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RESOLUTION IN OBJECTION TO GOVERNOR HOCHUL'S "NEW YORK HOUSING COMPACT" PROPOSAL

WHEREAS, Governor Hochul's FY 2024 Executive Budget included the "New York Housing Compact"; and

WHEREAS, the "New York Housing Compact" consists of the "New Homes Targets and Fast-Track Approval Act" and the "Transit-Oriented Development Act of 2023"; and

WHEREAS, the aforementioned bills are Article 7 bills in the NYS 2023/2024 budget which due to their inclusion as such eliminates proper legislative process that will make for better legislation; and

WHEREAS, the housing issues outlined in the bill are not of *statewide concern* and are focused on New York City and the surrounding suburbs and do not meet the level allowing the State to remove Home Rule of zoning.

WHEREAS, the Governor claims that the "New Homes Targets and Fast-Track Approval Act" is necessary in order to forestall restrictive land use practices that inhibit and limit housing development; and

WHEREAS, as proposed the "New Homes Targets and Fast-Track Approval Act" amends General Municipal Law and overrides the Town of Eastchester land use regulations as adopted in the Town's Zoning Code and consistent with the Town's Comprehensive Plan; and

WHEREAS, the "New Homes Targets and Fast-Track Approval Act" requires the Town to meet or exceed a Residential Dwelling Growth Target or enact by local law two of five "preferred actions" in order to be considered in "Safe Harbor" status; and

WHEREAS, all of the Town of Eastchester services; police, volunteer emergency services and the school community would be grossly impacted; and

WHEREAS, Eastchester already addressed accessory apartments and multifamily zoning in its zoning code; and

WHEREAS, the majority of the "preferred actions" require extreme and substantial amendments to the Town of Eastchester's local zoning including but not limited to, no

restrictions on minimum lot size, height limits, setbacks, parking and no environmental review, planning board review and aesthetic review; and

WHEREAS, Appeals can be brought to a new State Housing Review Board usurping the Home Rule authority of local land use boards who understand the local community; and

WHEREAS, the “Transit-Oriented Development Act of 2023” would amend Town Law to adopt land use regulations within three years, for higher density development for areas located within one half mile of MTA train stations in the Town of Eastchester and its two Villages; and

WHEREAS, the Town of Eastchester would fall into Tier 1 of transit-oriented development, requiring aggregate development of 50 residential dwelling units per acre within a ½ mile of the closest portion of said train station; and

WHEREAS, the forced land use regulations would result in the potential for over thousands of new residential units in our communities that must be rezoned within a ½ mile of the Metro North station; and

WHEREAS, the new amended Town Law would require the new zoning to be exempt from SEQRA review which would impact the water quality for NYC and local Westchester and would prohibit the study and evaluation of the following impacts for any transit oriented development project in Eastchester, including but not limited to; impacts on traffic and roads, potential impacts on stormwater, impact due to building on steep slopes, impact on volunteer emergency services, impacts on police department staffing, impact of additional school age students and the schools ability to absorb them, increase of sidewalk and mobility connectivity and all standard evaluation criteria in a generic environmental impact statement; and

WHEREAS, the new amended Town law would prohibit Municipalities from adopting reasonable and appropriate development regulations to insure the development is compatible with the surrounding uses, such as lot coverage, open space, building height, setbacks, floor area ratios or parking requirements; and

WHEREAS, the Town of Eastchester local zoning code provides for multiple types of housing, accessory dwelling units, senior affordable housing units, and other multifamily uses; and

WHEREAS, the residents of the Town of Eastchester have had a voice and participated in land use decisions for decades, from the updating of the Town’s Comprehensive Plan, participating in public hearings and volunteering on Town Boards and Committees; and

WHEREAS, the residents of the Town of Eastchester will be disenfranchised from their local elected officials, local volunteer Boards and render all of the residents input meaningless; and

WHEREAS, the bill does not consider mature municipalities that are unable to accommodate larger scale development; and

WHEREAS, the creation of hand-picked administrators and judges to hear appeals of denials of applications is inappropriate and lacks transparency; and

WHEREAS, the standard of review is “clear and convincing proof” which is a higher standard than usual and customary zoning cases; and

WHEREAS, the Town of Eastchester prefers ad valorem tax basis rather than decades long PILOT non-tax payments; and

WHEREAS, the requirement of a “commercial component” flies in the face of development in residential zones and creates unwarranted and unnecessary retail competition with existing retail zoning areas that are already struggling; and

NOW THEREFORE BE IT RESOLVED, that the Town of Eastchester implores the Legislature to remove the Housing Compact proposal from the FY 2023/2024 Budget, and future budgets, and engage local Governments in dialogue and address our common goals; and

BE IT FURTHER RESOLVED, that bills of this type be removed from the budget as an “Article 7” bill and follow the regular legislative process which will produce better legislation; and

BE IT FUTHER RESOLVED, that NYS Environmental laws including SEQRA and a municipality’s *Home Rule* of zoning as defined in the NYS Constitution and General Municipal law should not be limited by any legislation unless that legislation is truly of State-wide concern.

BE IT FURTHER RESOLVED, that the Town of Eastchester opposes the Governor's Housing Compact and urges the State Legislature to preserve and protect Municipal Home Rule and Local Zoning Powers.