

July 28, 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 purchase and subsequent conveyance of approximately +/- 2.4 acres of real property located at 41-51 Maple Street (the “Property”) in the Village of Croton-On-Hudson (the “Village”) to Regan Development Corp., its successors or assigns, (the “Developer”) as part of the County’s program to support the construction of affordable 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 \$1,757,576 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 \$1,757,576 to purchase the Property from the current owner to create twenty-nine (29) Affordable AFFH Units for rent including one superintendent’s unit. The Developer will construct fifty-four (54) parking spaces for use by the residents.

**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 \$1,800,000 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 earning at or below 30% and up to 80% of the Westchester County area median income. The units will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

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) to construct the Affordable AFFH Units with a total of twenty-nine (29) rental units including one superintendent’s unit.

Office of the County Executive

Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601

Telephone: (914)995-2900 E-mail: [ceo@westchestergov.com](mailto:ceo@westchestergov.com)



Planning has further advised that additional funds for the Development are anticipated to be provided from Low Income Housing Tax Credits allocated by New York State Homes and Community Renewal (“HCR”), HCR Subsidy and a conventional bank loan for an estimated total development cost of approximately \$14.87 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 (“SEQR”) Act have been met. Planning has advised that the proposed Development is an Unlisted action pursuant to 6 NYCRR Part 617, the implementing regulations of SEQR. Planning has further advised that the Village of Croton-On-Hudson Board of Trustees served as lead agency and issued a Negative Declaration for the Development on May 17, 2021. Because the Village 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. A copy of Planning’s analysis is attached.

On July 6, 2021, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 21-16 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 housing units that affirmatively further fair housing in the County, your favorable action on the annexed Acts is respectfully requested.

Sincerely,



George Latimer  
County Executive

GL/NVD/LAC  
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 purchase and subsequent conveyance of approximately +/- 2.4 acres of real property located at 41-51 Maple Street (the “Property”) in the Village of Croton-On-Hudson (the “Village”) to Regan Development Corp., its successors or assigns, (the “Developer”) as part of the County’s program to support the creation of affordable 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 \$1,757,576 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 \$1,757,576 to purchase the Property from the current owner to create twenty-nine (29) Affordable AFFH Units for rent including one superintendent’s unit. 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 earning at or below 30% and up to 80% of the Westchester County area median income and will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

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 \$1,800,000 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

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to Regan Development Corp. (the "Developer"), its successors or assigns, for ONE DOLLAR (\$1.00) to construct the twenty-nine (29) Affordable AFFH Units including one superintendent's unit. The Village currently owns the land and once the Developer owns the Property it will construct two new two-story buildings with approximately fifty-four (54) parking spaces for use by the residents.

Your Committee has been advised that additional funds for the Development are anticipated to be provided from Low Income Housing Tax Credits allocated by New York State Homes and Community Renewal ("HCR"), HCR Subsidy and a conventional bank loan for an estimated total development cost of approximately \$14.87 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 ("SEQR") Act have been met. Planning has advised that the Village classified the proposed Development as an Unlisted action pursuant to 6 NYCRR Part 617, the implementing regulations of SEQR. Planning has further advised that the Village of Croton-On-Hudson Board of Trustees served as lead agency and issued a Negative Declaration for the Development on May 17, 2021. Your Committee has been advised that because the Village 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 further advised that on July 6, 2021, the Westchester County Planning Board (the "Planning Board") adopted Resolution No. 21-16 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 housing units that affirmatively further fair housing 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

COMMITTEE ON  
C;lac4.9.21.

# 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 \$ 1,800,000 PPU 30 Anticipated Interest Rate 1.25%

Anticipated Annual Cost (Principal and Interest): \$ 71,735

Total Debt Service (Annual Cost x Term): \$ 2,152,050

Finance Department: Interest rates from July 19, 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):

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## 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: 7/26/21

Reviewed By: 

Budget Director

Date: 7/26/21

7/26/21

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: July 28, 2021

SUBJECT: Acquisition of Real Property-41-51 Maple Street-Village of Croton-On-Hudson

Pursuant to Section 191.41 of the County Charter, submitted herewith is the required report of the Commissioner of Planning on the proposed acquisition and subsequent conveyance of +/- 2.4 acres of real property located at 41-51 Maple Street in the Village of Croton-On-Hudson, identified on the Village tax maps as Section 78, Block 12, Lot 3.3 (the "Property") for the purpose of creating 29 affordable housing units (the "Affordable AFFH Units"), including one superintendent's unit that will affirmatively further fair housing ("AFFH"). The development will also provide approximately 54 parking spaces for residents.

