

**TOWN OF EASTCHESTER
MINUTES OF THE TOWN BOARD
February 15, 2022**

Minutes of a Meeting of the Town Board of the Town of Eastchester held on Tuesday, February 15, 2022 at 7:00 p.m., at the Town Hall, 40 Mill Road, Eastchester, New York.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Supervisor Anthony Colavita
Councilman Joseph Dooley
Councilwoman Theresa Nicholson
Councilman Luigi Marcoccia
Councilwoman Sheila Marcotte

Present: Town Clerk Linda Laird
Town Attorney Louis J. Reda
Comptroller Dawn Donovan

IV. PUBLIC HEARING – Local Law 1-2022

A) PUBLIC HEARING - PROPOSED AMENDMENTS TO LOCAL LAW NO. 5-2000 THE ZONING LAW OF THE TOWN OF EASTCHESTER AMENDED BY LOCAL LAW 1-2021 TO REPEAL RESIDENCY PREFERENCES SECTION 12H(27) (A)(E) AND TO AMEND SECTION 12H (27)(B)(A) TO REMOVE THE REFERENCE TO SUCH PREFERENCES

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to open the Public Hearing to receive public comment on Local Law 1-2022. An Affidavit of Publication for the Meeting Notice was received.

On the roll call, all voted "AYE." Motion carried.

There being no public comment, Supervisor Colavita offered a motion that was seconded by Councilman Dooley to close the Public Hearing. The Supervisor reported the Town had received no email or correspondence regarding the amendments.

On the roll call, all voted "AYE." Motion carried.

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the following RESOLUTION declaring Lead Agency status and adopting a Negative Declaration;

WHEREAS, the Town Board of the Town of Eastchester (the "Town Board") is the duly elected legislative body of the Town of Eastchester and is authorized to adopt amendments to the ZONING LAW OF THE TOWN OF EASTCHESTER (the "Zoning Law"); and

WHEREAS, at the Town Board meeting on January 18, 2022 Local Law 1-2022 was introduced to the Town Board to amend the Town's Zoning Law to remove the residency preferences from the Senior Housing Development Special Use Permit (the "Local Law"); and

WHEREAS, the review and adoption of the Local Law is an Unlisted Action under the New York State Environmental Quality Review Act ("SEQRA") and the Town Board is the only involved agency in the SEQRA review of the Local Law; and

WHEREAS, the Town Board has received and reviewed a short Environmental Assessment Form (the "EAF") related to the Local Law; and

WHEREAS, the Local Law and the EAF were referred to the Westchester County Planning Board pursuant to General Municipal Law Section 239-m and Section 277.61 of the Westchester County Administrative Code; and

WHEREAS, by letter dated January 31, 2022 the Westchester County Planning Board advised the Town of its support for the repeal of the residency preferences.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, as the only involved agency in the SEQRA review of the Local Law hereby declares itself as Lead Agency for the review of this action under SEQRA; and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts a Negative Declaration of Environmental Significance for the adoption of the Local Law pursuant to SEQRA based on the information and the reasons stated in the EAF Parts 1, 2 and 3, which have been reviewed by the Town Board and are incorporated herein, and authorizes the Town Supervisor, or his designated agent, to execute the EAF Part 3 and to file the Negative Declaration in accordance with the applicable provisions of law; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor, or his designated agent, to take such further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

On the roll call, all voted "AYE." Motion carried.

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve the following RESOLUTION Adopting Local Law 1-2022;

WHEREAS, the Town Board of the Town of Eastchester (the "Town Board") is the duly elected legislative body of the Town of Eastchester and is authorized to adopt amendments to the ZONING LAW OF THE TOWN OF EASTCHESTER (the "Zoning Law"); and

WHEREAS, at the Town Board meeting of January 18, 2022 Local Law 1-2022 was introduced to the Town Board to amend the Town's Zoning Law to remove the residency preferences from the Senior Housing Development Special Use Permit ("Local Law 1-2022"); and

WHEREAS, on January 24, 2022 the text of Local Law 1-2022 and its supporting EAF were referred to the Westchester County Planning Board pursuant to General Municipal Law Section 239-m and Section 277.61 of the Westchester County Administrative Code; and

WHEREAS, by letter dated January 31, 2022 the Westchester County Planning Board advised the Town of its support for the repeal of the residency preferences; and

WHEREAS, by resolution of even date herewith the Town Board has declared itself Lead Agency in the SEQRA review of Local Law 1-2022 and has adopted a Negative Declaration thereby concluding the SEQRA review of this action; and

WHEREAS, on February 15, 2022 a properly noticed public hearing was held to consider the adoption of Local Law 1-2022; and

WHEREAS, all who wished to comment on Local Law 1-2022 at the public hearing were afforded the opportunity to do so and the public hearing was closed.

