



TOWN OF NORTH SALEM

Delancey Hall
266 Titicus Road
North Salem, N.Y. 10560

Office of the Supervisor

April 18, 2013

James E. Johnson, Esq.
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022

RE: United States *ex re/* Anti-Discrimination Center of
Metro New York, Inc. v. Westchester County, New York

Dear Mr. Johnson:

Thank you for the opportunity to comment on your independent report. We have reviewed your letter dated March 21, 2013 together with the attachment which attempts to summarize North Salem's zoning, particularly with regard to opportunities for affordable housing. You requested that we comment on the points that were addressed including any inconsistencies. We would like to offer the following:

North Salem has and continues to be a leader in providing zoning regulations which include inclusionary affordable housing requirements. The Town has demonstrated excellent progress, not only since 2005 but since the rewrite of our zoning in 1987 and amendments in 2001. We have found success in creating affordable housing in a variety of forms in **all** zoning districts (both residential and nonresidential) since 1987.

Of particular note is that a review of the existing, diversified housing stock in North Salem shows that we have a broad range of home prices with at least 50 percent of our housing selling for less than the least expensive condominium in North Salem. Of further interest is that 17% of the housing stock in the Town is made up of single family detached dwelling units in the form of cooperatives which are unique in NYS. Many of these homes sell for less than the price set for affordable homes.

North Salem's zoning ordinance provides numerous provisions for a diversity of housing opportunities within the Town, a number of which are **not** identified in the circulated report.

- North Salem's zoning includes multiple **inclusionary** affordable housing requirements as well as measures offering **density bonuses** for the creation of additional affordable housing units. In addition to the decade long inclusionary requirement that all subdivisions of more than ten (10) lots in all districts provide a minimum of 10% affordable housing (with no bonus), residential development within the R- $\frac{1}{4}$, GB, R-MF/4 and R-MF/6 Districts also include inclusionary ("mandated") requirements of a minimum 20% affordable housing, while the PD-CCRC District

requires a minimum inclusionary requirement of 10 to 20% affordable housing based on the type of development proposed.

- North Salem's zoning is one of the broadest in allowing accessory housing (apartments). The Town allows apartments in each and every zoning district (both residential and nonresidential). Apartments are allowed in main residences, above garages and in other detached accessory structures, as well as in commercial buildings everywhere commercial uses are permitted. North Salem has hundreds of accessory apartments, which typically obtained the needed special permit in just one or two meetings! In addition, North Salem allows a second accessory apartment in instances where the lot area exceeds the required minimum by 2 ½ times; and, on large properties with horse facilities, the ordinance allows "employee quarters."

- In addition to the noted R-1/4, R-MF/4 and R-MF/6 Districts, multifamily housing is also:
 - Permitted "as-of-right" in the PD-CCRC (in fact two (2) different types of multifamily uses are listed as-of-right);
 - Permitted by conditional use permit in the GB District; and
 - Permitted by special permit in the R-½, R-1, R-2, R-4, PD and PD-CCRC Districts.

- Two-family dwellings are also permitted "as-of-right" in the R-MF/4 and R-MF/6 Districts.

- In the GB District, multifamily housing is permitted on lots with a minimum size of 5,000 square feet if they are all affordable, otherwise 160,000 square feet is required.

- Contrary to the report, mixed-use development and apartments (in conjunction with commercial uses and above stores) is in fact permitted in six (6) different zoning districts, including the NB, GB, PO, RO and PD-CCRC Districts, as well as the PD District.

- In regard to maximum density as noted in the report, North Salem also allows greater permitted density as follows:
 - Multifamily dwellings for elderly and handicapped persons operated by non-profits are allowed at a density of eight (8) units to the acre;
 - All multifamily dwellings operated by non-profits are permitted at a density of eight (8) units to the acre; and
 - Higher residential unit density is permitted through bonuses allowed in nine (9) districts, including the R-4, R-2, R-1, R-½, R- ¼, PO, R-MF/4, R-MF/6 and the PD-CCRC Districts.

In addition to the above:

- North Salem's zoning has never imposed a "cap" on affordable units and in fact the Planning Board recently approved a 65-unit 100% all-affordable rental apartment project (Bridleside), which is presently under construction and will have units coming online October of this year

- North Salem has always provided for and encourages “pre-application” review to help expedite the process. This provides the opportunity for the earliest feedback from the reviewing board, an outline of the process and the earliest possible discussion on possible waivers. Furthermore, with generally two meetings per month, opportunity exists for continuous and timely review of all applications.

Finally, the unadopted 2005 allocation plan you reference (based on 2000 census data and growth projections) does not take into consideration the recent housing bubble and recent factors that affect the development of vacant land in the Northern section of Westchester.

Thank you very much for allowing us the opportunity to reply. We trust that you will amend your report accordingly.

Sincerely,

Warren J. Lucas, Supervisor
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