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FREDERICK P. CLARK ASSOCIATES, INC.

PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT
RYE, NEW YORK FAIRFIELD, CONNECTICUT

MEMORANDUM

To: Gary D. Warshauer, Supervisor, and the
Pound Ridge Town Board

Date: April 26, 2013

Subject: **Fair and Affordable Housing**

At your request, we have prepared the attached **Resolution of Adoption** and attached **Negative Declaration** in connection with the above captioned matter.

The date of the adoption of the Negative Declaration should be inserted in the space provided on its first page. Further, the adopted Negative Declaration should be filed with the Environmental Notice Bulletin as shown on its second page.

If you have any questions with regard to the Resolution or Negative Declaration, please let us know.

David H. Stolman, AICP, PP
President

Evren Ulker-Kacar, AICP
Associate/Planning

Attachment

cc: James J. Sullivan, Esq.

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**TOWN BOARD
TOWN OF POUND RIDGE, NEW YORK**

**RE: RESOLUTION ADOPTING LOCAL LAW ____ OF THE YEAR 2013
PERTAINING TO THE INCLUSION OF FAIR AND AFFORDABLE
HOUSING IN CHAPTER 113, ZONING, OF THE POUND RIDGE TOWN
CODE**

WHEREAS, the Town Board is entertaining the adoption of a Local Law pertaining to the inclusion of Fair and Affordable Housing in Chapter 113, Zoning, of the Pound Ridge Town Code (the “Proposed Action”); and

WHEREAS, the subject Local Law is intended to amend the Town of Pound Ridge Zoning chapter in connection with the Westchester County Affordable Affirmatively Furthering Fair Housing Units Model Ordinance; and

WHEREAS, in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), the Town Board is the only Involved Agency with respect to the Proposed Action and is therefore the Lead Agency; and

WHEREAS, the Town Board has had a Full Environmental Assessment Form prepared in connection with the Proposed Action; and

WHEREAS, the Town Board referred the proposed local law to the Pound Ridge Planning Board in accordance with Section 113-97B of the Town’s Zoning chapter; and

WHEREAS, the Planning Board responded to the above mentioned referral by means of its memorandum dated April 8, 2013, which memo contained recommended modifications to the Local Law; and

WHEREAS, the Town Board has revised the Local Law as a result of the Planning Board’s recommendations; and

WHEREAS, the Town Board referred the proposed local law to the Westchester County Planning Board in accordance with Sections 239-l and m of New York State General Municipal Law and Section 277.61 of the Westchester County Administrative Code; and

WHEREAS, the Westchester County Planning Board responded to the above mentioned referral by means of its letter dated _____, 2013, which letter stated _____; and

WHEREAS, the Town Board held a public hearing on the subject Local Law on May 3, 2013, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Town Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. After conducting a "hard look" at the Full Environmental Assessment Form and other materials related to the Proposed Action, the Town Board hereby adopts the attached Negative Declaration for the reasons stated therein, thereby finding that the Proposed Action will have no significant adverse impact upon the environment and thereby ending the SEQRA process.
3. The Town Board hereby adopts Local Law __ of 2013; except as specifically modified by the amendments contained therein, the Town of Pound Ridge Zoning chapter, as originally adopted and amended from time to time thereafter, is to remain in full force and effect.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Gary David Warshauer, Supervisor
Peter J. Falco
Richard B. Lyman
Daniel S. Paschkes
Alison Boak

Voting:_____

Voting:_____

Voting:_____

Voting:_____

Voting:_____

The resolution is hereby duly declared adopted.

Dated: _____, 2013
Pound Ridge, New York

TOWN BOARD
Town of Pound Ridge

Date

Gary D. Warshauer, Supervisor

Attachment: Negative Declaration

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: _____

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Pound Ridge Town Board, as Lead Agency, has determined that the Proposed Action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Local Law Pertaining to the Inclusion of Fair and Affordable Housing in Chapter 113, Zoning, of the Pound Ridge Town Code.

SEQR Status: Type I

Conditioned Negative Declaration: No

Description of Action: The Proposed Action involves the adoption of a Local Law pertaining to the inclusion of fair and affordable housing in Chapter 113, Zoning, of the Pound Ridge Town Code.