NOW THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED THAT, the Town Board hereby adopts Local Law 1-2022 (full text set forth below); and

BE IT FURTHER RESOLVED that the Town Clerk shall enter Local Law 1-2022 in the minutes of this meeting, shall cause the local law to be filed with the New York State Department of State and shall take all other actions necessary to comply with all other notice and filing requirements of applicable laws; and

BE IT FURTHER RESOLVED, that the full text of Local Law 1-2022 is as follows:

**TOWN OF EASTCHESTER
LOCAL LAW NO. 1-2022**

Be it enacted by the Town Board of the Town of Eastchester as follows:

Section 1. Title

A Local Law amending Local Law 5-2000, last amended by Local Law No. 1-2021, "THE ZONING LAW OF THE TOWN OF EASTCHESTER," (the "Eastchester Zoning Law") to repeal the residency preferences included as Section 12H(27)[A][e] and to amend Section 12H(27)[B](a) to remove the reference to such preferences.

Section 2. Amendment to Eastchester Zoning Law Section 12H(27).

1. Section 12H(27)[A][e] of the Eastchester Zoning Law is hereby repealed in its entirety and replaced with the following: [section reserved].
2. Section 12H(27)[B](a) of the Eastchester Zoning Law is hereby amended to delete the following: "and that the priority system as set forth above will be established and administered correctly[.]"
3. Eastchester Zoning Law Section 12H(27) shall now read in its entirety as follows:

27. Senior Housing Development

- A. Special Permit Authorized. A Senior Housing Development shall be permitted as a Special Permit Use in the GB, General Business District as follows:
- a. A Senior Housing Development shall consist of one or more residential buildings containing a minimum of 15 percent affordable dwelling units for rent or for-sale limited to occupancy by senior households, as defined below. A Senior Housing Development may be comprised of any combination of types of multifamily buildings, excluding attached "townhouse" style buildings, provided that the buildings are arranged to function as one integrated development.
 - b. Senior Housing Development shall not include nursing homes, convalescent homes, private proprietary homes, homes for the aged, assisted living facilities or other facilities regulated and licensed by the New York State Department of Health under the Public Health Law of the State of New York.
 - c. Permitted Accessory Uses. Permitted accessory uses shall include accessory uses incidental to the Senior Housing Development which are reasonably necessary for the maintenance, administration and security of the Senior Housing Development, but which are subordinate to the residential character of the development, including but not limited to accessory buildings, off-street parking areas or structures, fences, and utilities. The following accessory uses are expressly permitted provided that such uses are managed as part of the Senior Housing Development and restricted to use by, or for the benefit of, residents of the Senior Housing Development:
 - i. Meeting rooms, multipurpose rooms, lounges, libraries, lobby areas, or other similar common spaces.
 - ii. A convenience shop for daily needs such as food items, nonprescription drugs, newspapers and small household items and similar items, provided that the maximum floor area devoted to such use is no more than 400 square feet.
 - iii. A coin operated vending machine room, provided that the maximum floor area devoted to such use is no more than 150 square feet.
 - iv. Security office and/or management office.
 - v. Indoor and/or outdoor recreation facilities, including sitting areas, walking trails, pool, exercise room and other recreation and leisure facilities.

