

October 1, 2021

TO: Hon. Benjamin Boykin, Chair  
Hon. Alfreda Williams, Vice Chair  
Hon. MaryJane Shimsky, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer   
Westchester County Executive

RE: Message Requesting Immediate Consideration: **CBA & Bond Act –  
BPL30, and Act Concerning 500 Main Street, New Rochelle.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 4, 2021 Agenda.

Transmitted herewith for your review and approval is legislation which would authorize the purchase of the above-referenced property.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 4, 2021 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

October 1, 2021

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval please find the following:

Land Purchase and Conveyance. An Act (the "Land Acquisition Act") to authorize the County to purchase two condominium units (the "Property") making up a portion of the approximately +/- 0.785 acres of real property located at 500 Main Street in the City of New Rochelle (the "City") from the current owner thereof, and and subsequently convey the Property to BRP 500 Main TC Owner LLC, its successors or assigns, (the "Developer") as part of the County's program to support the construction of housing units that affirmatively further fair housing (the "Affordable AFFH Units"). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the "NHLA Bond Act"), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$5,000,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning ("Planning") has advised that subject to the receipt of approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$5,000,000 to purchase the Property from the current owner to create one hundred nineteen (119) Affordable AFFH Units for rental.

Capital Budget Amendment. An Act authorizing an amendment of the County's 2021 Capital Budget (the "CBA") by increasing the amount authorized for BPL30 by \$5,000,000 as part of the County's program to ensure the development of new affordable AFFH housing units. This CBA is necessary to use BPL30 to pay for the acquisition of the land and settlement costs

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to eligible households who earn at or below 50% and up to 80% of the Westchester County area median income. The units will remain affordable for a period of not less than 50 years (the "Period of Affordability").

In accordance with the Land Acquisition Act, the County will subsequently convey two condominium units making up a portion of the Property to the Developer for ONE DOLLAR (\$1.00). The Developer will construct a mixed-use development with 477 rental apartments, that will include the 119 Affordable AFFH Units, 358 market rate units, approximately 1,835 square feet of retail space, approximately 1,000 square feet of governmental office and approximately

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148 Martine Avenue  
White Plains, New York 10601

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21,892 square feet of community space. Residential amenities will include various terrace and lounge areas, fitness and exercise rooms, a community business center, laundry facilities, a bar/kitchen area/community room, an outdoor rooftop pool, dog park, pet washing facility, concierge/security desk, property management office and parking (“the “Development”). Amenities will be free to all Affordable AFFH units and parking will be \$50 per month (half of the monthly cost incurred by a market rate unit).

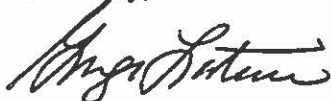
Planning has further advised that additional funding for the Development is anticipated to be provided through an HFA issuance of tax-exempt and taxable bonds, NYS Low Income Housing Tax Credits, owner equity and a loan from Interfaith Development Council for an estimated total development cost over of \$168 Million.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act (“SEQRA”) have been met. Planning has advised that, based upon its review, the proposed Development constitutes an Type I action pursuant to 6 NYCRR 617, the implementing regulations of SEQRA. Planning has further advised that the City of New Rochelle Planning Board served as lead agency over the site-specific review and issued a Negative Declaration pursuant to SEQR for this project on July 24, 2018. Because the City undertook a coordinated review pursuant to SEQR and the County was included in the process, no further environmental review is required by the County. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

On September 14, 2021, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 21-19 that recommends funding for the purchase and conveyance of the Property. Planning has further advised that Section 167.131 of the County Charter mandates that a Capital Budget Amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied by a report of the Planning Board with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for BPL30 has been annexed. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the Westchester County Charter.

Based on the importance of creating more affordable AFFH units in the County, your favorable action on the annexed Acts is respectfully requested.

