

ACT 56 - 2024

**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 Conveyance. An Act (the “Land Conveyance Act”) to authorize the conveyance of an approximately 0.48-acre site located at 345 McLean Avenue in the City of Yonkers, (the “Property”), and conveyance of the Property to Verus Development LLC and Yonkers Community Development Organization, Inc., its successors or assigns (collectively, the “Developer”) to facilitate the development of new affordable housing units that affirmatively further fair housing. The Property is identified on the City of Yonkers tax maps as a portion of Section 1.6, Block 9022, Lot 1.

The Property was once owned by the County and conveyed to the State of New York in 1968 in connection with the Saw Mill River Parkway. Because the Property was not used for parkway purposes, the New York State Department of Transportation recently deemed it as surplus property and deeded it back to the County. The Property will facilitate the development of new affordable housing units.

The County will file a Declaration of Restrictive Covenants to require that affordable housing, as described herein, be constructed and maintained on the Property for 50 years (the “Period of Affordability”). The County will then convey the Property to the Developer for \$1.00.

The Development. The Department of Planning (“Planning”) has advised that the Developer proposes to construct 105 units in one building on the Property including the surplus DOT property. This Development was in front of your Honorable Board on August 7, 2023 to accept and convey the adjoining property from the City of Yonkers to the County and then conveyed to the Developer for \$1 (Act 146-2023). In addition, your Honorable Board approved Housing Implementation Fund II (“HIF” or “Capital Project BPLIA”) in the amount of \$5,555,000 to

assist in the construction of infrastructure improvements that include, but will not be limited to, on-site and street paving, curbing, sidewalks, retaining walls, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs. Your Honorable Board on August 7, 2023 also approved the entering by the County into an Inter-Municipal Developer Agreement (the "IMDA") with the City and the Developer, its successors or assigns and HIF Bond Act to finance the construction of the infrastructure improvements in support of the Affordable AFFH Units as part of the County's program to ensure the development of new affordable housing (Act 148-2023 and Bond Act 147-2023).

All 105 rental units will be available to eligible senior households where all members are over the age of 62 that earn at or below 30% and up to 60% of the Westchester County area median income ("AMI") and will all remain affordable for a period of not less than the 50-year Period of Affordability. The 104 rental units and one employee unit will be the "Affordable AFFH Units". The Affordable AFFH Units are expected to include 1 studio, 93 one-bedroom, and 11 two-bedroom units. The building will also include a community room/lounge, outdoor seating areas, management office and laundry facilities. Also included will be the construction of 47 on-grade parking spaces. Together, the building and the parking comprise the "Development."

Planning has further advised that additional funding for the Development is anticipated to be provided through a New York State Housing Finance Agency first mortgage, New York State Homes and Community Renewal subsidy, Federal and State low income housing tax credits, County Housing Flex Fund and Yonkers HOME program for an estimated total cost of approximately \$64.2 Million.

The Planning Commissioner's report on the sale of land, required pursuant to Section 191.41 of the County Charter, is attached. A Resolution adopted by the Planning Board pursuant to Section 191.51 of the Charter is also attached. 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 have been met. The Planning Department has advised the City of Yonkers Zoning Board of Appeals (“ZBA”) classified this project as an Unlisted action. On August 16, 2021, the ZBA issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental Assessment Form. On February 15, 2022, the ZBA issued a Negative Declaration for the project. The Development sought amendments to the original approvals from the ZBA and Planning Board. The ZBA approved additional variances and the Planning Board declared itself as Lead Agency, classified the Proposed Development as an Unlisted Action under SEQR, issued a Negative Declaration for the Development and granted approval to the amended site plan approval on March 8, 2023. Since the City undertook coordinated review and the County was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County. Your Committee concurs with this conclusion.

Based on the foregoing, your Committee believes that the Conveyance Act is in the best interest of the County and therefore recommends its adoption

Dated: April 8th, 2024
White Plains, New York

James Bill Johnson
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Doris Lubilo
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James Bill Johnson
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Budget & Appropriations

Housing & Planning

Dated: April 8, 2024
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations

Handwritten signature of Colin J. Smith in cursive.