- vi. Common kitchen and dining room.
 - vii. Beauty and/or barber shop.
 - viii. Office for a doctor, medical infirmary or clinic and/or social service delivery for use exclusively by residents of the facility.
 - ix. Other accessory uses as permitted by the Planning Board.
- d. Occupancy of Dwelling Units. Dwelling units in a Senior Housing Development shall be occupied for residential purposes only. Unless otherwise provided herein, occupancy of a dwelling unit shall be limited to a senior household and guests as set forth below:
- i. Senior Household. A "senior household" shall consist of:
 - (a) One or more persons, all of whom are 55 years of age or older; and
 - (b) A spouse (over or under the age of 55) of a qualified resident 55 years of age or older; and
 - (c) One person 18 years of age or older, residing with at least one person who is 55 years of age or older, provided that the presence of such person 18 years of age or older is required for the physical care of persons listed in (a) and (b) above, as certified by a physician licensed in the State of New York.
 - ii. All Dwelling Units to be "Affordable". A minimum of 15 percent of dwelling units in a Senior Housing Development shall be offered as "affordable" to senior citizens earning less than 80 percent of the area median income for Westchester County, as defined annually by HUD (hereinafter "80% AMI"), such eligible household referred to herein as a "Qualifying Household".
 - iii. Distribution of Affordable Units. Affordable units shall generally be distributed evenly throughout the development; shall not be distinguished as a class from other units based on size or design; shall be distributed among efficiency, one and two bedroom units in the same proportion as the market-rate dwelling units.
 - iv. Maximum Occupancy. The maximum permitted number of persons who may reside in a dwelling unit shall be two persons for efficiency and one-bedroom units, and three persons for two bedroom units.
 - v. Guests. Temporary occupancy by guests of residents shall be permitted, provided that such occupancy does not exceed 30 total days in any calendar year. Residents shall notify the manager or superintendent of any guests staying at the Senior Housing Development for more than three consecutive nights. A log shall be maintained, by the project superintendent or manager, of all guests and such log shall be available for review by the Town Attorney.
- e. **[section reserved] (Amended 02-15-22)**
- f. Occupancy by Manager or Superintendent. Notwithstanding the foregoing, one dwelling unit may be occupied by a manager or superintendent and his/her family without regard to the occupancy requirements set forth above, provided that the unit shall not be in addition to the number of units otherwise permitted under this section and provided that the unit is not considered in the affordable unit count.
- g. Other Dwelling Unit Requirements. Dwelling units in a Senior Housing Development shall comply with the following requirements:
- i. Dwelling units shall be limited to efficiency, one-bedroom and two-bedroom units.
 - ii. The minimum floor area per dwelling unit in a Senior Housing Development shall be 500 square feet for efficiency units, 600 square feet for one-bedroom units, and 750 square feet for two-bedroom units.

- iii. All dwelling units shall be designed for independent living and shall contain full bathroom and kitchen facilities, including but not limited to a sink, refrigerator, stove, range or combination unit in the kitchen and a sink, toilet, bathtub and shower in the bathroom.
- h. Lot and Bulk Requirements. The following lot and bulk requirements shall apply to Senior Housing Developments:
 - i. Minimum lot area. The minimum lot area shall be 40,000 square feet.
 - ii. Maximum residential density. The maximum permitted density shall be one dwelling unit per 700 square feet of lot area.
 - iii. Maximum impervious surface coverage shall not exceed 70 percent of the lot area.
 - iv. Maximum building coverage shall not exceed 35 percent of the lot area.
 - v. Minimum front yard. The minimum front yard setback for all structures shall be 22 feet.
 - vi. Minimum side yard. The minimum side yard setback shall be 22 feet.
 - vii. Minimum rear yard. The minimum rear yard setback shall be 30 feet.
 - viii. Maximum building height. The maximum building height shall not exceed 4 stories or 45 feet to the highest point of a flat roof or 50 feet to the ridge of a hip or gable roof, with the exceptions specified in Section 7.C.1 of this Law. The building height shall be measured from the finished grade along the building elevation fronting on a street.

If a building fronts on more than one street, then no elevation fronting on any street shall exceed the maximum permitted building height.

I Miscellaneous Requirements.

