

**VILLAGE OF AIRMONT
BOARD OF TRUSTEES SPECIAL MEETING
ZOOM
October 4, 2021
7 PM**

Call to Order

Pledge of Allegiance

Roll Call

Approval of Minutes – September 14, 2021

Approval of Treasury Abstracts of October 4, 2021

PUBLIC HEARINGS: limited to three minutes per speaker to specific local law

- 1. LOCAL LAW: Amending Village Code Chapter 200 Titled Vehicles and Traffic**
 - 1a. RESOLUTION: Adoption of Local Law No. 1 of 2021**
- 2. LOCAL LAW: Amending Village Code Chapter 210 Titled Zoning; Repealing Section 210-25 Garages**
 - 2a. RESOLUTION: Adoption of Local Law No. 4 of 2021**
- 3. LOCAL LAW: Amending Village Code Chapter 123 Titled Landscapers; Operational Regulations**
 - 3a. RESOLUTION: Adoption of Local Law No. 5 of 2021**
- 4. LOCAL LAW: Amending Village Code Chapter 195 Titled Trees; Residential Tree Maintenance and Management**
 - 4a. RESOLUTION: Adoption of Local Law No. 6 of 2021**
- 5. LOCAL LAW: Amending Village Code Chapter 132 Titled Noise**
 - 5a. RESOLUTION: Adoption of Local Law No. 2 of 2021**
- 6. LOCAL LAW: Amending Village Code Chapter 52 Titled Terms of Office; Village Elections Repealing Section 52-4 Citizens Protection Act**
 - 6a. RESOLUTION: Adoption of Local Law No. 3 of 2021**
- 7. Adjournment**

**VILLAGE OF AIRMONT
STATE OF NEW YORK**

LOCAL LAW No. _____ of 2021

**A LOCAL LAW TO REPEAL AND REPLACE VILLAGE CODE CHAPTER 200
TITLED VEHICLES AND TRAFFIC, SECTION 200-11 (A)(2)
PROHIBITED ACTS;EXCEPTIONS**

BE IT ENACTED by the Village Board of Trustees of the Village of Airmont as follows:

Section 1. Title of Local Law

This Local Law shall be entitled “a Local Law to Repeal and Replace Chapter 200-11(A)(2) of the Village Code Regarding Prohibited Parking”

Section 2. Authorization

The Local Law repealing and replacing Chapter 200-11(A)(2) of the Village Code of the Village of Airmont is enacted pursuant to the authorization established in the New York State Municipal Home Rule Law Section 10 and the Village Law of the State of New York, including but not limited to Village Law Article 4.

Section 3. Purpose

The Village Board of Trustees from time to time reviews issues of traffic safety and has determined that the health, safety, and welfare of those utilizing public roads in the Village are best protected by changes to provisions of the Village Code as set forth herein.

Section 4. Amendment

The Village Code at Chapter 200-11(A)(2) is hereby repealed and replaced with the following:

Chapter 200-11(A)(2) “All-night parking” is hereby defined as continuous parking on any public roadway in the Village between the hours of 12:00 Midnight and 6:00 A.M. inclusive during the period from November 1 to April 1 of each and every year. This aforesaid prohibition shall be in addition to any other prohibitions elsewhere imposed in Section 200-11 regarding the parking of motor vehicles.

Section 5. Effective Date

This Local Law shall become effective immediately upon the filing of this Local Law in the Office of the New York State Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

**VILLAGE OF AIRMONT
STATE OF NEW YORK**

LOCAL LAW No. _____ of 2021

**A LOCAL LAW TO REPEAL VILLAGE CODE CHAPTER 210
TITLED ZONING, SECTION 210-25 GARAGES**

BE IT ENACTED by the Village Board of Trustees of the Village of Airmont as follows:

Section 1. Title of Local Law

This Local Law shall be entitled “a Local Law to repeal Section 210-25 of the Village Code of the Village of Airmont with respect to Garages in Residential Zoning District”

Section 2. Authorization.

The Local Law repealing Chapter 210-25 of the Village Code of the Village of Airmont is enacted pursuant to the authorization established in the New York State Municipal Home Rule Law Section 10 and the Village Law of the State of New York, including but not limited to Village Law Article 4.

Section 3. Purpose

The Board of Trustees of the Village of Airmont had previously enacted a Local Law at Chapter 210-25 that did not advance any safety, health or welfare purposes as required by applicable provisions of the Laws in New York State. The Board of Trustees of the Village of Airmont has determined that repeal of said Local Law is in the best interest of the Village and its taxpayers to avoid the cost of litigation to challenge any Local Law that is not supported by healthy, safety and welfare reasons.

Section 4. Amendment

The Village Code at Article III, Chapter 210-25 is hereby repealed in its entirety. Any other provision of the Village Code that mandates the existence of a garage as set forth in Section 210-25 in any residential Zoning District is also repealed.