Location: Town of Pound Ridge, Westchester County

Reasons Supporting This Determination: See attachment.

Lead Agency: Pound Ridge Town Board
179 Westchester Avenue
Pound Ridge, New York 10576

For Further Information:

Contact Person: Supervisor Gary D. Warshauer

Address: 179 Westchester Avenue, Pound Ridge, New York 10576

Telephone Number: (914) 764-5511

This notice has been provided to the following email address for publication in the Environmental Notice Bulletin:
enb@gw.dec.state.ny.us

**ATTACHMENT TO NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION**

**LOCAL LAW AMENDING CHAPTER 113, ZONING, OF THE POUND RIDGE
TOWN CODE WITH RESPECT TO FAIR AND AFFORDABLE HOUSING**

The Proposed Action involves the adoption of a Local Law pertaining to the inclusion of fair and affordable housing in Chapter 113, Zoning, of the Pound Ridge Town Code. The Proposed Action does not involve site-specific construction or development activity.

The subject Local Law is intended to amend the Town of Pound Ridge Zoning chapter in connection with the Westchester County Affordable Affirmatively Furthering Fair Housing Units Model Ordinance.

More specifically, the proposed provisions first rename the affordable dwelling unit now permitted by the Town's Zoning chapter to "Below Market Rate Dwelling Units," and then introduce a definition for "Affordable Fair Housing Dwelling Units" and provide regulations for the latter dwelling units.

Affordable Fair Housing Dwelling Units are defined as:

1. "A for-purchase dwelling unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester County as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 33% of 80% of the AMI, adjusted for family size and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan;" and
2. "A rental dwelling unit that is affordable to a household whose income does not exceed 60% of the AMI and for which the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% of the AMI, adjusted for family size and that is marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan."

The proposed provisions also introduce the definition of "Affordable Fair Housing Unit-Eligible Household" and define it as:

“A household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application, excluding the earnings of working household members of 21 years of age or younger who are full-time students, does not exceed the income criteria in the definition herein of "affordable fair housing dwelling units." In addition, the net assets of the household at the time prior to purchase or lease may not exceed 50% of the purchase price of the unit, except where such household relies, due to age or disability, on the assets in lieu of income. Evidence of disability shall be the receipt of Social Security Disability Insurance (SSDI) payments.”

The proposed provisions state that all new affordable dwelling units created in the Town under various provisions of the Zoning chapter shall be “Affordable Fair Housing Dwelling Units,” as opposed to “Below Market Rate Dwelling Units,” and the same is true for all new occupancies of all existing “Below Market Rate Dwelling Units.”

Further, within all new residential developments of 10 or more dwelling units, no less than 10% of the total number of units must be “Affordable Fair Housing Dwelling Units.” The Local Law also provides regulations for “Affordable Fair Housing Dwelling Units” which relate to:

1. Maximum rent and sales price;
2. Time period of affordability;
3. Property restrictions;
4. Unit appearance and integration;
5. Minimum floor area;
6. Occupancy standards;
7. Marketing;
8. Resale requirements;
9. Lease renewal requirements;
10. Incentives for the provision of affordable fair housing dwelling units;
11. Tax assessment; and

12. Administration and monitoring.

The Proposed Action does not propose site-specific construction or development activities and will not result in any significant adverse environmental impacts. Instead, the Proposed Action will only have a positive effect on the supply of affordable housing in the Town.

CONCLUSIONS

More specifically:

- The Proposed Action will not directly result in any construction or physical changes to any properties.
- The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area (CEA).
- The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.
- The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.
- The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.
- The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.
- The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.
- The Proposed Action will not have a significant adverse environmental impact on air quality.
- The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.
- The Proposed Action will not have a significant adverse environmental impact on any non-threatened or non-endangered species.

- The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.
- The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.
- The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.
- The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.
- The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.
- The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.
- The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.
- The Proposed Action will not have a significant adverse environmental impact on the public health and safety.
- The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.
- The Proposed Action will not have a significant adverse environmental impact on the supply of housing in the Town, but rather will have a positive effect on the supply of affordable housing in the Town.

Based upon this information and the information in the Full Environmental Assessment Form, the Town Board finds that the adoption of the proposed Local Law will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.