- i. Parking spaces shall be provided at the ratio of 1.2 spaces per dwelling unit plus an additional 10 percent of the total number of required parking spaces shall be provided as guest parking.
- ii. The minimum number of accessible parking spaces shall be two times that required by the Building Code of the State of New York. The manager of a senior housing development may, at his/her discretion, designate additional spaces near building entrances for the exclusive use of certain residents that may have limited mobility or other disabilities that require parking spaces proximate to building entrances.
- iii. The minimum number of accessible units, including the minimum number of units requiring a roll-in-shower, shall be two times that required by the Building Code of the State of New York.
- iv. Sidewalks, which may include handrails when appropriate and/or required by the New York State Building Code, shall be provided so as to allow residents of each unit to access all other units and components of the development and adjoining properties, the neighborhood sidewalk network and transit stops. The Planning Board shall consider the health and recreational needs of the future residents in evaluating the adequacy of the sidewalk/pathway network.
- v. Suitable landscaping as required by the standards contained in Section 11.H of this Law, or as otherwise required by the Planning Board, shall be provided.
- vi. Building identification signs and number/letter identification shall be provided in accordance with the applicable sections of this Law, and as recommended by the Office of the Fire Inspector, to ensure efficient and timely identification for residents, visitors and emergency personnel.
- vii. All areas within a Senior Housing Development shall be suitably lighted, sufficient for the convenience and safety of older persons.
- viii. Adequate facilities shall be provided for the removal of snow, trash and garbage and for general maintenance of the Senior Housing Development. Adequate on-site space shall be provided for source

separation and storage of recycle materials in accordance with county and local regulations. If located outside of the building(s), trash and recycle facilities shall be contained in an enclosed structure.

- ix. Laundry facilities (washers and dryers) or service adequate to serve the occupants of the Senior Housing Development shall be provided and maintained. Facilities shall be located in each building, in a convenient location.
- x. Designed open space, suitable for passive recreation, shall be provided.
- xi. Pick-up and drop-off area adequate to accommodate larger vehicles providing transportation for residents for group activities.
- xii. Principles of sustainable design and energy efficiency shall be incorporated into the design of all senior housing developments to the greatest extent practicable.

B. Enforcement.

a. Covenants. The developer shall provide a covenant running with the land, binding upon heirs, successors and assigns, which shall be filed by the owner and recorded in the office of the County Clerk, which form and substance shall be satisfactory to the Town Attorney ensuring that the project will be maintained as a "senior housing development", and that the minimum number of approved affordable units has been provided. Proof of such recording shall be provided to the Town Attorney prior to the issuance of the Building Permit. The covenant shall provide that the property approved as a senior housing development under this section shall be utilized for that purpose in accordance with the provisions of this section, and for no other purpose. **(Amended 02-15-22)**

Furthermore, the restrictive covenant shall include a provision requiring that every deed for an Affordable Housing Unit and every lease for an Affordable Housing Unit shall include, in substance, the following paragraph so as to inform all future tenants, sellers and buyers that the unit is an Affordable Housing Unit subject to the conditions of this Local Law:

"This Affordable Housing Unit has been constructed for use by a Qualifying Household. This Unit's sale (including resale) or rental must be to one or more persons who meet the requirements of a qualifying household as defined in the Zoning Law of the Town of Eastchester."

b. Notices to Town. The owner or authorized manager shall provide (under oath if requested) at least the following notices and information to the Town:

- i. Waiting lists and a list of any unoccupied dwelling units shall be provided to the Town Of Eastchester Town Attorney.
- ii. A notice of rental or sale shall be provided to the Town Of Eastchester Town Attorney upon the initial rental or sale of every dwelling unit and upon each renewal or resale.
- iii. A copy of the certified rent roll shall be provided to the Town Of Eastchester Town Attorney at least four times a year (January 15th, April 15th, July 15th, and October 15th).

The Town Of Eastchester Town Attorney or Building Inspector, or authorized agent of either of them, may from time to time require the submission of such other notices and information as may be deemed pertinent. At all reasonable times the Building Inspector or authorized agent of the Town Board may visit and inspect the premises and all relevant books, records and accounts of the senior citizen housing development, the authorized manager and owner, including on-site audits and inspections, for the purpose of determining compliance with this section.

