



TOWN OF NORTH CASTLE
Town Hall – 15 Bedford Road
Armonk, NY 10504

Established 1736

Governor Hochul's Housing Compact FAQ

What is Governor Hochul's "Housing Compact"?

The "Housing Compact" as proposed in the 2024 Governor's Executive Budget consists of two acts:

New Homes Targets and Fast-Track Approval Act: Amends General Municipal Law and overrides the Town's land use regulations and would allow land owners and developers to build housing not otherwise allowed by the Town's zoning code.

- The Town would be required, by NYS statute, to meet or exceed a Residential Dwelling Growth Target, an increase of 3% of "permitted construction of new eligible residential dwelling units" in a 3-year cycle, **OR**
- Have enacted by local law two of five "preferred actions":
 - **Accessory Dwelling Units (ADU):** The Town would be required to amend its local zoning and Comprehensive Plan to allow ADU's as of right in areas that allow single family and multi-family uses, and subject to limited restrictions. This will result in new ADUs being four feet from property lines and the Town will not be able to require parking spaces in many areas of Town.
 - **Lot Splits:** The Town would be required to amend its local zoning and Comprehensive Plan to allow lots to be split as of right with limited restrictions.
 - **Removing Exclusionary Measures:** The Town would be required to amend its local zoning, Comprehensive Plan and Volunteer Board review process and remove "exclusionary" land use regulations, such as; minimum lot size requirements, height requirements, lot coverage and parking requirements.

- **Smart Growth Rezoning:** The Town would be required to amend its local zoning and Comprehensive Plan to permit the construction of residential housing with an aggregate density of at least 25 dwelling units per acre over an area consisting solely of previously disturbed land equal to 1/3 of the Town's previously disturbed land mass. Further, the new law would permit commercial uses on a reasonable percentage of lots with the goal of granting residents access to amenities, goods and services within walking distances.
- **Adaptive Reuse Zoning:** The Town would be required to amend its local zoning and Comprehensive Plan to permit the construction of residential housing with an aggregate density of 25 dwelling units per acre in an area that only permitted commercial use. The new law would have to cover at least one hundred acres, and would need to permit commercial uses on a reasonable percentage of the lots impacted by granting residents access to amenities, goods and services.
- If the Town does not meet the required Residential Dwelling Growth Target or adopt two of the five "preferred actions" they are not considered a "Safe Harbor Municipality" and would be subject to a new "Fast Track" approval process that would apply to land use applicants for "qualifying projects":
 - At least 20 dwelling units, and;
 - At least 20% of the dwelling units are affordable housing units restricted to households at or below 50% of AMI, or
 - At least 25% of the dwelling units are affordable housing units restricted to households at or below 80% of the AMI.
- If the Town is considered "Non-Safe Harbor" it would be required to:
 - Approve "qualifying projects" less than 100 residential units within 120 days, more than 100 residential units within 180 days.
 - "Qualifying Projects" would be EXEMPT from the State Environmental Quality Review Act (SEQRA) and local environmental review.
- Applicants (developers and property owners) can appeal the Town's denials of their application to a newly created State Housing Review Board or a Court.
- The Town would be required to annually report housing production information.

Transit Oriented Development (TOD) Act of 2023: Amends Town Law to require the Town to adopt higher density land use regulations within one half mile of MTA transit stations. **Tier 1 municipalities (North White Plains) would have to rezone land within a ½ mile of the train station to permit 50 residential units per acre.**

- The Town's New Local Laws would be exempt from SEQRA review, and the resulting new laws must not restrict lot coverage, require open space, limit height, regulate setbacks, institute floor area ratios, or require parking.
- If the Town fails to enact the requisite local land use regulations within the time frame, the Town would be required to permit the construction and occupation of residential dwellings with a density up and including the applicable aggregate density in the applicable zone.
- The Town's review of "qualifying projects" would have to be completed within 120 days, and would be limited to Water and Sewer capacity, adequate electricity, and aesthetics limited to "objective standards".
- If the Town does not amend their local land use regulations, the Attorney General would be authorized to initiate legal proceedings against the Town. Applicants aggrieved by the Town's determinations of "qualifying projects" would be able to challenge the determination in the Supreme Court. The Town would have the burden of justifying their determination by demonstrating clear and convincing evidence that the application was denied due to a bona fide health and safety concerns. Or pursuant to the TOD Act of 2023.

