

# The Edgemont Community Council, Inc.

Founded in 1947 to determine community opinion on civic matters and coordinate community action thereon and to plan and promote the general welfare of the community embraced within Union Free School District #6.

Post Office Box 1161

Scarsdale, New York 10583

November 20, 2008

## VIA EMAIL

Supervisor Paul Feiner and Members of the Town Board  
Town of Greenburgh  
Greenburgh Town Hall  
177 Hillside Avenue  
White Plains, NY 10607

Dear Supervisor Feiner and Members of the Town Board:

I am writing on behalf of the Edgemont Community Council in connection with the local law that was adopted by the town board on November 12, 2008 purporting to amend Section 285-41 of the Town Zoning Code regarding the applicability of 10% affordable housing requirements to the PUD, CA and UR Zoning Districts.

The adoption of this local law violates state law, i.e., Gen. Mun. Law Section 239-m(3)(b)(iii) which requires that all such proposed laws affecting real property within 500 feet of a state or county highway must be submitted to the county planning department for its review, along with any supporting environmental documentation. Here, not only was the local law adopted without any SEQRA findings, but it was adopted before any submission was made to the Westchester County Planning Department. We understand that you are planning to adopt the SEQRA findings tomorrow, November 21, at a "special meeting" of the Town Board at 4 p.m. However, even if such SEQRA findings are adopted tomorrow, no such local law can be passed unless and until the county planning board has had 30 days in which to conduct its own review of the town's proposed action, including a review of its "SEQRA findings" and can make its own recommendation.

Furthermore, even if SEQRA findings are adopted tomorrow, adoption of this local law would still be unlawful. As you know, Town Code, Section 285-64, states in pertinent part that, "[e]very proposed amendment shall be referred by the Town Board to the Planning Board for a report and recommendation thereon before a public hearing is held by the Town Board." Here, the proposed local law was introduced after having been "recommended" by the Planning Board chairman. However, even if the Planning Board votes in its own to recommend adoption of the proposed local law, the Town Code still mandates that, once introduced at the Town Board level, every proposed amendment must then be referred back to the Planning Board for a report and

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#### Member Associations

The Central Park Avenue Association  
Greenridge Association

The Cotswold Association  
Longview Civic Association

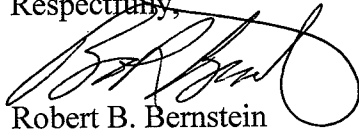
Edgemont Association  
Northern Greenville Association

Fort Hill Association  
Southern Greenville Association

recommendation. The requirements for such report are spelled out in the Town Code. Here, no such referral was ever made. Nor was any report ever made. Accordingly, for this reason as well, the Town Board's adoption of the local law on November 12 was unlawful, and your adopting SEQRA findings at tomorrow's meeting won't cure it.

For these reasons, we respectfully request that the Town Board (i) rescind the local law which it approved unlawfully, (ii) refer the proposed local law to the Planning Board for its report and recommendation, (iii) upon receipt of the report and recommendation from the Planning Board, refer the proposed law and report to the Westchester County Planning Board for its own report and recommendation; and (iv) then, upon receipt of the planning board's report and recommendation, upon receipt of the report and recommendation from the Westchester County Planning Board, and upon adoption of any SEQRA findings by the town board, all such reports and findings being part of the public record, then, and only then, hold a public hearing on whether to adopt such local law.

Respectfully,



Robert B. Bernstein  
President

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