- iv. Penalties for offenses. Any person violating the provisions of this section shall, upon conviction, be guilty of an offense and shall be liable for a fine not exceeding \$1,000. for each offense or by imprisonment not exceeding 30 days, or by both fine and imprisonment. Each day an offense continues shall be deemed a separate offense.
 - v. Injunction. The Town Board may apply in a court of competent jurisdiction for injunctive relief to enjoin any continuing violation of the provisions of this section. In such application, irreparable injury shall be deemed to exist.
- C. Additional requirements. The Planning Board may require additional provisions or conditions as the Planning Board may, in its discretion, determine to be appropriate to serve the health, safety and welfare of the Town. The Planning Board may adopt rules and regulations to carry out the provisions of this section.
- D. Conversion to Cooperative or Condominium Ownership. Notwithstanding the foregoing, the owner of the of the senior housing development shall have the right to convert the Senior Housing Development to cooperative or condominium ownership, provided that the developer or owner shall otherwise comply with the requirements set forth in this Section 12. **(Amended 3-5-19)**

Section 3. When Effective

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

On the roll call, all voted "AYE." Motion carried.

V. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS - none

VI. APPROVAL OF MINUTES

Councilwoman Marcotte offered a motion that was seconded by Supervisor Colavita to approve the Minutes of the February 1, 2022 Town Board Meeting as prepared by Town Clerk Linda Laird.

On the roll call, all voted "AYE." Motion carried.

VII. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

A) POLICE DEPARTMENT REPORT

The Board reviewed and approved for filing the following reports for December 2022; Parking Summonses, Citation Activity Report, Patrol Activity Report, Statement of Accounts and the Traffic Accident Report.

Chief Bonci submitted the Annual Report to the Town Board and summarized the Eastchester Police Department Activity for 2021:

Patrol Activity

- 7,108 Calls for Service
- 1,430 Medical Aided Calls
- 380 Accidents 0 Fatal
- Issued 17,934 Parking Summons
- Issued 4,380 Moving Violations
- Issued 44 Town Ordinance Violations

Detective Division

- 350 Arrests
- 607 Detective Investigations

Community Relations/ Policing

S.R.O. Program- Maintain a School Resource Officer at Tuckahoe and Eastchester Schools.

School Check-ins- All members participated in a program of unannounced random walk through visits of the schools in our jurisdiction, as well as lock-down drills.

Police Officer Recruitment Program- Police Officer Jayfer Chacon participated in a Westchester County Minority recruitment initiative

Traffic & Parking Advisory Board- Lt. Bernstein has met with the board at regularly scheduled public meetings, and works in conjunction with the board to respond to traffic and parking issues.

School Safety- The department has participated in, and critiqued several announced, and unannounced lock down drills. Lockdown Drills have become a requirement and the frequency required has increased.

Various Community Activities:

Law Enforcement Torch Run

Camp Rainbow

Pizza with the Police

Rag-a-muffin Parade

Domestic Violence Awareness Month

Breast Cancer Awareness Month

Trunk or Treat

Winter Festival

9/11 Mobile Exhibit

Training

Westchester County Police Academy Unified In Service

All patrol officers and patrol supervisors attended a 3-day/ 21 Hour In-service training program designed to meet the DCJS Requirement. Supervisory personnel receive an additional 7 hours of Police Supervision as part of the curriculum.

Field Training Program- Trained additional officers and supervisors to enhance our field training of recruits.

Active Shooter Training- All department members participated in training with Tuckahoe and Bronxville PDs at Concordia College Campus

Specialized Training

Crisis Negotiations- 2 Members

De-escalation Instructors- 3 Members

Less Lethal Instructor – 3 Members

Crisis Intervention- 2 Members

Anti-Harassment Training – All Members

Naloxone Training –All members

Basic SWAT Training- 2 members

Police Bicycle School

Equipment/ Technology/ Program Upgrades

Drone Program- Certified operators in the use of Drones and have a program in place to deploy drones for department use.

Surveillance Camera/ LPR Systems- 3 camera and LPR Readers have been installed in sites throughout the Town.

Radio System Replacement/ Conversion- Transition to the MTA based radio system

Body Worn Cameras- Cameras have been purchased and a system installed for deployment.

State Accreditation: Maintained Compliance with State Accreditation Standards.

Mutual Aid Drill- Our Department participated in a Mutual Aid All Zone Drill.

Random Drug Testing- Continued an aggressive program to randomly test all members.