Section 5

This Local Law shall become effective immediately upon the filing of this Local Law in the Office of the New York State Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

STATE OF NEW YORK

LOCAL LAW No. _____ of 2021

**A LOCAL LAW TO REPEAL AND REPLACE THE VILLAGE
CODE AT CHAPTER 123 TITLED LANDSCAPERS, SECTION 123-7(A)
OPERATIONAL REGULATIONS**

BE IT ENACTED by the Village Board of the Village of Airmont as follows:

Section 1. Title of Local Law

This Local Law shall be entitled “a Local Law to Repeal and Replace the Village Code at Chapter 123-7(A) Regarding Operational Regulations.

Section 2. Authorization

This Local Law to repeal and replace the Village Code at Chapter 123-7(A) is enacted pursuant to the authorization established in the New York State Municipal Home Rule Law, Section 10 and applicable provisions of the New York State Village Law, including but not limited to Village Law, Article 4.

Section 3. Purpose

The Board of Trustees of the Village of Airmont has determined that the reduction of noises at certain times in the Village enhances the health, safety and welfare of Village Residents and from time to time the Village Board of Trustees should review and amend its Local Laws to address any noise conditions that do not promote the health, safety and welfare of Village Residents.

Section 4 – Amendment

The Village Code at Chapter 123-(7)(A) is hereby repealed and replaced as follows:

Section 123-7 Operation Regulations shall provide as follows:

- A. No landscaper shall operate any power or manual or other type of lawn mower or any other gardening equipment on any Saturday and Sunday between the hours of 8:00 P.M. the day before each and every of said days through and including to 10:00 A.M. the following day local time.

Section 5

This Local Law shall become effective immediately upon the filing of this local law in the office of the New York State Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

**VILLAGE OF AIRMONT
STATE OF NEW YORK**

LOCAL LAW No. ____ of 2021

**A LOCAL LAW TO REPEAL AND REPLACE VILLAGE
CODE AT CHAPTER 195-26 REGARDING TREE
MAINTENANCE AND MANAGEMENT**

BE IT ENACTED by the Village Board of Trustees of the Village of Airmont as follows;

Section 1. Title of Local Law.

This Local Law shall be entitled “a Local Law repealing and replacing the Village Code at Article III Section 195-26, et seq. regarding tree maintenance and management.

Section 2. Authorization

The Local Law amending Section 195-26 et seq. of the Village Code of the Village of Airmont is enacted pursuant to the authorization established in the New York State Municipal Home Rule Law Section 10 and the Village Law of the State of New York, including but not limited to Village Law Article 4.

Section 3 Purpose

The Board of Trustees of the Village of Airmont has determined that both the existing character of the community and the control of erosion are dependent on the wooded landscape and that the need for appropriate open space for the construction of residential housing are both important needs that must be balanced and the Village enacts this Local Law for that purpose

- A. To provide for appropriate land areas for the provision of housing for those in need of such housing in the Village.
- B. To ensure the continuation of the wooded character of the Village consistent with the continuation of providing places for appropriate residential housing in Village.
- C. To comply with the requirements of the 2003 EPA Stormwater Phase II of the Clean Water

Section 4. Amendment

The Village Code at Section 195-26 et seq., Article III is hereby repealed and replaced in its entirety with a new Section 195-26 et seq. at Article III as follows:

Title: §195-26. Tree Maintenance and Management Operations

The removal of any Tree within fifteen (15) feet of each and every residential property line shall be prohibited unless an area variance is obtained from the Village Zoning Board of Appeals. Said removal shall include intentional actions to remove a tree as well as negligent damage to trees through excessive pruning, improper application of herbicides, excavation or grading or any other willful damaging activity. The removal of any other Tree within a residential lot shall be permitted, but the minimum number of such Trees only shall be removed consistent with the design of any residential structure as such balance is determined by the property owner in consultation with any professional retained by said property owner.

Title: Section 195-27. Definition

The word “tree” as utilized herein shall mean any woody perennial plant characterized by having a single trunk or multitrunk structure at least 10 feet high and having a major trunk with a caliper of at least four inches measured 54 inches above the ground level

The word “residential structure” as used herein shall refer to a principal residence only.

The word “professional” as used herein shall refer to a licensed architect, engineer or arborist.

Title: Section 195-28. Compliance with other Laws and Regulations

Nothing herein this Local Law shall be deemed any waiver of, nor permission to, nor approval of the cutting of trees where permission is required from any New York State or Federal Authority, including but not limited to compliance with New York State Department of Conservation Regulations concerning the Protection of Northern Long-Eared Bats within any Occupied Habitat or any tree designated by the New York State Department of Environmental Conservation as a protective native plant or tree or any tree within a New York State or Federal Wetland or within 25 feet of the top of the bank of any drainage way.

