

James Nolan

Minority Whip
Legislator, 15th District
Chair, Committee on Appointments



Committee Assignments:
Budget & Appropriations
Parks & Recreation

To: Catherine Borgia, Chairwoman of the Board of Legislators
Sunday Vanderberg, Clerk of the Board of Legislators
Tyrae Woodson-Samuels, Chair of the Housing Committee

From: James Nolan, Legislator, District 15

Date: March 16, 2022

Re: Town of Eastchester Resolution in Opposition to Governor Hochul's Budgetary Proposal
Regarding Accessory Dwelling Units and Transit Oriented Developments

Attached is a Resolution from the Town Board of Eastchester calling on our partners in the State Legislature, as well as the Governor, to preserve and protect local home rule and local zoning powers.

Please refer to the Housing Committee

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.

Dated: February 15, 2022
Eastchester, New York