

PUBLIC HEARING NOTICE
LOCAL LAW, INTRO. NO. 5
COUNTY GREENWAY COMPACT PLAN

NOTICE is hereby given that the City Council of the City of New Rochelle, New York, will hold a Public Hearing in accordance with the provisions of Section 16 of Article III of the Charter of the City of New Rochelle and in accordance with the provisions of the Municipal Home Rule Law of the State of New York, in the Council Chambers, City Hall, 515 North Avenue, New Rochelle, New York, on Tuesday, October 4, 2011, at 7:30 P. M., on a proposed Local Law, Intro. No. 5, as follows:

A LOCAL LAW, INTRO. NO. 5, ADOPTING THE WESTCHESTER COUNTY GREENWAY COMPACT PLAN.

BE IT ENACTED by the City of New Rochelle, as follows:

Section 1. Adoption of Westchester County Greenway Compact Plan

1. Pursuant to the provisions of Section 44-0119 of the Environmental Conservation Law of the State of New York, the City of New Rochelle hereby adopts the statement of policies, principles and guides detailed in the four compendiums titled, *Tourism and Economic Development Plan* (April 1997), *Hudson River Waterfront Present and Future* (June 1998), *Building Livable Downtowns* (June 1999) and *Growing Smarter Together* (September 2000), and *Patterns for Westchester: The Land and the People* which together comprise the Westchester County Greenway Compact Plan (hereinafter referred to as Compact Plan), by which the City of New Rochelle becomes a participating community in the Greenway Compact.
2. Proposals to amend the Compact Plan may from time to time be made by the Hudson River Valley Greenway Communities Council (hereinafter referred to as "Greenway Council") in response to requests from participating communities. Within 90 days of receipt of any such proposal from the Greenway Council, the City Council of the City of New Rochelle shall determine by resolution whether to accept or to reject such proposed amendment. Any proposed amendment so accepted shall be considered an amendment of the Compact Plan as adopted by the City of New Rochelle. Any proposed amendment rejected by the City Council will not be considered to be an amendment of the Greenway Plan for the City of New Rochelle and notice of such rejection shall promptly be provided to the Greenway Council.
3. It is stated policy of the City of New Rochelle that, to the extent the City amends its current, or enacts new, land use laws and regulations, such new or amended laws and regulations, where appropriate, should be designed to be consistent with the Compact Plan.

Section 2. Amendment of Zoning Code

To implement the Compact Plan in the City of New Rochelle Chapter 331 of the Zoning Code of the City of New Rochelle shall be amended by the addition of the following provision:

§331-1 (O). Westchester County Greenway Compact Plan. By Local Law No. 5 of the Year 2011 the City of New Rochelle has adopted the Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the City. In its discretionary actions under this zoning code, the reviewing agency should take into consideration said statement of policies, principles and guides, as appropriate.

Section 3. Amendment of Subdivision Regulations

To implement the Compact Plan in the City of New Rochelle Chapter A361 Land Development of the Code of the City of New Rochelle shall be amended by the addition of the following provision:

§361-12(O). Westchester County Greenway Compact Plan. By Local Law No. 5 of the Year 2011 the City of New Rochelle has adopted the Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the City. In its discretionary actions under this code, the reviewing agency should take into consideration said statement of policies, principles and guides, as appropriate.

Section 4. Home Rule of Authority

Nothing in this Local Law adopting the Compact Plan, or in becoming a participating community in the Compact Plan is intended, or shall be construed (a) to limit the home rule authority of the City under State Law to make local land use and zoning decisions, (b) to authorize any other entity to supersede the City's land use laws and regulations or to impose any requirements on the City, or (c) to prevent the City in its sole discretion from adopting a local law at a later date for the purpose of withdrawing from the Greenway Compact or Westchester County Greenway Compact Plan.

Section 5. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the City of New Rochelle hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

PURPOSE AND JUSTIFICATION: This local law is proposed pursuant to the provisions of Section 44-0119 of the Environmental Conservation Law of the State of New York. The City of New Rochelle seeks to adopt the statement of policies, principles and guides detailed in the four compendiums titled, *Tourism and Economic Development Plan* (April 1997), *Hudson River Waterfront Present and Future* (June 1998), *Building Livable Downtowns* (June 1999) and *Growing Smarter Together* (September 2000), and *Patterns for Westchester: The Land and the People*, which together comprise the Westchester County Greenway Compact Plan (hereinafter referred to as Compact Plan). Through this action, the City of New Rochelle will become a participating community in the Greenway Compact.

All persons interested are invited to attend said Public Hearing or submit written communications to the City Clerk at or before the Public Hearing.

By order of the City Council dated September 14, 2011, pursuant to Resolution No. 150.
Bennie F. Giles, III, City Clerk

PUBLIC HEARING NOTICE
PROPOSED AMENDMENT TO CHAPTER 331, "ZONING"
RE: GREENWAY COMPACT PLAN

NOTICE is hereby given that the Council of the City of New Rochelle, New York, will hold a Public Hearing pursuant to Chapter 331 of the Code of the City of New Rochelle, Section 237-m of the General Municipal Law of the State of New York, and Sections 277.61 and 277.71 of the County Administrative Code, on Tuesday, October 4, 2011, at 7:30 P. M., in the Council Chamber, City Hall, 515 North Avenue, New Rochelle, New York, on a proposed amendment to the City's Zoning Code, Chapter 331, as follows:

ORDINANCE AMENDING CHAPTER 331, ZONING, AND CHAPTER A361, LAND DEVELOPMENT, OF THE CODE OF THE CITY OF NEW ROCHELLE RELATIVE TO THE WESTCHESTER COUNTY GREENWAY COMPACT PLAN.

BE IT ORDAINED by the City of New Rochelle:

Section 1. §331-1, Statement of Purpose, of the Code of the City of New Rochelle, is hereby amended by adding the following:

§331-1(O). Westchester County Greenway Compact Plan. By Local Law No. 5 of the Year 2011 the City of New Rochelle has adopted the Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the City. In its discretionary actions under this zoning code, the reviewing agency should take into consideration said statement of policies, principles and guides, as appropriate.

Section 2. §A361-12, Preliminary Layout and Data, of the Code of the City of New Rochelle, is hereby amended by adding the following:

§A361-12(O). Westchester County Greenway Compact Plan. By Local Law No. 5 of the Year 2011 the City of New Rochelle has adopted the Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the City. In its discretionary actions under this code, the reviewing agency should take into consideration said statement of policies, principles and guides, as appropriate.

All persons interested are invited to attend said Public Hearing or submit written communications to the City Clerk at or before the Public Hearing.

By order of the City Council dated September 14, 2011, pursuant to Resolution No. 152.

Bennie F. Giles, III, City Clerk

