

VILLAGE OF



MAMARONECK

Village Hall  
Mamaroneck, N.Y. 10543

Address Reply to:  
P.O. Box 369

**COMPLIANCE NOTICE**

OFFICE OF THE  
BUILDING INSPECTOR

TELEPHONE  
777-7731  
AREA CODE 914

**PURSUANT TO SECTION 200-4(J)(4)(a)**  
**OF THE VILLAGE OF MAMARONECK CODE**

Dear Property Owner:

Please be advised that the Board of Trustees of the Village of Mamaroneck recently adopted Local Law No. 5-2003 (the "Local Law"), which amended the Village of Mamaroneck Code (the "Code") to provide for the enclosure and/or screening of trash containers, receptacles or dumpsters in the Village of Mamaroneck. This memorandum will provide you with a summary of the Local Law, an overview of the application and review process and a summary of the steps that that you must take in order to bring your property into compliance with the Local Law.

I. **Summary of the Local Law**

A. **Objective of the Local Law:** The objective of the Local Law is to require trash containers, receptacles or dumpsters used for industrial, commercial and multi-family use to be enclosed and/or screened with a suitable material. One-family and two-family residences are discussed separately below.

B. **Exception to the Local Law:** The Local Law does not apply to temporary construction containers.

C. **Enclosure Permit Requirement:** In order to achieve the objective of the Local Law, an Enclosure Permit is required for all industrial, commercial and multi-family properties and may be required for one-family and two-family residences (see Section I(D), below). An Enclosure Permit is obtained from the Planning Board of the Village of Mamaroneck (the "Planning Board") and will allow you to install enclosures and/or screening to bring your property into compliance with the Local Law.

Once approved, an Enclosure Permit (except for one-family and two-family residences) will be subject to review and renewal every three (3) years from the original approval date. Said renewal can be obtained by filing an application form and the supporting documents with the Village of Mamaroneck Building Department (the "Building Department") in accordance with the Local Law.

D. **One-Family and Two-Family Residences:** Trash containers used for one-family and two-family residences are not permitted in the front yard. If the trash containers are not located in the front yard, an Enclosure Permit is not required for a one-family or two-family residence.

If there is a practical difficulty in locating the trash containers in the side or rear yards, you must apply for an Enclosure Permit and prove such difficulty to the satisfaction of the Planning Board. The trash containers may then be placed in the front yard in a manner and location acceptable to the Planning Board. If the trash containers are to be placed in the front yard, the Planning Board may require enclosure and/or screening in accordance with the guidelines for commercial, industrial or multi-family properties.

**E. Containers, Receptacles or Dumpsters Located on Village of Mamaroneck Owned Property:** Any container, receptacle or dumpster located on Village of Mamaroneck property, whether it is owned by a private refuse collection service or the property owner/responsible tenant, shall be enclosed or screened from view by the property owner/responsible tenant in accordance with the requirements of the Local Law. If the property owner/responsible tenant does not construct and maintain an enclosure and/or screening, it will constitute a violation of Chapter 200 of the Code.

If a property owner desires to use Village of Mamaroneck property for the placement of containers, receptacles or dumpsters, such property owner shall (1) obtain Planning Board approval for the enclosure and/or screening in accordance with the Local Law; and (2) apply to the Village Manager annually for a license for such use on Village-owned property and pay the applicable fee. If a property owner does not pay the license fee, it will constitute a violation of Chapter 200 of the Code.

**F. Penalties:** Failure to comply with the Local Law will result in the issuance of a violation and/or fines by the Village of Mamaroneck.

## **II. Overview of the Application and Review Process**

**A. Application for an Enclosure Permit:** If you are required to obtain an Enclosure Permit, you must complete and file an Application for an Enclosure Permit with the Planning Board. An Application for an Enclosure Permit is enclosed.

**B. Review Process:** Upon receipt of your completed Application for an Enclosure Permit, the Village of Mamaroneck will notify you of your appointment date with the Planning Board to review your application. The Planning Board will review your application and will approve, approve with recommended changes or deny the Enclosure Permit at one meeting. If the Enclosure Permit is approved, the Planning Board will forward the approved application to the Building Department for follow-up inspection for compliance.

## **III. Summary of the Steps That You Must Take to Bring Your Property Into Compliance**

**A.** You must file an Application for an Enclosure Permit or a Certification of Exemption from an Enclosure Permit with the Planning Board

B. If you file an Application for an Enclosure Permit, you must attend your appointment with the Planning Board. After the Planning Board approves your application, you install the enclosure and screening contained therein. You must submit a renewal application to the Building Department every three years from the original approval date, except if your property is a one-family or two-family residence.

C. If you desire to use Village of Mamaroneck property for the placement of containers, receptacles or dumpsters, you must obtain an Enclosure Permit and apply to the Village Manager for a license.

A copy of the Local Law is available at the Office of the Village Clerk of the Village of Mamaroneck at 123 Mamaroneck Avenue, Mamaroneck, New York.

If you have any questions regarding the Local Law, please call the Building Department at (914) 777-7731.

**INSTRUCTIONS FOR THE  
APPLICATION FOR AN ENCLOSURE PERMIT**

1. This application must be completely filled in by typewriter or in ink and submitted to the Planning Board of the Village of Mamaroneck at c/o Building Department, Village Hall, 169 Mt. Pleasant Avenue, Mamaroneck, New York 10543.

