

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON REFERRING PROPOSED AMENDMENTS TO THE CODE OF THE CITY OF MOUNT VERNON, EXTENDING THE EXPIRATION OF APPROVALS FROM THE CITY'S LAND USE BOARDS TO THE CITY CORPORATION COUNSEL, CITY PLANNING BOARD, AND WESTCHESTER COUNTY PLANNING BOARD, AND SCHEDULING A PUBLIC HEARING**

**WHEREAS**, the City Council of the City of Mount Vernon proposes to amend Chapter 10 (Architectural Review Board) and Chapter 267 (Zoning) of the Code of the City of Mount Vernon to extend the expiration of approvals from the City's Land Use Boards from two years to 30 months after the issuance of a building permit ("Code Amendment"); and

**WHEREAS**, although one- and two-family residential projects can typically be completed within the presently allotted two years after receiving a building permit, anticipated changes to the City's zoning after the completion of the comprehensive plan will likely lead to more multi-family or commercial projects, which have the potential to take longer to construct; and

**WHEREAS**, requiring applicants to return to multiple boards for approval extensions creates additional cost and burden for applicants and adds to the workload of the City's volunteer boards and the staff that serve them, and the City Council finds that it is necessary and desirable, as a matter of public policy, to allow applicants an additional six months (for a total of 30) to complete their construction projects and to help applicants avoid these extra costs, while still requiring construction to be completed within a reasonable timeframe; and

**WHEREAS**, the City Council, in conjunction with its Staff, prepared a draft "Ordinance to Amend Chapter 10 (Architectural Review Board) and Chapter 267 (Zoning) of the Code of the City of Mount Vernon to Extend the Expiration of Approvals from the City's Land Use Boards from Two Years to 30 Months" ("Code Amendment"), a copy of which is annexed to this Resolution; and

**WHEREAS**, the Code Amendment is classified as a Type II Action under the New York State Environmental Quality Review Act and its implementing regulations, 6 N.Y.C.R.R. Part 617 ("SEQRA"), and no further review is required in accordance with SEQRA; and

**WHEREAS**, the City Council is required to refer the Code Amendment to the Corporation Counsel and Planning Board for their respective reviews and reports pursuant to Section 267-59 of the Code; and

**WHEREAS**, Section 267-59 of the Code requires the Corporation Counsel and the Planning Board to report its recommendations to the City Council with respect to the Code Amendment within 30 days after referral; and

**WHEREAS**, the City Council is also required to refer the Code Amendment to the Westchester County Planning Board pursuant to Section 267-62 of the Code, and Section 239-m of the General Municipal Law; and

**WHEREAS**, the City Council is desirous of scheduling a Public Hearing on the Zoning Amendment for September 10, 2025, pursuant to Section 267-60 of the Code.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby designates itself as Lead Agency for review of the Code Amendment under SEQRA; and

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**BE IT FURTHER RESOLVED**, that the City Council authorizes the City Clerk to refer the Code Amendment to the City of Mount Vernon Corporation Counsel and Planning Board for their respective reports pursuant to Section 267-59 of the Code; and be it

**BE IT FURTHER RESOLVED**, that the City Council authorizes the City Clerk to refer the Code Amendment to the Westchester County Planning Board in accordance with Section 267-62 of the Code, and Section 239-m of the General Municipal Law; and

**BE IT FURTHER RESOLVED**, that the City Council shall hold a Public Hearing on the Code Amendment on September 10, 2025 at 7:00 p.m. in City Hall, Council Chambers – Room 206, 1 Roosevelt Square N., Mount Vernon, New York, 10550, where public comment will be heard regarding the Code Amendment, and written comments on the Code Amendment are requested, and will be accepted by the City Council up to ten (10) days following the close of the Public Hearing; and

**BE IT FURTHER RESOLVED**, that the City Clerk shall arrange to fulfill the notice requirements for the Public Hearing pursuant to Section 267-61 of the Code; and

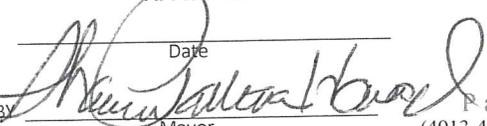
**FURTHER RESOLVED**, that this Resolution shall take effect immediately.

Vote Taken as Follows: 8/13/25  
Boxhill: Yea    Browne: Absent  
Gleason: Yea    Poteat: Absent  
Thompson: Yea    Ordinance Adopted

APPROVED AS TO FORM

  
Assistant Corporation Counsel

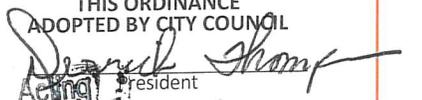
APPROVED

  
Date \_\_\_\_\_  
By \_\_\_\_\_  
Mayor

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Councilperson

THIS ORDINANCE  
ADOPTED BY CITY COUNCIL

  
Acting President  
ATTEST:   
City Clerk

**AN ORDINANCE TO AMEND CHAPTER 10 (ARCHITECTURAL REVIEW BOARD)  
AND CHAPTER 267 (ZONING) OF THE CODE OF THE CITY OF MOUNT VERNON  
TO EXTEND THE EXPIRATION OF APPROVALS FROM THE CITY'S LAND USE  
BOARDS FROM TWO YEARS TO 30 MONTHS**

**WHEREAS**, the City of Mount Vernon has determined that it is in the best interest of the City and its residents to amend Chapter 10 (Architectural Review Board) and Chapter 267 (Zoning) of the Code of the City of Mount Vernon to extend the expiration of approvals from the City's Land Use Boards from two years to 30 months after the issuance of a building permit ("Code Amendment"); and

