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TOWN OF EASTCHESTER TOWN BOARD AND SUPERVISOR ANTHONY S. COLAVITA RESPOND TO GOVERNOR HOCHUL'S "HOUSING COMPACT"

This letter regards the Governor's "Housing Compact" involving Transit-Oriented Development (TOD) and Accessory Dwelling Units (ADU).

By now many of you have learned of the Governor's radical plan to turn suburban communities into congested urban centers. In its simplest terms, every city, town and village serviced by the MTA (Eastchester, Tuckahoe and Bronxville) are obligated to increase their housing inventory by a minimum of three percent within the next three years (and three percent every three years thereafter). Failure to do so shall result in "Fast-Track Approval" which will permit the construction of multi-story, multifamily apartment buildings (with density bonuses for income restricted households) in any single family zone within one-half mile radius of a railroad track notwithstanding any of our local zoning laws, Master Plan and state environmental regulations (SEQRA).

Eastchester, Tuckahoe and Bronxville are in the Governor's designated Tier One Zone which requires us to allow for development of a minimum average density of at least fifty (50) residential dwelling units per acre.

You may have recalled that this ridiculous scheme was first introduced prior to last year's election but was then scuttled because of the immense political impact it would have had on the Governor's election. Our newly elected Governor now believes the coast is clear to reintroduce this plan by sneaking it into her budget clearly to preclude transparency and avoid the open legislative process. As an aside, laws need to be introduced to preclude the future ability to legislate (Article 7 Bill) through the annual budget!

Eastchester, Tuckahoe and Bronxville are very mature municipalities (Eastchester established in 1664). There are no large parcels of land suitable for large scale housing. We will then be thrown back into the tear down syndrome that plagued towns for years two decades ago. This time "McMansions" will be replaced with twelve story apartment buildings in single family zones.

Another significant issue is the amendment of state laws and the mandatory adoption of new local laws that will change our zoning and planning codes. "Home Rule" is a legal principle protected by the New York State Constitution

and decades of case law. It gives autonomy to local governments to draft their own laws for orderly, controlled and safe growth. The Governor's proposed law is violative of our ability to zone our neighborhoods. Furthermore, your Town Master Plan is now irrelevant and the majority of proposed developments would be exempt from the NYS environmental laws (particularly SEQRA). So much for protecting our environment.

Additionally, applications for buildings stemming from this new law will likely be contested. In anticipation of towns having an issue with a project, the Governor's law calls for establishing hearings before her own hand-picked unelected administrators and judges established solely to hear these cases. To further tilt the playing field, the Governor has provided for the standard of judicial review to be by "clear and convincing proof" which is a greater and higher standard than current zoning/planning tests used by judges to decide a case.

The Governor has also created a "Fast Track" timeline which penalizes towns by requiring applications be decided within a number of prescribed days regardless of the application's complexity or the facts and circumstances surrounding the subject property. It is essentially automatic approval for failure to process the applications in accordance with her short timeline.

Speaking of usurping the laws we have been living under, the Governor now skirts the issue of the tax levy cap by allowing for the developments to pay under a PILOT (Payment In Lieu Of Taxes) program rather than pay regular ad valorem taxes like everyone else. PILOT agreements normally run about fifty years and are automatically renewed. In essence, these new developments will not be paying their fair share of taxes.

As you are aware there is no mass transportation in our town. How will people get around other than driving? Let us be clear that the fixed parking space requirements in our zoning code will never be upheld. Think of how a 600 unit building in your neighborhood would impact parking if there was no parking minimum permitted. If you think White Plains Road is heavily trafficked now, just wait.

Speaking of additional impacts, no one is considering the impact on our schools and the volume of children that will need to be educated – not to mention the expense! Virtually no consideration has been given to infrastructure components like sanitary/storm sewers, roads, water supply, etc.. No one has considered emergency services. Does the Eastchester Fire Department have the apparatus and manpower to deal with this new construction? What about the impact on our Police Department and EVAC? No one is considering senior services, utility services (natural gas moratorium), and burdens on recreational facilities (no mention of recreation fees anywhere in her law). Our water supply comes from upper Westchester County. What will be the impact on our water service if this same excessive overdevelopment is simultaneously taking place up county next to or in our watershed region?

It also needs to be disclosed that the construction of multi-story apartment buildings, for example in a single family zone, will also be required to add a "commercial component" so amenities, goods and services are proximate to the

development. Get used to the bodegas and store fronts in your former single family neighborhood.

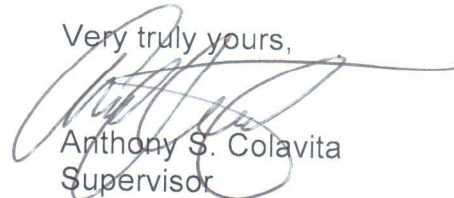
The Governor has also proposed to provide \$250 million of your tax dollars to support this initiative. As I am sure you are aware, that amount is woefully inadequate and will evaporate immediately. The Governor is once again thrusting an unfunded mandate on the already tax fatigued citizenry to advance her progressive agenda.

Another component of the "Housing Compact" are ADUs which permit backyard cottage, attic, garage and basement apartments. Same are presently regulated by the state building code and our local zoning code for obvious reasons (fire, sewer, electric and plumbing issues, etc.). Equally impactful on our governmental services and schools, these new apartments further compound this catastrophic problem.

There is no compromise on this matter. It must be voted down and removed from the Budget. We are presently over developed and can ill afford "hundreds upon hundreds" of new residences notwithstanding the Governor's intentions. If the Governor feels there is a housing shortage, then the State should build housing at its expense where it is needed. I urge you to check out the law and formulate your own opinion. After doing so, I urge you to contact our local state representative set forth below. I will ask the Town Board to adopt a Resolution at the Town Board meeting opposing this "Housing Compact" law and demanding its withdrawal. Please support us and get behind the opposition to this unlawful unconstitutional action which will not just obliterate neighborhoods but will neuter our ability to regulate controlled growth and protect our biggest investment, our homes.

March 7, 2023

Very truly yours,



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