Grants

E.R.U. Grant: Funds provided to develop and maintain a multi-jurisdictional S.W.A.T Team.
Bullet Proof Vest Partnership & N.Y. State Attorney Generals Grant
Buckle Up N.Y. - Funds used for seatbelt enforcement on designated waves of enforcement. The Department issued numerous Moving Violations during the Seat Belt Awareness week.

In closing, Chief Bonci acknowledged the excellent job that all of our members have done this past year.

B) LAW DEPARTMENT

1. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER A LICENSE AGREEMENT BETWEEN THE TOWN OF EASTCHESTER AND PERMITIUM, LLC FOR ON-LINE VITAL RECORDS REQUEST SERVICE

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing the Supervisor to execute and deliver a License Agreement made between the Town of Eastchester and Permitium, LLC which will provide customers with an on-line vital records request service.

Mr. Reda explained there would be no cost to the Town and the Town Clerk's Office will continue to collect the \$10 per copy fee for all certified copies.

On the roll call, all voted "AYE." Motion carried.

LATE FLYING ITEM

2. RESOLUTIN IN OPPOSITION TO PROPOSED ACCESSORY DWELLING UNIT LAW

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve the following RESOLUTION in Consideration of Proposed NYS Legislation S4547A-Accessory Dwelling Unit Law (ADU) and S8006 Part EE Transit Oriented Development (TOD)

WHEREAS, the New York State Senate is considering the adoption of the current revision to S4547A- Accessory Dwelling Unit (AUD) Law which amends the Real Property Law concerning Accessory Dwelling Units and adoption of S8006 Part EE Transit Oriented Development Act by superseding local zoning as it relates to residential zoning districts and land use; and

WHEREAS, Governor Hochul, in the 2022 State of the State address, supports the creation of legislation that would impose Statewide standards to local zoning, usurping Municipal Home Rule powers; and

WHEREAS, S4547A and S8006 if adopted would override Local Zoning and Municipal Home Rule, permitting accessory apartments as of right, with minimal regulation in all residential districts, including multifamily districts, and on any lot regardless of its zoning with an existing residential use and would permit uncontrolled residential development without regard to infrastructure; and

WHEREAS, the proposed law would prohibit a municipalities ability to craft specific regulations while considering the impacts on the locality's environment, infrastructure, parking, school enrollment, and police and fire departments within its borders; and

WHEREAS, in not considering the impacts specific to a local municipality, this legislation will have far reaching effects impacting the health, safety and quality of life of the residents of the Town Eastchester; and

WHEREAS, a one size fits all requirement encroaches on the ability of every New Yorker to participate in local planning in the community in which they live; and

WHEREAS, the proposed legislation causes additional concern regarding the conversions of Hotel and Office to residential as of right without any local oversight; and

NOW THEREFORE BE IT RESOLVED, that the Town of Eastchester adamantly opposes both the S4547A Accessory Dwelling Unit Law and the S8006 Part EE Transit Oriented Development (TOD) Act; and

BE IT FURTHER RESOLVED, that the Town of Eastchester urges the Governor of the State of New York, and the New York Legislature to preserve and protect Municipal Home Rule and Local Zoning Powers.

On the roll call, all voted "AYE." Motion carried.

Supervisor Colavita noted the proposed laws in the NYS Legislation could have far-reaching effects on zoning in Eastchester. Both laws would allow state law to override local zoning code to accommodate the construction of affordable housing and potentially greatly increase population density.

For communities like Eastchester with detailed zoning laws to regulate lot coverage, building height, setbacks, trees, street parking and more, this new law would trump all those restrictions and permit homeowners and developers to maximize the potential for each lot.

And this is not the only bill that has been introduced to increase affordable housing.

A second bill will require communities to permit the construction of multi-family structures on any property within ½ mile of the railroad station.

If this was to pass, multifamily homes and apartments could be built on any lot within a half mile of the train station, including lots that are now zoned for single family homes as well as Leewood Country Club.

These blunt, one-size-fits-all land use mandates – which are not germane to the State Budget-making process – would be the first of their kind in New York and in direct contravention to the State's long-held approach of locally determined land use planning. Any erosion of home rule zoning powers are likely to result in disjointed development that is out of character with a community's desires, would generate overwhelming local opposition, and would certainly result in legal challenges to ADU and TOD projects. Forcing these standards on already established communities without taking into consideration the myriad impacts such abrupt and massive changes would have on the municipality is likely to result in incongruous development, not to mention substantially strained municipal services and infrastructure, including streets, sidewalks, and water and sewer systems.