Housing & Planning

Handwritten signature of David Duman in cursive.Handwritten signature of Colin J. Smith in cursive.

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL1A

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

345 McLean Ave Yonkers NY convey .48 acre NYS land (BA 147-2023 previously authorized)

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term):

\$ -

Finance Department:

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: Dianne Vanadia

Title: Associate Budget Director

Department: Budget


Date: 2/22/24

Reviewed By: 

Budget Director

Date: 3/8/24

TO: Leonard Gruenfeld, Program Director
Division of Housing and Community Development

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: March 6, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CONVEYANCE
OF FORMER NYSDOT LAND AT 345 MCLEAN AVENUE, YONKERS**

Pursuant to your request, Environmental Planning staff has reviewed the above referenced project in connection with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves the conveyance of approximately 0.48-acre of land adjacent to property at 345 McLean Avenue in the City of Yonkers to the developer who is proposing to construct 105 units of affordable senior housing at the site. The land, which is a portion of Section 1.6, Block 9022, Lot 1, was owned by the New York State Department of Transportation, having acquired it from the County in the 1960s for purposes connected with the Saw Mill River Parkway, but was never used. An easement for the use of the land for the proposed housing development was to be acquired by the developer. Instead the State has decided to deem the land as surplus, in which case, the property has reverted to the County and the County will need to convey it to the developer. The land will support part of the parking area for the housing project.

The proposed affordable housing development was classified as an Unlisted action and had been reviewed in accordance with SEQR in 2021-2022 with the Yonkers Zoning Board of Appeals serving as lead agency for initial required zoning approvals and then again in 2023 with the Yonkers Planning Board serving as lead agency to address subsequent site plan modifications. Both the City's Zoning Board of Appeals and Planning Board issued Negative Declarations for the project in February 15, 2022 and March 9, 2023, respectively. The County had been included in the coordinated review process at both times in connection with the conveyance of other County property (0.93 acres) at the site as well as funding assistance from the County's Housing Implementation Fund (capital project BPL1A) to support the proposed development.

Since the subject property was a part of the overall development and included in the prior environmental reviews, of which the County was included as an involved agency, then then, in accordance with section 617.6(b)(3), no further environmental review by the County is required.

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

DSK/cnm

Att.

cc: Blanca Lopez, Commissioner, Department of Planning
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner



Memorandum
Department of Planning

TO: Honorable George Latimer
County Executive

FROM: Blanca P. Lopez, M.S.
Commissioner

DATE: February 27, 2024

SUBJECT: Disposition of Former New York State Department of Transportation
("DOT") Property located at 345 McLean Avenue in the City of Yonkers

Pursuant to Section 191.41 of the County Charter, this is the required report of the Commissioner of Planning on the proposed disposition of the former DOT Property, owned by Westchester County, currently identified as a portion of Section 1.6, Block 9022, Lot 1 in the City of Yonkers.

The Property was owned by the State of New York in connection with the construction of the Saw Mill River Parkway. Since the Property was not used for parkway purposes, the New York State Department of Transportation recently deemed it as surplus property and deeded it back to the County. In turn, the County will convey the property to a developer to facilitate the development of new affordable housing units.

Based on this record, I have no objection to the disposition of the parcel owned by Westchester County, identified as the former New York State Department of Transportation Property, and is no longer needed for any County purpose.

cc: John Nonna, County Attorney
Tami Altschiller, Deputy County Attorney
Christopher Steers, Director of Real Estate
David Vutera, Associate County Attorney
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner

RESOLUTION 24- 07

WESTCHESTER COUNTY PLANNING BOARD

**Conveyance of Real Property
345 McLean Avenue, City of Yonkers (the "Development")**

WHEREAS, the County wishes to assist with the development of affordable housing throughout the County and part of this assistance includes the conveyance of property controlled by the County to facilitate this goal;

