

PROPOSED LOCAL LAW X - 2025

A Proposed Local Law to Amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning)
Regarding Electric Vehicle Charging Stations.

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

Section 1.

Chapter 342 of the Code of the Village of Mamaroneck is amended, and Article XX shall be added to said Chapter to read as follows:

Article XX Electric Vehicle Charging Station

§ 342-152. Purpose.

The purpose of this article is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of electric vehicle charging stations. The goals are to provide adequate, safe and convenient electric vehicle charging stations for the traveling public, personal use at or near their place of residence, and customers and employees of nonresidential uses. Electric vehicle chargers are a growing and essential part of promoting green technology and sustainable transportation, and electric vehicle chargers ensure access to smart technology.

§ 342-153. Definitions.

ELECTRIC VEHICLE — Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

ELECTRIC VEHICLE (EV) CHARGING STATION — The point of connection to the electrical grid for electric vehicles (EVs) and the point of power for EV drivers. This includes the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. Said stations may include internally illuminated electronic screens on one or two sides of the station.

ELECTRIC VEHICLE CHARGING LEVEL — The amount of voltage provided to charge an electric vehicle varies depending on the type of electric vehicle supply equipment (EVSE) as follows:

- A. Level 1 operates on a fifteen- to twenty-amp breaker on a 120-volt AC circuit.
- B. Level 2 operates on a forty- to 100-amp breaker on a 208- or 240-volt AC circuit.
- C. Level 3 or direct-current fast charger (DCFC) operates on a sixty-amp or higher breaker on a 480-volt or higher three-phase circuit with special grounding equipment. DCFC stations may also be referred to as "rapid charging stations," which are typically characterized by industrial-grade electrical outlets that allow for faster recharging of electric vehicles.

FIRE CODE — The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NEC — National Electrical Code.

NFPA — National Fire Protection Association.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

§ 342-154. Applicability.

- A. The requirements of this article shall apply to all EV charging stations permitted, installed, or modified in the Village of Mamaroneck after the effective date of this article, excluding general maintenance and repair.
- B. EV charging stations that have been constructed or installed prior to the effective date of this article shall not be required to meet the requirements of this article except as set forth in Subsection C below.
- C. Modifications to, retrofits or replacements of existing EV charging stations that increase the total size or capacity of EV charging stations, or include a change in electrical vehicle charging levels shall be subject to this article.

§ 342-155. Permitting requirements for EV charging stations.

- A. Charging stations shall be permitted in all zoning districts as an accessory use only, subject to the Uniform Code and NFPA 70, as applicable. Level 1 EV charging stations are exempt from site plan review.
- B. All Level 1 EV chargers within a residential garage of a one- or two-family dwelling or townhouse shall conform to all requirements as regulated in the Residential Code of New York State. An electric permit is required.
- C. A building permit and an electrical permit shall be required for the installation of all Level 2 and Level 3 EV charging stations.
- D. All EV charging stations, and all other buildings or structures that 1) contain or are otherwise associated with an EV charging station and 2) are subject to the Uniform Code, shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the National Fire Protection Association (NFPA 70), and all applicable provisions and regulations as required by the Village of Mamaroneck Code.

§ 342-156. Site plan review requirements.

Site plan review by the Planning Board. In accordance with Chapter 342, Article XI, site plan review is required for the following types of installations:

- A. All new construction of EV charging stations which reduce the number of parking spaces available at an existing parking lot.
- B. Retrofits of an existing parking lot that reduce remove or relocate one or more American Disabilities Act accessible parking spaces.
- C. Addition of EV charging stations equipped with internally illuminated electronic screens on one or two sides of the station which may or may not contain advertisements and which are

located 50 feet or closer to a public right-of-way or residential zoning district.

§ 342-157. Standards.

