by deleting the word “Commission” and capitalizing the word “Qualifications”.

Section 4 – Amendment of a current section of the Mamaroneck Code:

Section 207-5 of the Code of the Town of Mamaroneck is repealed and the following is substituted in its place:

Starting in 2018, at least once every five years, the Environmental Planner shall take a course, at the Town’s expense, from an organization whose educational purposes include dendrology (the science of trees). Such course must include an introduction in determining the health of trees. Anyone hired to replace the then current Environmental Planner shall take such a course by no later than December 31 of the year following the year of that person’s appointment and thereafter shall take such course at least once every five years.

Section 5 – Amendment of a current section of the Mamaroneck Code:

Section 207-6 H. of the Code of the Town of Mamaroneck is repealed and the following is substituted in its place:

H. Any person, firm, organization or corporation entitled to receive notice of a decision or determination made by the Environmental Planner has the right to appeal that decision or determination to the Board of Appeals, which may affirm, annul or modify that decision or determination. Notice of that appeal must be in writing, must be accompanied by the appellant’s reasons for annulling or modifying the Environmental Planner’s decision or determination and must be received by the Environmental Planner no later than the fourteenth day after the notice of a decision or determination was mailed to the appellant. The Environmental Planner’s

decision and determination shall be stayed until the Board of Appeals decides the appeal or the appeal is dismissed or withdrawn. The decision of the Board of Appeals on that appeal shall be filed with the Environmental Planner.

Section 6 – Amendment of a current section of the Mamaroneck Code:

Section 207-6 I. of the Code of the Town of Mamaroneck is repealed and the following is substituted in its place:

Any person aggrieved by a decision of the Board of Appeals, may apply to the Supreme Court of the State of New York for review of that decision by a proceeding brought under article 78 of the civil practice law and rules. Such proceeding must be instituted within thirty days after the decision of the Board of Appeals is filed with the Environmental Planner.

Section 7 – Severability:

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other provisions of this Local Law, which may be implemented without the invalid or unconstitutional provisions.

Section 8 – Effective Date:

This Local Law shall become effective upon filing with the Secretary of State.

January 6, 2017