WHEREAS, Verus Development LLC and the Yonkers Community Development Organization, Inc. (collectively the "Developer"), its successors or assigns, desire to develop the real property located at 345 McLean Avenue in the City of Yonkers (the "City"), identified on the City tax maps as Section 1, Block 59; Lot 75 and a portion of Section 1.6, Block 9022, Lot 1 (the "Property") to create 105 affordable residential rental units in one building which will affirmatively further fair housing ("AFFH", collectively the "Affordable AFFH Units"); and

WHEREAS, the New York State Department of Transportation ("DOT") owned unutilized property (portion of Section 1.6, Block 9022, Lot 1), that is needed for the affordable housing development. DOT deemed the property as surplus property and deeded the property to the County; and

WHEREAS, the Developer desires the County to convey the surplus DOT property to the Developer to support the construction of a twelve-story building, with 105 affordable residential rental units and 47 parking spaces (the "Development"); and

WHEREAS, 104 rental units will be available to senior households, aged 62 or over, who earn at or below 30% and up to 60% of Westchester County's Area Median Income ("AMI"). One unit will be an employee unit restricted at 60% of the AMI; and

WHEREAS, the Affordable AFFH Units will be leased to eligible senior households pursuant to an approved Affirmative Fair Housing Marketing Plan and remain affordable for a minimum of 50 years; and

WHEREAS, the Planning Board has previously recommended and the Board of Legislators has approved in a not to exceed amount of \$5,555,000 from Capital Project BPLIA Housing Implementation Fund II to fund eligible expenses that include, but will not be limited to, on-site and off-site paving, curbing, sidewalks, retaining walls, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and county administrative costs; and

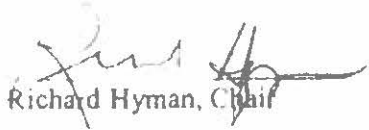
WHEREAS, the Development proposes to include green technology such as energy efficient appliances, lighting and heating systems and water-conserving fixtures to maximize energy efficiency, reduce heating and cooling costs and conserve natural resources; and

WHEREAS, the Development is subject to approvals by the City of Yonkers; and

WHEREAS, the conveyance of the Property 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

RESOLVED, that the Westchester County Planning Board supports the request to convey the DOT surplus property to support the creation of 104 Affordable AFFH Units which will be available to senior households, aged 62 or over, who earn at or below 30% and up to 60% of AMI, one employee unit restricted at 60% of AMI and 47 parking spaces, located at 345 McLean Avenue in the City of Yonkers; and

Adopted this 5th day of March, 2024.


Richard Hyman, Chair

ACT NO. 56 - 2024

AN ACT authorizing the County of Westchester to convey an approximately 0.48-acre site located at 345 McLean Avenue in the City of Yonkers, and to Verus Development LLC and Yonkers Community Development Organization, Inc. in order to support the construction of 105 affordable rental units including one employee unit that will affirmatively further fair housing.

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester as follows:

SECTION 1. The County of Westchester (the "County") is authorized to convey an approximately 0.48-acre site located at 345 McLean Avenue in the City of Yonkers, and identified on the City's tax map as a portion of Section 1.6, Block 9022, Lot 1 (the "Property").

§2. The County is authorized to convey the Property for \$1.00 to Verus Development LLC and Yonkers Community Development Organization, Inc., its successors and/or assigns, (the "Developer") in order to support the construction of 105 affordable rental units including one employee unit that will affirmatively further fair housing, subject to the conditions stated herein.

§3. The conveyance of the Property to the Developer is subject to and conditioned upon the following: that a Declaration of Restrictive Covenants (the "Declaration") shall be filed and recorded against the Property declaring that the entire Property shall be marketed and leased pursuant to a County approved affordable fair housing marketing plan to households earning from at or below 30% and up to 60% of the Area Median Income for Westchester County for a period of not less than fifty (50) years; and that the deed to the Developer, its successors and/or assigns, shall state that it is subject to the Declaration and shall contain the aforesaid restrictions.

§4. The County Executive or his duly authorized designee is hereby authorized and

empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§5. This Act shall take effect immediately.

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 56 - 2024, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on April 8, 2024, and approved by the County Executive on April 9, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 10th day of April, 2024.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

