

**Margaret A. Cunzio**

Legislator, 3rd District  
Minority Leader  
Co-Chair, Rules



Committee Assignments:  
Budget & Appropriations  
Labor & Housing  
Planning, Economic Development & Energy  
Public Safety

**MEMORANDUM**

TO: Catherine Borgia, Chair, Board of Legislators

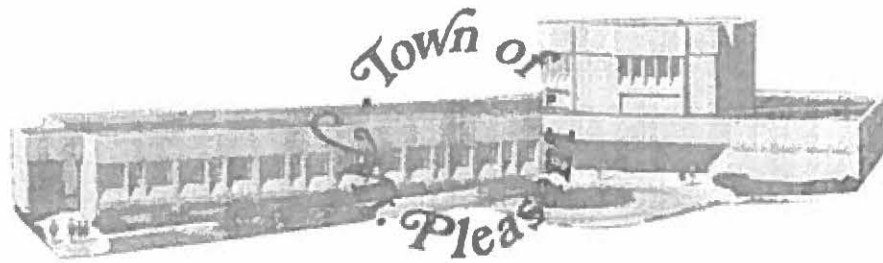
FROM: Margaret Cunzio, Legislator – 3<sup>rd</sup> District

DATE: February 15, 2022

RE: Correspondence: Resolution from the Town of Mount Pleasant urging the New York State Legislator and Governor to preserve and protect the local zoning and planning authorities of the municipalities in New York state.

---

Please add the attached correspondence to the agenda of the March 7, 2022 Board of Legislators meeting for referral to the appropriate committees.



EMILY COSTANZA  
Town Clerk

EXTRACT OF THE MINUTES  
OF THE REGULAR MEETING  
OF THE TOWN BOARD  
TOWN OF MOUNT PLEASANT  
WESTCHESTER COUNTY, NY  
HELD FEBRUARY 8, 2022

Resolution of the Town of Mount Pleasant Town Board in Opposition to the Proposed Accessory Dwelling Unit Law

RESOLUTION 80-22

Upon motion of Mr. Sialiano, seconded by Ms. Smalley and unanimously carried, it was,

WHEREAS, New York State Senate is considering the adoption of S4547A – Accessory Dwelling Unit (hereinafter “AUD”) Law which proposes to amend the Real Property Law concerning Accessory Dwelling Units 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 Law powers; and;

WHEREAS, S4547A if adopted would override Local Zoning and Municipal Home Rule, requiring local municipalities to adopt a local law permitting accessory units as of right, with minimal regulation in all residential districts, including multifamily districts, and on any lot regardless of its zoning; and

WHEREAS, the proposed law would prohibit a municipality’s ability to craft specific regulations while considering the impacts on the locality’s environment, infrastructure, parking, school enrollment, as well as, emergency services coverage 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 of Mount Pleasant;

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

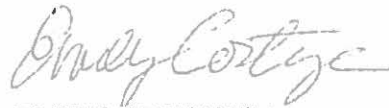
WHEREAS, the Town's Zoning Code §218-36 already contains provisions for accessory apartments in one-family residential district as a permitted special uses subject to review and approval by the Town Planning Board, following a duly noticed public hearing; and

WHEREAS, the proposed legislation causes additional concern regarding the conversion of hotel and office to residential use as of right without any local oversight; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the following resolution adamantly opposing S4547A Accessory Dwelling Unit Law; and

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

BE IT FURTHER RESOLVED that this resolution shall be effective immediately upon adoption.



EMILY COSTANZA  
TOWN CLERK  
TOWN OF MOUNT PLEASANT