What is Home Rule?

The NYS Constitution grants broad Home Rule powers to local governments that allow local governments to meet their different and unique needs such as Zoning, in order to ensure that development is compatible with the surrounding uses.

What are the impacts of these two acts?

The impacts to home owners in North Castle are devastating. **Accessory Dwelling Units** will be permitted in all single family and multi-family zones and subject to limited restrictions and review of minimum lot size, setbacks, parking, environment, or impacts on emergency services, or schools. The new ADU requirements would exacerbate parking problems in our most dense North White Plains neighborhoods and permit new ADU units that are located too close to property lines.

The adoption of the “Removing Exclusionary Measures” law would require the amendment of our recently adopted Comprehensive Plan as many current plan recommendations are not consistent with the mandated new law. Specifically, the elimination of minimum lot size, height limits, gross land coverage and gross floor area requirements would fundamentally change existing residential neighborhoods resulting in new structures that are inconsistent with existing structures.

The adoption of the “Smart Growth Rezoning” law would require the Town to amend its local zoning and Comprehensive Plan to permit the construction of residential housing with an aggregate density of at least 25 dwelling units per acre over an area consisting solely of previously disturbed land equal to 1/3 of the Town’s previously disturbed land mass.

This law attempts to create a new hamlet area that has dense residential housing with a local shopping component. A density of 25 units per acre is significantly more dense than existing projects in North White Plains and the Armonk Hamlet

The adoption of the “Smart Growth Rezoning” law would result in:

- Rezoning 1/3 of the Town that was previously disturbed yields truly extraordinary levels of new development that the Town would be totally incapable of providing adequate public services.
- The law would require the fundamental transformation of the Town into a city.
 - The Town contains 16,755 acres.
 - 7,242 acres are developed residentially (4,310 housing units)
 - 684 acres are commercial
 - 30 acres are mixed use
 - 394 are developed as institutional and public uses
 - This totals 8,350 acres of existing developed land
 - If 1/3 were rezoned as required (2,756 acres), **it could result in the construction of 68,888 new residential units**

The “Adaptive Reuse Zoning” law would require the Town to rezone a hamlet or industrial area to permit residential uses. A local example would be the rezoning of Business Park Drive from the existing PLI Zone.

- If the entire Business Park was developed as residential with at least 25 units per acre.
- Business Park Drive is approximately 104 acres.
- The adoption of the law could result in the **elimination of the existing uses (and that tax base)**
- Business Park Drive could see the **construction of 2,600 new residential units.**

The adoption of the TOD Act would result in:

- The potential for **over 6,000 new residential units** in the 125 acres that would be required to be rezoned in the Hamlet of North White Plains.
- The required NEW Zoning would be exempt from State Environmental Quality Review (SEQRA), which would prohibit the study and evaluation of road networks, traffic, open space, impact volunteer emergency services, impact on police department, school districts, sidewalk connectivity to name of few.

What does the Town of North Castle local zoning code currently provide for?

The Town of North Castle has, for decades, consistently demonstrated a commitment to providing a wide variety of housing choice;

- Affordable housing units
- Middle Income units
- Two-family housing units
- Accessory dwelling units
- Age restricted units
- The flexibility to rezone to increase density of any project.

The Town's Zoning Code creates a set of rules that ensure that development is compatible with uses within a district and adjacent districts. For instance, a factory is not permitted in the same zone as homes. Zoning establishes rules that dictate the size of a property, setbacks, land coverage and floor area within a district with the aim of creating compatible and consistent neighborhoods.

What does EVERY RESIDENT in North Castle need to do?

Write (email) your NYS representatives and Governor Hochul! Tell them that ONE SIZE FITS ALL Zoning is not acceptable and that Town Boards and local land use boards and committees are best attuned to make land use and development decisions.

Senator Mayer: smayer@nysenate.gov

Assemblyman Burdick: burdickc@nyassembly.gov

Senate Majority Leader-Andrea Stewart-Cousins: scousins@nysenate.gov

Assembly Speaker Carl Heastie: speaker@nyassembly.gov

[Governor Kathy Hochul](#)

Click on Link for Governor