2. This application must be made by the property owner(s).

3. This application must be accompanied by (1) a site survey or tax map of the area showing the applicant's property and the proposed enclosure and/or screening location; (2) a description of the enclosure's visibility to adjoining properties, sidewalks and streets and whether those properties are residential; (3) a drawing of the proposed enclosure and/or screening, a photograph of the existing enclosure or screening, and/or a photograph of an enclosure or screening similar to the proposed enclosure or screening; and (4) the permit fee in the amount of \$150 made payable to the Village of Mamaroneck for the review of a new enclosure or \$100 made payable to the Village of Mamaroneck for the review of an existing enclosure.

**The original application plus 7 copies of the application and survey and drawing**

4. This application must satisfy the following enclosure and screening material requirements for an industrial, commercial and multi-family use:

a. The enclosure shall provide complete visual screening.

b. The enclosure shall be compatible in material and color with the principal structure on the lot.

c. The enclosure is to be a wall, solid fence or evergreen shrub screen (if the shrubs are spaced no more than three (3) feet apart and meet the height requirement specified in subsection (g) below).

d. The materials for an enclosure shall be wood, masonry, metal or concrete.

e. The enclosure shall have gates or doors, with an appropriate mechanism for holding the doors open only during garbage pickup operations. If a private carter is used and that operator requires the property owner to have the access gates open for pickup, then the property owner will make necessary arrangements to have the gates open for no longer than from the night before collection (after 5:00 p.m.) and three (3) hours after collection is done.

f. The enclosure shall sit on a concrete pad, the construction of which shall meet or exceed the Village of Mamaroneck specifications for a concrete sidewalk at driveways (concrete entrance pad).

g. The height of the enclosure and/or evergreen shrubbery shall be sufficient to block the view of the garbage receptacles from the view of adjoining properties, sidewalks and/or streets.

h. The enclosure and/or screening shall be kept in good repair or condition and all trash shall only be kept within the container and permit the lids on said container to remain completely closed at all times.

i. The Planning Board may also require a roof, if the site is sloped and adjoining neighbors are at a higher elevation, making the containers visible.

5. This application must satisfy the following requirements with respect to the location of the enclosure:

a. Trash containers used for one-family and two-family residences are not permitted in the front yard. If a practical difficulty in locating them in the side and rear yards can be proven to the satisfaction of the Planning Board, then said containers may be placed in the front yard in a manner and location acceptable to the Planning Board. If containers are to be placed in the front yard, then the Planning Board may require enclosure and/or screening, as may be acceptable to the Planning Board and following the guidelines contained in Section 200-4 of the Village of Mamaroneck Code for commercial, industrial and multi-family properties.

b. An industrial, commercial and multi-family use enclosure shall not occupy a right-of-way or be located in a required yard (setback). The Planning Board may specify a minimum distance from the property line of an adjoining property for the proposed location.

6. This application should consider the following information with respect to the Planning Board's review the location of the enclosure:

a. The Planning Board will exercise the following preferences with regard to the proposed enclosure location: (a) the first (most) preferred location is inside the primary structure or building on the lot; (b) the second preferred location is the rear yard; (c) the third preferred location is the side yard; and (d) the fourth (least) preferred location is the front yard.

b. The Planning Board shall use the following criteria to assess the proposed location: (a) the more visible a proposed location is to adjoining properties, pedestrians and passing vehicles, the less preferred the location will be; and (b) the lesser preferred location shall be required to have more screening and a higher quality aesthetic value than a more preferred location.

7. Upon receipt of the completed application, the Village of Mamaroneck shall notify the property owner(s) of the appointment date with the Planning Board of the Village of Mamaroneck to review this application.

8. Upon approval of this application, the Planning Board shall forward the approved application to the Building Department of the Village of Mamaroneck for follow-up inspection for compliance.

9. The work covered by this application may not be commenced before the issuance of an Enclosure Permit.

10. The Enclosure Permit (except for one-family and two-family dwellings) will be subject to review and renewal every three (3) years from the original approval date. Said renewal can be obtained by filing an application form and the supporting documents with the Village of Mamaroneck Building Department in accordance with Section 200-4(I)(6) of the Village of Mamaroneck Code.

**PLANNING BOARD**  
**VILLAGE OF MAMARONECK**

Village Hall, 169 Mount Pleasant Avenue, Mamaroneck, New York 10543

Approved: \_\_\_\_\_; Permit No. \_\_\_\_\_  
Disapproved: \_\_\_\_\_

**APPLICATION FOR AN ENCLOSURE PERMIT**  
(Pursuant to Section 200-4 of the Village of Mamaroneck Code)

Date: \_\_\_\_\_

APPLICATION IS HEREBY MADE to the Planning Board of the Village of Mamaroneck for the issuance of an Enclosure Permit pursuant to Section 200-4 of the Village of Mamaroneck Code. The applicant agrees to comply with all applicable laws, ordinances and regulations.

1. Property Address: \_\_\_\_\_  
Section: \_\_\_\_\_; Block: \_\_\_\_\_; Lot: \_\_\_\_\_
2. Name(s) of Property Owner(s): \_\_\_\_\_
3. Address(es) of Property Owner(s): \_\_\_\_\_  
\_\_\_\_\_
4. Name(s) of Tenant(s): \_\_\_\_\_
5. Nature of Application (describe proposed enclosure and/or screening for the trash containers, receptacles and/or dumpsters, including the location): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Name of Property Owner)

\_\_\_\_\_  
(Signature of Property Owner)

\_\_\_\_\_  
(Name of Property Owner)

\_\_\_\_\_  
(Signature of Property Owner)