- A. Utility lines and electrical circuitry. All on-site utility lines should be installed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including, without limitation, any poles, with new easements and right-of-way.
 - (1) Conduits within a building may be permitted to be located in the interiors, on the rooftops, and mounted to the surface of such buildings, subject to the requirements of electrical and/or fire codes.
- B. Signage. Signage shall adhere to the requirements of Chapter 286, Signs, of the Village Code.
- C. Lighting.
 - (1) Lighting of the EV charging stations shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties, with any brand and/or framing lighting on the EV charging station minimally lit by internal means.
 - (2) Lighting, including internally illuminated electronic screens associated with EV charging stations, shall meet the requirements of § 342-18 Exterior Lighting.
 - (3) Internally illuminated electronic screens associated with EV charging stations should be equipped with an auto-dimming feature.
- D. Noise. The noise generated from the EV charging stations, components, and associated ancillary equipment shall meet the requirements of Chapter 254, Noise. Applicants may submit equipment and component manufacturers' noise ratings to demonstrate compliance.
 - (1) Advertising content from the internally illuminated electronic screens associated with EV charging stations shall not emit any noise.
- E. Minimum parking requirements.
 - (1) EV charging stations shall not be included in the calculation of minimum required parking spaces, pursuant to Article VIII, Off-Street Parking and Loading, of Chapter 342, Zoning, meaning that a parking spot equipped with an EV charging station is not a parking space. Level 1 EV charging stations/chargers located within a residential garage of a one- or two-family dwelling shall not impact the calculation of minimum required parking spaces.
 - (2) All EV charging station parking shall include adequate clearance to ensure safe and easy movement around the charging station.
 - (3) All parking shall comply with the general accessibility requirements of the Uniform Code, and other applicable accessibility standards, but shall not mandate that parking spots with EV charging stations be ADA-accessible.
- F. Supplemental requirements for EV charging stations.
 - (1) EV charging stations shall not be subject to minimum separation distances from

principal buildings as required in Chapter 342.

- (2) Freestanding Level 2 and Level 3 charging stations shall be protected against impact damage by bollards or other suitable guards in accordance with the Uniform Code and Fire Code.
- (3) EV charging stations shall not be regulated as accessory structures, subject to limitations on the number of accessory structures on a premises.
- (4) EV charging stations shall have faces having a maximum area of 25.6 square feet, maximum height of 7.1 feet, width of 3.6 feet, and depth of 1.5 feet.

G. Floodplain of Flood-Prone Area Prohibition

- (1) EV charging stations shall not be permitted in a floodplain or flood-prone area as defined in § 294-6 and § 186-2B of the Code of the Village of Mamaroneck.

§ 342-158. Decommissioning.

- A. Decommissioning plan. The applicant shall submit a decommissioning plan, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:
- (1) A narrative description of the activities to be accomplished for removal of EV charging station components, structures and equipment, with the exception of underground conduits which may remain in place to accommodate future use;
 - (2) Recycling or disposal of all components, equipment and waste in accordance with local, state, and federal regulations;
 - (3) The anticipated life of the EV charging station;
 - (4) The estimated decommissioning costs and how said estimate was determined;
 - (5) The method of ensuring that funds will be available for decommissioning and restoration; and
 - (6) The manner in which the premises will be restored.
- B. Upon cessation of use of an EV charging station on a continuous basis for 12 months, the Village may notify and instruct the owner and/or operator of the charging system to implement the decommissioning plan. The decommissioning plan should be completed within 12 months of notification.
- C. If the owner and/or operator fails to comply with decommissioning, upon any abandonment, the Village may, at its discretion, utilize any bond and/or security provided for the removal of the EV charging station and restoration of the site in accordance with the decommissioning plan.

§ 342-159. Fire safety compliance plan.

All projects that require compliance with the Uniform Code shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

§ 342-160. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 2.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 3.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3). It supersedes the provisions of the Village Law, including those provisions which provide for the approval of a land use application on the basis of the passage of time, and the Code of the Village of Mamaroneck, including those provisions which authorize or require the approval of a land use application, to the extent that they are inconsistent with this local law.

Section 4.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