**WHEREAS**, although one- and two-family residential projects can typically be completed within the presently allotted two years after receiving a building permit, anticipated changes to the City's zoning after the completion of the comprehensive plan will likely lead to more multi-family or commercial projects which have the potential to take longer to construct; and

**WHEREAS**, requiring applicants to return to multiple boards for approval extensions creates additional cost and burden for applicants and adds to the workload of the City's volunteer boards and the staff that serve them, and allowing applicants an additional six months (for a total of 30) to complete their construction projects will help applicants avoid these extra costs, while still requiring construction to be completed within a reasonable timeframe; and

**WHEREAS**, having determined that the adoption of the proposed Code Amendment is a Type II action under the State Environmental Quality Review Act and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively, "SEQRA") for which no further review is required in accordance with SEQRA, the City Council desires to amend Chapter 10 (Architectural Review Board) and Chapter 267 (Zoning) to extend the expiration of approvals from the City's Land Use Boards from two years to 30 months after the issuance of a building permit.

**NOW, THEREFORE**, the City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

**Section 1.** Section 10-8(E), Expiration, of Chapter 10 (Architectural Review Board) of the City of Mount Vernon Code, shall be amended to delete reference to "two years" and replace said reference with "30 months," as follows:

- E. Expiration. Unless otherwise specifically set forth by the Architectural Review Board in connection with its approval of a certificate of appropriateness, such approval shall expire if a building permit is not issued within one year from the date of approval and if all construction work is not completed within 30 months of the date of issue of such permit. Upon application to the Architectural Review Board, extensions totaling a maximum of 12 months may be granted to each of these time periods for appropriate cause. Such time limits shall be tolled by any judicial proceedings to review the Architectural Review Board's decision.

**Section 2.** Section 267-36(D), Expiration, of Chapter 267 (Zoning) of the City of Mount Vernon Code, shall be amended to delete reference to "two years" and replace said reference with "30 months," as follows:

- D. Expiration. Unless otherwise specifically set forth by the Planning Board in connection with its approval of a site plan, such approval shall expire if a building permit is not issued within one year from the date of approval and if all construction work is not completed within 30 months of the date of issue of such permit. Upon application to the Planning Board, extensions totaling a maximum of 12 months may be granted to each of these time periods, for appropriate cause. Such time limits shall be tolled by any judicial proceedings to review the Board's decision.

**Section 3.** Section 267-49, Expiration, of Chapter 267 (Zoning) of the City of Mount Vernon Code, shall be amended to delete reference to "two years" and replace said reference with "30 months," as follows:

§ 267-49 Expiration. A variance granted under this chapter shall automatically expire if a building permit for construction in accordance with the plans for which such variance was granted has not been issued within one year of the date of the variance and if all construction is not completed within 30 months of the date of issuance of the building permit, or if both have not occurred within such other time limits as may be established by the Board of Appeals in connection with its decision. Such time limits shall be tolled by any judicial proceedings to review the Board's decision.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Section 5. Effective Date.** This ordinance shall take effect upon review and acceptance from the City Council.

\_\_\_\_\_  
Council Person

APPROVED AS TO FORM

THIS ORDINANCE  
ADOPTED BY CITY  
COUNCIL

\_\_\_\_\_  
Assistant Corporation Counsel

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
City Clerk

APPROVED

\_\_\_\_\_  
APPROVED

\_\_\_\_\_  
Date

Dept.

By

\_\_\_\_\_  
Mayor



## Westchester County Planning Board Referral Review

Pursuant to Section 239 L, M and N of the General Municipal Law and  
Section 277.61 of the County Administrative Code

Kenneth W. Jenkins  
Westchester County Executive

September 8, 2025

Nicole Bonilla, City Clerk  
City of Mount Vernon  
One Roosevelt Square  
Mount Vernon, NY 10550

### **County Planning Board Referral File: MTV 25-007 – Expiration of Approvals Zoning Text Amendment**

Dear Ms. Bonilla:

The Westchester County Planning Board has received a proposed amendment to the text of the Mount Vernon Zoning Ordinance to extend the expiration of Architectural Review Board, Site Plan, and Zoning Variance approvals from the existing two years to 30 months.

We have no objection to the Mount Vernon City Council assuming Lead Agency status for this review.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code. We appreciate that the City seeks to reduce the possible burden on applicants to renew approvals as the City completes its comprehensive plan, which could provide an increase in the amount of applications petitioned. We recommend that the City also considers an extension to 30 months for Special Use Permit approvals, in order to ensure that all approvals would expire at the same time.

Please inform us of the City's decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

Bernard Thombs  
Chair, Westchester County Planning Board

BT/mv

cc: Blanca Lopez, Commissioner, Westchester County Department of Planning



**City Planning Board**  
Department of Planning & Community Development  
City Hall - Roosevelt Square  
Mount Vernon, New York 10550-2060  
(914) 699-7230

Shawyn Patterson-Howard  
Mayor

Darryl Selsey  
Chair

## **MEMO**

**TO: Mount Vernon City Council**

**FROM: Chair Darryl Selsey and Planning Board Members**

**RE: Request for Comments on Zoning Text Amendment for Extension of Approvals**

**DATE: September 10, 2025**

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### **Comments:**

- This report is provided to the City Council under Code Section 267-59.
- The Planning Board reviewed and discussed the proposed Zoning Amendment to extend the expiration of approvals from the City's Land Use Boards from two years to 30 months after the issuance of a building permit.
- The Planning Board generally supports the proposed Zoning Amendment because it will allow applicants more time to complete their projects given the anticipated increase in applications that may occur once the City completes its Comprehensive Plan.
- The proposed Zoning Amendment is in accordance with the purposes of the Zoning Chapter.