

**LOCAL LAW#2 OF 2024**

**AMENDING VARIOUS PROVISIONS OF THE VILLAGE CODE WITH  
RESPECT TO THE ENVIRONMENTAL CONSERVATION BOARD**

(January 17, 2024)

Be it enacted by the Board of Trustees of the Village of Irvington that the Village Code is hereby amended as follows:

Section 1: Chapter 22, Environmental Conservation Board (§§ 22-1 through 22-8) of the Village Code is hereby deleted in its entirety.

Section 2: Sections 11-1, 11-2.A and 11-3 of Chapter 11 (Alternate Members of Boards) is hereby amended as follows (deleted language ~~stricken~~; new language in *italics*):

**§ 11-1. Legislative intent.**

There are occasions when a duly appointed member of the Village of Irvington Planning Board, Zoning Board of Appeals, *or* Board of Architectural Review ~~or Environmental Conservation Board~~ cannot attend a meeting of such Board or, because of conflict of interest, cannot vote on a matter to be considered by said Board, resulting in less than a full Board and in some cases lack the quorum for the conduct of business. It is the purpose of this chapter to permit the Mayor to appoint alternate member(s) to said Board to attend such meeting(s) and to vote in place of such absent or disqualified member(s).

**§ 11-2. Power to appointment alternate member(s).**

A The Mayor of the Village of Irvington is hereby empowered to appoint qualified individuals who are residents of the Village of Irvington to serve as alternate member(s) of the Planning Board, the Zoning Board of Appeals, *or* the Board of Architectural Review ~~or the Environmental Conservation Board~~ of the Village of Irvington should any member(s) of any said Boards be unable or fail to participate in a particular matter for whatever reason, including conflict of interest or absence.

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**§ 11-3. Terms of alternate members.**

Each alternate member of the Village of Irvington Planning Board, Zoning Board of Appeals, *or* Board of Architectural Review ~~or Environmental Conservation Board~~ shall, subsequent to the first appointments by the Mayor pursuant to this chapter, be appointed for a term of three years. ~~The first appointments by the~~

~~Mayor pursuant to this chapter shall be as follows: A. First alternate member: three years from April 1, 1991. B. Second alternate member: two years from April 1, 1991. C. Third alternate member: one year from April 1, 1991.~~

Section 3: Section 27-3.B (Conflicts of interest of Village officers and employees) of the Village Ethics Code is hereby amended as follows (deleted language ~~stricken~~):

Provisions applicable to members of the Zoning Board of Appeals, Planning Board, Board of Architectural Review, ~~Environmental Conservation Board~~, and Tree Preservation Commission, and to paid employees. In addition to the provisions of Subsection A, no member of the Zoning Board of Appeals, Planning Board, Board of Architectural Review, ~~Environmental Conservation Board~~, Tree Preservation Commission or a paid Village employee shall:

- (1) Act as an attorney, agent, broker, employee, consultant or representative for any person in any business dealing that person has with the Village.
- (2) Appear before the Village on any matter that has come or is likely to come before the member's board, unless the appearance is on behalf of the Village or on his or her own behalf.

Section 4: Section 160-3 (Professional Fees; Payment of fees when escrow is not required) is hereby amended as follows (deleted language ~~stricken~~):

For applications for which no escrow is required, no permit, variance, subdivision, site plan or other approval shall be issued and no application therefor shall be considered by the Village Board, Planning Board, Zoning Board of Appeals, Architectural Review Board (ARB), ~~Environmental Conservation Board~~, Building Inspector or any other board, commission or agency of the Village, if fees owing under § 160-1 are owing for more than 30 days after the Village notifies the applicant that the fees are owing.

Section 5: Subsection G of § 184-4 (Streets and Sidewalks; Stone Walls; Permit procedure; fee; bonds; appeals) is hereby amended as follows (deleted language ~~stricken~~):

All decisions of the Building Inspector and/or the Planning Board approving applications pursuant to this article shall be sent by the applicant by certified mail, return receipt requested, within seven days to all property owners within 250 feet of the area in question. ~~and to the Environmental Conservation Board~~

Section 6: Section 195-34 (Taxation; Payment or resolution of taxes, assessments, violations and other fees required) is hereby amended as follows (deleted language ~~stricken~~):

No permits, variances, licenses, subdivision, site plan or other approvals or authorizations shall be issued, no applications therefor shall be considered, and no informal conference, preliminary review or other procedure in relation thereto shall be conducted by the Village Board, Planning Board, Zoning Board of Appeals, Architectural Review Board (ARB), ~~Environmental Conservation Board~~, Building Inspector or any other board, commission or agency of the Village, with respect to any premises within the Village, unless and until all outstanding Code violations on said premises are resolved and all amounts due the Village in real estate taxes, special assessments and any other payments chargeable to the owner or possessor of said premises, together with all penalties and interest thereon, shall have been paid in full.

Section 7: Subsection B of § 224-72 of the Zoning Code (Site Development Plan Approval, Standards for Approval) is hereby amended as follows (deleted language ~~stricken~~):

B The Planning Board shall take into consideration the requirements of this chapter, the Village Comprehensive Land Use Plan, the Official Map and such other enactments as reflect the land use policies of the Village. It shall submit each application to ~~the Environmental Conservation Board~~ and the Architectural Review Board and, in the case of proposed developments of five or more dwelling units or floor area of 15,000 or more square feet, to the heads of each Village department within five days of receipt of the completed application for their comments and shall consider the comments and recommendations of all agencies to which referral is mandated by law or by election of the Planning Board; provided, however, that if no comments are received by the Planning Board within 20 days of the referral to an individual or agency, the Planning Board may proceed on the basis that there are no comments from that individual or agency.

Section 8: Subsection A of § 224-101 of the Zoning Code (Promulgation of rules and regulations) is hereby amended to read as follows (deleted language ~~stricken~~):

A. The Board of Trustees, Planning Board, Zoning Board of Appeals, Architectural Review Board, ~~Environmental Conservation Board~~ and any other agency or board affected by this chapter may adopt rules and regulations to carry out its functions hereunder subject to the provisions hereinafter set forth.

Section 9: Section 224-102 of the Zoning Code (Payment or resolution of taxes, assessments, violations and other fees required) is hereby amended to read as follows (deleted language ~~stricken~~):

No permits, variances, licenses, subdivision, site plan or other approvals or authorizations shall be issued, no applications therefor shall be considered, and no informal conference, preliminary review or other procedure in relation thereto shall be conducted by the Village Board, Planning Board, Zoning Board of Appeals, Architectural Review Board, ~~Environmental Conservation Board~~, Building Inspector or any other board, commission or agency of the Village, with respect to any premises within the Village, unless and until all outstanding Code violations on said premises are resolved and all amounts due the Village in real estate taxes, special assessments and any other payments chargeable to the owner or possessor of said premises, together with all penalties and interest thereon, shall have been paid in full.

Section 10: Subsection C of § 224-157 of the Zoning Code (Wetlands ) is hereby amended to read as follows (deleted language ~~stricken~~):

C. Referrals may be made ~~to the Irvington Environmental Conservation Board~~, to environmental consultants and/or to the Westchester County Soil and Water Conservation District, as appropriate, to assist the Planning Board in evaluating potential impacts of the proposed activity. The Planning Board may conduct a public hearing on any application.

Section 11: All ordinances, local laws, and parts hereof inconsistent with this local law are hereby repealed.

Section 12: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.