

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of BRIARCLIFF MANOR
- Town
- Village

Local Law No. 6 of the year 20 07

A local law TO AMEND CHAPTER 220 OF THE CODE OF THE VILLAGE OF BRIARCLIFF MANOR
(Insert Title)
WITH RESPECT TO THE RECONSTRUCTION OF NONCONFORMING BUILDINGS

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

- County
- City of BRIARCLIFF MANOR as follows:
- Town
- Village

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A LOCAL LAW TO AMEND
CHAPTER 220 OF THE CODE OF THE
VILLAGE OF BRIARCLIFF MANOR
WITH RESPECT TO THE
RECONSTRUCTION OF
NONCONFORMING BUILDINGS

Be it enacted by the Village Board of Trustees of the Village of Briarcliff Manor, as follows:

Section 1. Section 220-16.(A)(4) of the Village Code of the Village of Briarcliff Manor is amended to read as follows:

“(4) Effect of serious damage.

- (a) In all non-residential zoning districts, no nonconforming non-residential building destroyed or damaged from any cause to the extent, as determined by the Building Inspector, of over 50% of the value of its structure above the foundation shall be restored in nonconforming form or location on the lot or for the continuance of a nonconforming use therein. Any such building destroyed or damaged accidentally due to fire, explosion or other cause to the extent, as determined by the Building Inspector, of not more than 50% of the value of its structure above the foundation may, if so permitted by the Board of Appeals, be restored in substantially the same location, provided that it be not enlarged and that it comply with height, yard, area and other requirements of the schedule, and provided also that the Board of Appeals may permit the continuance without enlargement of such previous existing nonconforming use subject to such additional limitation and safeguards as it may deem necessary in the public interest for the protection of nearby conforming uses. Anything to the contrary in this subsection notwithstanding, the Board of Trustees may by special permit issued in accordance with the provisions of § 220-6 of this chapter authorize a nonconforming golf clubhouse to be reconstructed or replaced, in whole or in part (but in no case enlarged), for its prior nonconforming use in substantially the same location and may permit the construction or replacement of any ancillary structure necessary or appropriate for such golf club use, provided that, in each such case, that the Board of Trustees finds that (a) such construction, reconstruction or replacement (1) furthers the goal of open space preservation and the purposes of § 220-7 of this chapter, (2) maintains or improves the relationship between the

subject property and the surrounding community, and (3) results in improvement in the public welfare, health, safety and applicable environmental concerns; and (b) unique circumstances exist that support the need for such construction, reconstruction or replacement. Such special permit may include such conditions and restrictions relative to the use and operation of such nonconforming use as the Board of Trustees may find are necessary to achieve such purposes.

- (b) In all residential zoning districts, any nonconforming residential building destroyed or damaged from any cause to any extent may be repaired or reconstructed with the same habitable floor area, height, footprint, or less, as it existed prior to the destruction or damage, provided that the building fell within the definition of a legal pre-existing nonconforming structure.
- (c) Any nonconforming residential building in a non-residential zoning district destroyed or damaged from any cause to any extent may be repaired or reconstructed with the same habitable floor area, height, footprint, or less, as it existed prior to the destruction or damage, provided that the building fell within the definition of a legal, pre-existing nonconforming structure.
- (d) Any repair or reconstruction as provided in this Section 220-6(a)(4) must comply with all fire, construction, health and safety rules, regulations, ordinances and laws applicable at the time of repair or reconstruction. Substantial work of any such repair or reconstruction must be commenced within a period of 24 months after the damage or destruction of the building and shall be diligently prosecuted to completion.”

Section 2. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 3. Supersession. This local law is adopted pursuant to the authority granted by New York Municipal Home Rule Law Section 10(1)(e)(3) and shall supersede any provision New York Village Law Section 7-718 and any other section of Village Law which is inconsistent with it.

Section 3. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 20 07 of the (County)(City)(Town)(Village) of BRIARCLIFF MANOR was duly passed by the BOARD OF TRUSTEES on AUGUST 2, 20 07, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

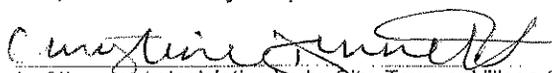
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____, above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8-21-07

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, the undersigned, hereby certify that the foregoing local law contains the correct text of the proceedings have been had or taken for the enactment of the local law annexed hereto.

Wormser, Kiely, Galef & Jacobs LLP

Signature
Village Attorney, Wormser, Kiely, Galef & Jacobs
Title

County
City of BRIARCLIFF MANOR
Town
Village

Date: 8/17/07