Sincerely,



George Latimer  
County Executive

GL/NAD/JRC  
Attachments

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the enactment of the following:

Land Purchase and Conveyance. An Act (the “Land Acquisition Act”) to authorize the County of Westchester (the “County”) to purchase two condominium units (the “Property”) making up a portion of the approximately +/- 0.785 acres of real property located at 500 Main Street in the City of New Rochelle (the “City”) from the current owner thereof, and and subsequently convey the Property to BRP 500 Main TC Owner LLC, its successors or assigns, (the “Developer”) as part of the County’s program to support the construction of housing units that affirmatively further fair housing (the “Affordable AFFH Units”). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the “NHLA Bond Act”), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$5,000,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning (“Planning”) has advised that subject to the receipt of approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$5,000,000 to purchase the Property from the current owner to create one-hundred nineteen (119) Affordable AFFH Units for rental.

Capital Budget Amendment. An Act authorizing an amendment of the County’s 2021 Capital Budget (the “CBA”) by increasing the amount authorized for BPL30 by \$5,000,000 as part of the County’s program to ensure the development of new affordable AFFH housing units. This CBA is necessary to use BPL30 to pay for the acquisition of the land and settlement costs.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to households who earn at or below 50% and

up to 80% of the Westchester County area median income and will remain affordable for a period of not less than 50 years.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer its successors or assigns, for ONE DOLLAR (\$1.00). The Developer will construct a mixed-use development with 477 rental apartments, that will include the 119 Affordable AFFH Units, 358 market rate units, approximately 1,835 square feet of retail space, approximately 1,000 square feet of governmental office and approximately 21,892 square feet of community space. Residential amenities will include various terrace and lounge areas, fitness and exercise rooms, a community business center, laundry facilities, a bar/kitchen area/community room, an outdoor rooftop pool, dog park, pet washing facility, concierge/security desk, property management office and parking (“the “Development”). Amenities will be free to all Affordable AFFH units and parking will be \$50 per month (half of the monthly cost incurred by a market rate unit).

Your committee has been advised by Planning that, based on its review, the proposed Development is classified as an “Type I action” under the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617, which requires an assessment of environmental impacts. Your Committee has further been advised by Planning that the City of New Rochelle Planning Board served as lead agency over the site-specific review and issued a Negative Declaration pursuant to SEQR for this Development on July 24, 2018. Your Committee has been advised that because the City undertook a coordinated review pursuant to SEQR and the County was included in the process, no further environmental review is required by the County. Your Committee has reviewed the attached analysis prepared by Planning and concurs with this conclusion.

Your Committee has been advised that on September 14, 2021, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 21-19 that recommends funding for the purchase and conveyance of the Property. In addition, Section 167.131 of the County Charter mandates that a Capital Budget Amendment that introduces a new capital project or changes the

location, size or character of an existing capital project be accompanied by a report of the Planning Board with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for BPL30 has been annexed. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the Westchester County Charter.

Based on the importance of creating more affordable AFFH units in the County, your favorable action on the annexed Acts is respectfully requested, noting that the Land Acquisition Act and the

NHLA Bond Act require the affirmative vote of two-thirds of the members of your Honorable Board.

Dated:                   , 2021  
White Plains, New York

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL30

NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 5,000,000 PPU 30 Anticipated Interest Rate 1.46%

Anticipated Annual Cost (Principal and Interest): \$ 204,838

Total Debt Service (Annual Cost x Term): \$ 6,145,140

Finance Department: Interest rates from September 27, 2021 Bond Buyer - ASBA

## SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

## SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: N/A

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Norma V. Drummond

Title: Commissioner

Department: Planning

Date: 9/30/21

Reviewed By: 

Budget Director

Date: 10/1/21

Department of Planning  
432 Michaelian Office Building  
148 Martine Avenue  
White Plains, NY 10601

TO: Honorable George Latimer  
County Executive

FROM: Norma V. Drummond  
Commissioner

DATE: October 4, 2021

SUBJECT: Acquisition of Real Property –500 Main Street, City of New Rochelle

Pursuant to Section 191.41 of the Westchester County Charter, submitted herewith is the required report of the Commissioner of Planning on the proposed acquisition and subsequent conveyance of two condominium units (the "Property") on a portion of +/- 0.785 acres of real property located at 500 Main Street in the City of New Rochelle, for the purpose of creating 119 affordable housing units that will affirmatively further fair housing (the "Affordable AFFH Units").

