

# Budget & Appropriations Meeting Agenda



Committee Chair: Jewel Williams Johnson

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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**Monday, March 18, 2024**

**10:00 AM**

**Committee Room**

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## CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

## MINUTES APPROVAL

Monday, February 5, 2024 at 9:30 AM Minutes

Wednesday, February 21, 2024 at 10:00 AM Minutes

## I. ITEMS FOR DISCUSSION

[2024-167](#)     **ACT - Amending Act No. 5 (Peekskill Sanitary Sewer District)**

AN ACT amending Act No. 5 of 2024, as amended by Act No. 20 of 2024.

B&A Only.

Guests:

County Attorney John Nonna-LAW

Commissioner Karin Hablow-FINANCE

First Deputy Commissioner Cesar Vargas-FINANCE

Commissioner Vincent Kopicki-DEF

Director Victor Mallison-TAX COMMISSION

[2024-168](#)     **ACT - An ACT amending Act. No. 6**

AN ACT amending Act No. 6 of 2024, as amended by Act No. 21 of 2024.

B&A Only.

Guests:

County Attorney John Nonna-LAW

Commissioner Karin Hablow-FINANCE

First Deputy Commissioner Cesar Vargas-FINANCE

Commissioner Vincent Kopicki-DEF

Director Victor Mallison-TAX COMMISSION

[2024-147](#)     **ACT - Lawsuit Settlement - Chernis v Bedford, County of Westchester**

AN ACT authorizing the County of Westchester to settle the lawsuit of Mark Chernis and Michele Chernis v. Town of Bedford, Town Board of Bedford, Bedford Historical Society and County of Westchester in the amount of THIRTY THOUSAND (\$30,000) DOLLARS, inclusive of attorney's fees.

Joint with LMC.

Guest: Law Department

Associate County Attorney Loren Zeitler

[2024-117](#)     **ACT-Amend IMDA-23 Mulberry Street, Yonkers**

AN ACT authorizing the County of Westchester to enter into an amendment to an Inter-Municipal Developer Agreement with the City of Yonkers, La Mora, LLC, its successors or assigns, and the Municipal Housing Authority for the City of Yonkers in order to amend the description in the easement, the plans and the budget and to ratify the IMDA to include the Municipal Housing Authority for the City of Yonkers as a signatory.

***COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HOUSING & PLANNING***

Joint with H&P.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director for Community Development Leonard Gruenfeld

[2024-118](#)      **ACT-Amend IMDA-178 Warburton Avenue & 160 Cottage Gardens, Yonkers**

AN ACT authorizing the County of Westchester to enter into an amendment to an Inter-Municipal Developer Agreement with the City of Yonkers, 178 Warburton Limited Partnership and CPG Phase VI Limited Partnership, its successors or assigns, in order to amend the affordability requirements of ninety-two (92) of the Affordable AFFH Units so that these units will be available exclusively for seniors aged sixty-two (62) and older with incomes between 30% and 60% of the Westchester County area median income instead of households with incomes at or below 30% and up to 90% of AMI and to ratify the IMDA to include the Municipal Housing Authority for the City of Yonkers as a signatory.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND HOUSING & PLANNING**

Joint with H&P.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director for Community Development Leonard Gruenfeld

Discussion with the Tax Commission

Guest: Director Victor Mallison

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**



George Latimer  
County Executive

March 15, 2024

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

Members of the Board of Legislators:

As you know, on January 22, 2024, your Honorable Board adopted Act Nos. 5 and 6 of 2024 (collectively, the "Original Acts"), authorizing the County of Westchester ("County") to (i) fix the tax distribution spreadsheets apportioned for the County General Fund (for County Purposes and for County Share of MTA), for County Water District No. 1, for the Refuse Disposal District No. 1, each of the thirteen Sanitary Sewer Districts in the County, and any adjustments thereto, for the year 2024; and (ii) determine the amounts of County taxes to be levied against the towns and cities together with County Tax Warrants for the collection of such taxes for the year 2024.

As you will recall, on February 15, 2024, your Honorable Board adopted Act Nos. 20 and 21 of 2024, which amended the Original Acts (together with the Original Acts, hereinafter collectively referred to as the "Approved Acts"), in order to delete and replace in its entirety, with updated information, (i) the tax distribution spreadsheets apportioned for the County General Fund (for County Purposes and for County Share of MTA), for County Water District No. 1, for the Refuse Disposal District No. 1, each of the thirteen Sanitary Sewer Districts in the County, and any adjustments thereto, for the year 2024; and (ii) the amounts of County taxes to be levied against the towns and cities together with County Tax Warrants for the collection of such taxes for the year 2024.

I have been advised that due to a clerical error, the equalization and apportionment of sewer taxes for the County's Peekskill Sanitary Sewer District needs to be amended with respect to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown, necessitating an amendment to the Approved Acts. I have also been advised that these municipalities have not yet levied their taxes, allowing for correction this year under Section 122.81 of the Laws of Westchester County.

Accordingly, transmitted herewith for your consideration is a proposed Act prepared by the Westchester County Commissioner of Finance, which if adopted by your Honorable Board, would amend Act No. 5 of 2024, as amended by Act No. 20 of 2024, in order to delete and replace in its entirety, with updated information the tax distribution tables apportioned for the County General Fund (for County Purposes and for County Share of MTA), for County Water District No. 1, for

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White Plains, New York 10601

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the Refuse Disposal District No. 1, each of the thirteen Sanitary Sewer Districts in the County, and any adjustments thereto, for the year 2024, in order to reflect the revised apportionment of sewer taxes applicable to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown required by the County's Peekskill Sanitary Sewer District.