State efforts to foster the use of ADUs and TODs will only be successful if undertaken in conjunction with New York's established home rule laws and local land use planning process. A better approach to foster appropriate and successful implementation of ADU and TOD policies would be for the State to facilitate informed local decision-making, including the drafting of model local laws/regulations, analysis of the impacts of adopting such policies, training for local land use officials, and State funding to implement such development. The ADU and TOD proposals advanced in the Governor's Executive Budget fail to do any of this and, instead, impose a top-down mandate that ignores New York's sacrosanct tradition of community-based land use decisions.

Councilwoman Marcotte and Councilman Marcoccia commented that the best way to make housing more affordable in New York State is to reduce the tax burden and provide tax relief.

C) HIGHWAY DEPARTMENT REPORT for January 2022 was received for filing.

D) RECEIVER OF TAXES REPORT for January 2022 was received for filing.

VIII. CORRESPONDENCE

A) MEMORANDUM FROM COMPTROLLER RE: PART TIME EMPLOYEES

Councilwoman Marcotte offered a motion that was seconded by Supervisor Colavita to approve the part-time appointments of Andrew Wade (Accreditation Specialist) at \$30 per hour and Rory Lee (Parking Enforcement Officer) at \$20 per hour for the Police Department, effective February 16, 2022.

On the roll call, all voted "AYE." Motion carried.

B) MEMORANDUM FROM SUPERINTENDENT OF HIGHWAYS RE: PROPOSAL - ANNUAL STORMWATER REPORT 2021-2022

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION to accept Dolph Rotfeld Engineering's proposal in the amount of \$3,000 to assist with the preparation of the Town of Eastchester's Annual Stormwater Report for program year 2021-2022.

On the roll call, all voted "AYE." Motion carried.

C) MEMORANDUM FROM SUPERINTENDENT OF PARKS AND RECREATION RE: PERMISSION TO BID – GROUND MAINTENANCE

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing the Parks & Recreation Department to go out to bid for the Ground Maintenance of Town owned property within the Town of Eastchester.

On the roll call, all voted "AYE." Motion carried.

D) MEMORANDUM FROM DIRECTOR OF BUILDING AND PLANNING RE: 2022 WESTCHETSER COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Councilwoman Marcotte offered a motion that was seconded by Supervisor Colavita to approve a RESOLUTION to Adopt the 2022 Westchester County Multi-Jurisdictional Hazard Mitigation Plan and authorizing the Supervisor to sign the following RESOLUTION:

WHEREAS, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS, a coalition of Westchester County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Westchester County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy.

NOW, THEREFORE, BE IT RESOLVED that the Town of Eastchester:

- 1) Adopts in its entirety, the 2022 Westchester County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

On the roll call, all voted "AYE." Motion carried.

IX. MISCELLANEOUS BUSINESS - none

X. COUNCIL MEMBER REPORTS

Councilman Marcoccia had no report.

Councilman Dooley reminded the public the St. Patrick's Day Parade will be held on March 13th at 3:00 p.m.

Councilwoman Marcotte announced there are still spaces available for the Bronco Hoops winter break camp. Refer to the Parks & Recreation page on the website for details and watch for information and announcements related to Summer Camp.

Mrs. Marcotte announced, after closure due to the covid pandemic, the Bronxville Movie House has reopened.

Councilwoman Nicholson announced the next TPAC meeting will be held on February 22nd at 7 p.m. in the Community Room.

Supervisor Colavita updated the public on work being completed at the Lord & Taylor site by reporting windows are currently being installed.

XI. SECOND OPPORTUNITY TO ADDRESS THE BOARD

Frank Sweeny reiterated his call for the cable companies to stop the practice of leaving behind unused wires hanging from the poles. The Supervisor explained the town does not own the wires; and therefore, cannot remove the wires. Requests from the town to the cable companies regarding wire removal will continue.

There being no further public business, the meeting was adjourned at 7:45 p.m.

Minutes prepared by;

Linda Laird
Town Clerk