The County of Westchester ("the County") intends to finance the purchase of the Property containing 119 AFFH units from the current owner in an amount not to exceed \$5,000,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units are marketed and leased in accordance with an approved affirmative fair housing marketing plan and will remain available to eligible households for a period of not less than 50 years. The County will then convey ownership of the BRP 500 Main TC Owner LLC (the "Developer"), its successors or assigns, for One Dollar (\$1.00).

The Developer proposes to construct a new twenty-six-story building with 477 rental units that will include 119 Affordable AFFH Units, 358 market rate units, approximately 1,835 square feet of retail space, approximately 1,000 square feet of governmental office and approximately 21,892 square feet of community space. Residential amenities will include various terrace and lounge areas, fitness and exercise rooms, a community business center, laundry facilities, a bar/kitchen area/community room, an outdoor rooftop pool, dog park, pet washing facility, concierge/security desk, property management office and parking ("the "Development"). Amenities will be free to all Affordable AFFH units and parking will be \$50 per month (half of the monthly cost incurred by a market rate unit).

I recommend funding for acquisition and conveyance of the Property for the following reasons:

1. The acquisition of this Property will advance the County's efforts to provide fair and affordable housing;
2. The acquisition and subsequent conveyance of the Property to develop fair and affordable housing is consistent with development policies adopted by the County Planning




Board as set forth in *Westchester 2025 - Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*, adopted May 6, 2008, and amended January 5, 2010, and the recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995;

3. The Development is proposed to include green technology, such as energy efficient appliances, lighting, heating systems and water conserving fixtures. The Development is designed to meet the green building standards of both Energy Star Multifamily Highrise and Enterprise Green Communities;
4. The Development is consistent with the land use policies and regulations of the City of New Rochelle; and
5. On September 14, 2021, the County Planning Board adopted a resolution to recommend County financing towards the purchase the Property to support the Development.

NVD/lg

cc: Kenneth Jenkins, Deputy County Executive  
Joan McDonald, Director of Operations  
John M. Nonna, County Attorney  
Christopher D. Steers, Director of Real Estate  
Westchester County Planning Board

TO: Leonard Gruenfeld  
Program Administrator

FROM: David S. Kvinge, AICP, RLA, CFM   
Director of Environmental Planning

DATE: September 30, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR  
BPL30 NEW HOMES LAND ACQUISITION  
500 MAIN STREET, NEW ROCHELLE**

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Pursuant to your request, Environmental Planning staff has reviewed the above referenced project (Fact Sheet Unique ID: 1725) with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves the provision of County funds under capital project BPL30 – New Homes Land Acquisition II to facilitate the creation of affordable housing in connection with a proposed 26-story building to be built on a 0.785-acre site located at 500 Main Street in the City of New Rochelle. The overall development will consist of approximately 477 rental apartments, 1,835 square feet of retail space, 1,000 square feet of government space and 21,892 square feet of community space, as well as a parking garage with approximately 430 parking spaces. County funds will be used to finance the acquisition of a portion of the property, which will be conveyed to the developer and will enable 119 of these apartments to be made available to households earning at or below 50% and up to 80% of the Area Median Income for a minimum of 50 years and marketed/leased in accordance with an approved affirmative fair housing plan.

In accordance with SEQR, the City of New Rochelle Planning Board classified the proposed development as a Type I action. On June 22, 2018, the City Planning Board issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental Assessment Form to involved and interested agencies. On July 24, 2018, the City Planning Board issued a Negative Declaration for the project. Since the City undertook coordinated review and the County of Westchester was included in the lead agency notification, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

Please do not hesitate to contact me if you have any questions regarding this matter.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Norma Drummond, Commissioner  
Anthony Zaino, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 21-19

