



TOWN OF NORTH CASTLE

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Established 1736

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April 17, 2013

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*United States ex rel Anti-Discrimination Center of Metro New York, Inc. v.
Westchester County, New York*

Dear Mr. Johnson:

The Town of North Castle understands the need to provide opportunities for the development of multi-family housing within the Town and to give consideration to regional housing needs.

In order to address the above stated needs as well as plan for the Town's future, the Town started its ongoing comprehensive planning process 1949, with updates in 1958, 1967, 1974 and most recently in 1996. It is noted that the 1996 plan specifically recognizes the need to provide a wide variety of housing opportunities while continuing the high quality of community services and facilities. The 1996 plan's primary goal is to maintain and improve the quality of life in North Castle, with an emphasis on recognizing the environment as a vital contributor to the quality of life. Environmentally sensitive areas such as wetlands, steep slopes, and floodplains are identified, and policies are recommended that would strengthen the Town's control over the protection of those areas.

The 1996 plan provides a balanced and well ordered plan for the community utilizing North Castle's existing pattern of land use and infrastructure. North Castle has given due consideration to regional housing requirements by ensuring a housing balance through its zoning and planning powers. Specifically, the Town created the R-MF (multi-family), R-MF-A and R-MF-SS Districts in order to increase the supply of units suitable for smaller families or individuals and to increase the supply of moderate-cost housing, among other things.

In addition, the Town adopted the CB-A Zoning District which requires second floor apartments with a 20% middle income requirement within the Armonk Hamlet.

Furthermore, the Town permits accessory apartments in all single-family residence districts.

It is also noted that the Town has zoned over 90 acres to be within the R-2F (two-family 5,000 square foot minimum lot size) District in North White Plains where adequate sewer and water is available. The Town also uses the conservation subdivision technique to allow attached cluster housing in the Town. This law was recently revised so that the Planning Board could require the use of conservation subdivisions if deemed beneficial.

The Town has also always provided a wide variety of single-family districts. The minimum lot sizes start at 5,000 square feet in North White Plains and parts of the Armonk hamlet, where there is a historically more dense development pattern and public sewer and water facilities are available.

The largest lot sizes are four acres in the rural area of the Eastern District where road access is limited, roads are narrow, no public utilities are available, and other significant environmental constraints exist.

With respect to your letter dated March 21, 2013, I have reviewed it together with the attachment of proposed factual findings concerning zoning in the Town of North Castle and offer the following:

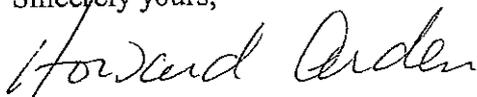
- The Town of North Castle continues to discuss and review the model affordable housing zoning ordinance.
- The Town of North Castle questions the appropriateness of referring to the 2005 Housing Opportunity Commission allocation plan as an “obligation” (first paragraph of North Castle report card) since this report is identified elsewhere in your letter as “unadopted” by the County.
- The R-MF-SCH is not limited in occupancy to two persons in in two bedroom units and one person in one-bedroom units. The reference to those occupancy limits only relates to pricing the units (making them more affordable).
- The report card notes that “there are no available development sites in any district that mandates middle-income housing.” It is noted that this is not an accurate statement. There are sites that are available for multifamily development that would require the creation of affordable housing. Specifically, the Armonk Lumber Yard site has been rezoned to the R-MF-SS Zoning District. This vacant site would require that 35% of the units in this zone to be middle income dwelling units.

Please note that additional factual discrepancies may be ascertained upon further review.

I trust that you will review and revise the conclusions drawn in the proposed factual findings concerning zoning in the Town of North Castle based on this information.

Thank you for the opportunity to comment.

Sincerely yours,



Howard Arden
Supervisor