The County of Westchester ("the County") intends to finance the purchase of the Property from the current owner in an amount not to exceed \$1,757,576 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 Property to Regan Development Corp. (the "Developer"), its successors or assigns, for One (\$1.00) Dollar.

The Developer proposes to construct two new two-story buildings on the Property that will include a mix of affordable one, two and three bedroom rental apartments that will be leased to households who earn at or below 30% and up to 80% of the area median income (collectively the "Development").

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 high efficiency windows; an airtight envelope; energy efficient appliances, lighting and heating systems and water-conserving fixtures to reduce operating and maintenance costs, minimize energy consumption and conserve natural resources. Electric from solar will be used to offset the electric demand for the elevators, common area lighting, site lighting and common area HVAC. The Development is designed to meet the green building standards of LEEDS Silver, Energy Star Multifamily New Construction and NYSERDA Multifamily New Construction, Tier III.;
4. The Development is consistent with the land use policies and regulations of the Village of Croton-On-Hudson; and
5. On July 6, 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  
Westchester County Planning Board



TO: Leonard Gruenfeld  
Program Administrator

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

DATE: July 22, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR  
BPL30 NEW HOMES LAND ACQUISITION II  
41-51 MAPLE STREET, CROTON-ON-HUDSON**

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Pursuant to your request, Environmental Planning staff has reviewed the above referenced project 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 funding under capital projects BPL30 – New Homes Land Acquisition II to facilitate the development of affordable housing at 41-51 Maple Street in the Village of Croton-on-Hudson. Funds from BPL30 funds will be applied towards the purchase of approximately 2.4 acres of property, upon which the County will file a restrictive covenant that will require 29 of the proposed 33 residential units to be marketed and leased to households meeting certain income thresholds for a period of not less than 50 years.

This project is classified as an Unlisted action pursuant to SEQR. The proposed housing development is part of a larger project—including parking, a playground and a public pocket park—which was reviewed by the Village of Croton-on-Hudson. On March 4, 2021, the Village Board of Trustees issued a notice of intent to serve as lead agency for the environmental review of the overall project and issued a Negative Declaration for the project on May 17, 2021. Since the County of Westchester was included as an involved agency in the Town's review, no further environmental review is required by the County.

Please contact me if you require any additional information regarding this document.

DSK/cnm

Att.

cc: Norma Drummond, Commissioner, Department of Planning  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 21- 16

**WESTCHESTER COUNTY PLANNING BOARD**

**New Homes Land Acquisition II  
Capital Project Funding Request  
41-51 Maple Street, Village of Croton-On-Hudson**

**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**, Regan Development Corporation, its successors or assigns, (the "Developer") desires to develop the real property located at 41-51 Maple Street in the Village of Croton-On-Hudson (the "Village"), identified on the Village tax maps as Section 78; Block 12; Lot 3.3 (the "Property") to create 33 residential units and 54 parking spaces for the exclusive use of the residents (the "Development"). Twenty-nine (29) 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 the Property from the owner of record, for a not to exceed amount of \$1,757,576 with funds from NHLA and subsequently convey the Property to the Developer for One (\$1.00) Dollar to underwrite the cost of the land; 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 30% 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 one, two and three-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, 41-51 Maple Street, Village of Croton-On-Hudson, and authorize bonding in a not to exceed amount of \$1,757,576 to develop the Property; and

**WHEREAS**, the Development is subject to approvals by the Village of Croton-On-Hudson; 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

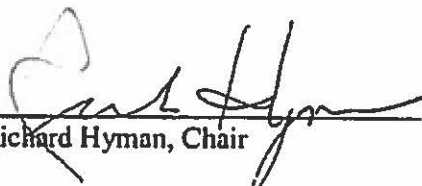
**WHEREAS**, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with acquisition of the Property; and

**WHEREAS**, the staff of the County Department of Planning note that with the funding required for both this development and a portion of the recently approved resolution with the funding recommendation for the 26 Garden Street development in the City of New Rochelle, the funding in BPL30 has been depleted and funding in the Capital Project needs to be increased, including \$4,486,350 for the balance needed for 26 Garden Street and \$1,757,576 for this development for a total of \$6,243,926; thus a request is included here to increase BPL30 by \$6.3 Million;

**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 \$1,757,576 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 41-51 Maple Street in the Village of Croton-On-Hudson, as a new component project in Capital Project BPL30 under the heading of Buildings, Land and Miscellaneous and adds \$6.3 Million to the FY 2021 appropriation; and

Adopted this 6<sup>th</sup> day of July 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	\$1,800,000	\$49,500,000

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	\$1,800,000	\$49,500,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$47,700,000</u>	<u>\$1,800,000</u>	<u>\$49,500,000</u>

Section 3. The ACT shall take effect immediately.