Title; Section 195-29 Establishment of a Tree Committee

The Village Board of Trustees for the Village of Airmont may from time to time establish a “Tree Committee” for the purpose of recommending to Property Owners the planting or removal of trees on any property owned by any Property Owner within the Village. The Village Board of Trustees shall establish rules and regulations for the composition of such Tree Committee which shall be no less than three Village Residents and no more than five Village Residents whose terms of Office for said Tree Committee shall be for one year. The Tree Committee shall be advisory only with its recommendations and no such recommendation of the Tree Committee shall be binding on any Property Owner

Title: §195-30. Costs and Penalties

- A. The penalty for violating this ordinance shall be no less than \$250 and no more than \$2,500 per violation.

Title: §195-31. Suppression of the Village Law

This Local Law is enacted pursuant to the authority of Section 10(1)(ii)(3) of the Municipal Home Rule Law authorizing villages to adopt local laws which may amend or supersede any provision of the Village Law in relation to the property, affairs of government of the Village or in relation to any other enumerated subject matters in such Section 10.

Title: §195-32. Removal of Trees in an Emergency or other Situation

Nothing herein this Local Law shall prevent the removal of any tree that poses a threat to public safety as certified by the Village Building Inspector or a licensed arborist or for actions taken by a utility company or governmental agency as part of the regular maintenance and protection of infrastructure.

Title: §195-33 Severability

Should any section, sentence or provision of this local law be determined by any court of competent jurisdiction to be unconstitutional or invalid in any way, such determination shall not affect the validity of this local law as a whole or any part thereof other than the part expressly so determined to be unconstitutional or invalid.

Section 5. Effective Date

This Local Law shall take effect immediately upon its filing with the Secretary of State

VILLAGE OF AIRMONT

LOCAL LAW ____ OF 2021 amending Chapter 132 Noise, specifically 132-4 Prohibited Acts, Section Cand Section D.

A LOCAL LAW to amend Chapter 132, specifically 132-4C(1)(a) and 132-4D of the Village Code of the Village of Airmont to amend Chapter 132 of the Code of the Village of Airmont with respect to Noise Prohibited Acts.

BE IT ENACTED by the Village Board of the Village of Airmont as follows:

**Title: Chapter 132 Noise
Chapter 132 -4 Prohibitive Acts, Specifically 132-4C(1)(a)
Construction and Section 132-4D Domestic Power Tools**

Body: Section 132-4C(1)(a) to include Saturday as an exclusion to improve quality of life

Section 132-4C:

Section 132-4C(1)(a):

Between the hours of 8:00 P.M. and 8:00 A.M. the following day on weekdays or at anytime on Saturday, Sunday or legal holidays such that sound therefrom creates an unreasonable noise across a residential real property boundary.

Section 132-4D:

To regulate hours of operation of domestic tools on Saturday and Sunday between the hours of 8:00 P.M. the day before and 10:00 A.M. the following day local time to improve the quality of life.

Section 132-4D Domestic Power Tools to read:

- D. "No person shall operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool or similar device used outdoors in residential area between the hours of 8:00 P.M. the day before and 10:00 A.M. the following day so as to cause an unreasonable noise across residential real property boundary. Nothing herein shall prohibit the operation of a snowblower to clear snow during as well as after a snowfall".

This local law shall become effective immediately upon the filing of this local law in the office of the New York State Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

**VILLAGE OF AIRMONT
STATE OF NEW YORK**

LOCAL LAW No. _____ of 2021

**A LOCAL LAW TO REPEAL VILLAGE CODE CHAPTER 52
TITLED TERMS OF OFFICE; VILLAGE ELECTIONS, SECTION 52-4
CITIZENS PROTECTION ACT**

BE IT ENACTED by the Village Board of Trustees of the Village of Airmont as follows:

Section 1. Title of Local Law

This Local Law shall be entitled “a Local Law to repeal the Village Code of the Village of Airmont by removing Section 52-4”

Section 2. Authorization

This Local Law to repeal and remove Section 52-4 of the Village Code of the Village of Airmont is enacted pursuant to the authorization established in the New York State Municipal Home Rule Law, Section 10 and applicable provisions of the New York State Village Law, including but not limited to Village Law, Article 4.

Section 3. Purpose

It is the purpose of this Local Law to make all Village Local Laws consistent with all Federal and State legal requirements. The enactment of Section 52-4 was prior to or inconsistent with Court Decisions that recognized the First Amendment rights of individuals concerning contributions and free association under the First Amendment. Moreover, existing New York State Election Law provides for penalties when any such contributions are made unlawfully. Thus, Federal and State requirements rendered the continued application of Section 52-4 legally nugatory and subject to costly litigation to the Village and said Section should be so repealed.

Section 4. Amendment

The Village Board of Trustees for the Village of Airmont hereby repeals and removes Section 52-4 of the Village Code completely.

Section 5. Effective Date

This Local Law shall become effective immediately upon the filing of this Local Law in the office of the New York State Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.