WESTCHESTER COUNTY PLANNING BOARD

**New Homes Land Acquisition II  
Capital Project Funding Request  
500 Main Street, City of New Rochelle**

**WHEREAS**, the County of Westchester (the "County") has established Capital Project BPL30 New Homes Land Acquisition II ("NHLA") to assist in the acquisition of property associated with the development and preservation of fair and affordable housing; and

**WHEREAS**, BRP 500 Main LLC, its successors or assigns, (the "Developer") desires to develop the real property located at 500 Main Street in the City of New Rochelle (the "City"), identified on the City tax maps as Section 1; Block 215; Lots 8, 10, 11 and 12 (the "Property") to create 477 residential units, approximately 1,835 square feet of ground floor retail, approximately 1,000 square feet of governmental office space and approximately 21,892 square feet of community space and a parking garage with 430 parking spaces, a majority of which are for the exclusive use of the residents (the "Development"). One hundred-nineteen (119) of the units will be affordable residential units that will affirmatively further fair housing ("AFFH"; collectively the "Affordable AFFH Units"); and

**WHEREAS**, the County proposes to purchase a portion of the Property (one of seven condo units) from the owner of record, for a not to exceed amount of \$5,000,000 with funds from NHLA and subsequently convey the Property to the Developer for One (\$1.00) Dollar to underwrite the cost of the land associated with the development of 90 Affordable AFFH units; and

**WHEREAS**, upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units constructed on the Property be leased to households who earn at or below 50% and up to 80% of the Westchester County Area Median Income ("AMI"); and

**WHEREAS**, the County will convey ownership of the Property to the Developer to construct a mix of studio, one and two-bedroom apartments to be leased to eligible households, pursuant to an approved Affirmative Fair Housing Marketing Plan, for a minimum of 50 years; and

**WHEREAS**, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend Capital Project BPL30 NHLA II to add the Property, 500 Main Street, City of New Rochelle, and authorize bonding in a not to exceed amount of \$5,000,000 to develop the Property; and

**WHEREAS**, the Development is subject to approvals by the City of New Rochelle; and

**WHEREAS**, the funding to support the development of the Affordable AFFH Units is

consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board's adopted long-range land use and development policies, by contributing to the development of "a range of housing types" "affordable to all income levels"; and

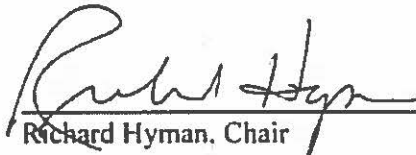
**WHEREAS**, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with acquisition of the Property; and

**WHEREAS**, the staff of the County Department of Planning note that with the funding required for this development, the funding in BPL30 has been depleted and funding in the Capital Project needs to be increased \$5,000,000 for this development; thus a request is included here to increase BPL30 by \$5,000,000;

**NOW THEREFORE BE IT RESOLVED**, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Affordable AFFH Units, subject to an appraisal, recommends that the County provide financial assistance in a not-to-exceed amount of \$5,000,000 from BPL30 NHLA II for property acquisition; and be it further

**RESOLVED**, that the Westchester County Planning Board amends its report on the 2021 Capital Project requests to include the purchase of a portion of the land (one of seven condo units) associated with the Development known as 500 Main Street in the City of New Rochelle, as a new component project in Capital Project BPL30 under the heading of Buildings, Land and Miscellaneous and adds \$5,000,000 to the FY 2021 appropriation; and

Adopted this 14<sup>th</sup> day of September 2021.

  
Richard Hyman, Chair

An Act amending the 2021 County  
 Capital Budget Appropriations for  
 Capital Project BPL30 - New Homes  
 Land Acquisition II

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The Capital section of the 2021 County Budget is hereby amended as follows:

	Previous 2021 Appropriation	Change	Revised 2021 Appropriation
I. Appropriation	\$47,700,000	\$5,000,000	\$52,700,000

Section 2. The estimated method of financing in the Capital Section of the 2021 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$47,700,000	\$5,000,000	\$52,700,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$47,700,000</u>	<u>\$5,000,000</u>	<u>\$52,700,000</u>

Section 3. The ACT shall take effect immediately.