Also transmitted for your consideration is a second proposed Act which, if adopted by your Honorable Board, would amend Act No. 6 of 2024, as amended by Act No. 21 of 2024, in order to delete and replace in its entirety, with updated information, the amounts of Special District taxes and other charges against the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown, and adjustments thereto and levying such apportioned amounts for the purposes therein set forth against such towns and cities for year 2024, in order to reflect the revised apportionment of sewer taxes applicable to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown required by the County's Peekskill Sanitary Sewer District.

The proposed Acts, tax spreadsheets and County Tax Warrants for the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown are hereby submitted and the adoption of such Acts is recommended.

Sincerely,

George Latimer  
County Executive

Enclosures

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of “AN ACT amending Act No. 5 of 2024, as amended by Act No. 20 of 2024” and “AN ACT amending Act No. 6 of 2024, as amended by Act No. 21 of 2024.”

Your Committee is advised that, on January 22, 2024, your Honorable Board adopted Act Nos. 5 and 6 of 2024 (collectively, the “Original Acts”), authorizing the County of Westchester (“County”) to (i) fix the tax distribution spreadsheets apportioned for the County General Fund (for County Purposes and for County Share of MTA), for County Water District No. 1, for the Refuse Disposal District No. 1, each of the thirteen Sanitary Sewer Districts in the County, and any adjustments thereto, for the year 2024; and (ii) determine the amounts of County taxes to be levied against the towns and cities together with County Tax Warrants for the collection of such taxes for the year 2024.

Your Committee is also advised that on February 15, 2024, your Honorable Board adopted Act Nos. 20 and 21 of 2024, which amended the Original Acts (together with the Original Acts, hereinafter collectively referred to as the “Approved Acts”), in order to delete and replace in its entirety, with updated information, (i) the tax distribution spreadsheets apportioned for the County General Fund (for County Purposes and for County Share of MTA), for County Water District No. 1, for the Refuse Disposal District No. 1, each of the thirteen Sanitary Sewer Districts in the County, and any adjustments thereto, for the year 2024; and (ii) the amounts of County taxes to be levied against the towns and cities together with County Tax Warrants for the collection of such taxes for the year 2024.

Your Committee is advised that, due to a clerical error, the equalization and apportionment of sewer taxes for the County’s Peekskill Sanitary Sewer District needs to be amended with respect to the Town of Cortlandt, the City of Peekskill, the Town of

Somers and the Town of Yorktown, necessitating an amendment to the Approved Acts. Your Committee is advised that these municipalities have not yet levied their taxes, allowing for correction this year under Section 122.81 of the Laws of Westchester County.

Accordingly, your Committee is advised of a proposed Act prepared by the Westchester County Commissioner of Finance, which if adopted by your Honorable Board, would amend Act No. 5 of 2024, as amended by Act No. 20 of 2024, in order to delete and replace in its entirety, with updated information the tax distribution tables apportioned for the County General Fund (for County Purposes and for County Share of MTA), for County Water District No. 1, for the Refuse Disposal District No. 1, each of the thirteen Sanitary Sewer Districts in the County, and any adjustments thereto, for the year 2024, in order to reflect the revised apportionment of sewer taxes applicable to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown required by the County's Peekskill Sanitary Sewer District.

Your Committee is also advised of a second proposed Act which, if adopted by your Honorable Board, would amend Act No. 6 of 2024, as amended by Act No. 21 of 2024, in order to delete and replace in its entirety, with updated information, the amounts of Special District taxes and other charges against the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown, and adjustments thereto and levying such apportioned amounts for the purposes therein set forth against such towns and cities for year 2024, in order to reflect the revised apportionment of sewer taxes applicable to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown required by the County's Peekskill Sanitary Sewer District.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed acts do not meet the definition of an action under the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 NYCRR Part 617(2)(b). Please refer to the memorandum from the

Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs with this recommendation.

Your Committee recommends the adoption of these Acts.


Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE on**

C: cmc/03.15.2024



TO: George Latimer, County Executive  
Kenneth Jenkins, Deputy County Executive  
John Nonna, County Attorney

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

DATE: January 8, 2024

SUBJECT: **ACTIVITIES NOT SUBJECT TO STATE ENVIRONMENTAL QUALITY  
REVIEW**

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As required by the New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617 (“SEQR”), the Board of Legislators (“BOL”) is the body that must assess the environmental significance of all actions that the BOL has discretion to approve, fund or directly undertake. The Planning Department has historically conducted the necessary environmental review for the BOL to undertake its responsibility under SEQR. Additionally, contracts going before the Board of Acquisition and Contracts (“BAC”) must be reviewed for conformance with SEQR.

Pursuant to Section 617.2(b) of SEQR, “Actions” are defined as:

- (1) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
  - (i) are directly undertaken by an agency; or
  - (ii) involve funding by an agency; or
  - (iii) require one or more new or modified approvals from an agency or agencies;
- (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
- (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- (4) any combinations of the above.

As has been done in prior years, the Planning Department, in an attempt to streamline the process for SEQR review and related document preparation for the BOL and BAC, has created a list of categories of activities **that do not meet the definition of an “action”** as defined in SEQR. This list (attached) references activities that are routine and which do not change the use, appearance or condition of any natural resource or structure, nor do they involve policies or regulations that may affect the environment. The creation of this list in no way eliminates the BOL’s or BAC’s responsibilities under SEQR. Rather, it establishes a workflow for items that are routine and do not, under the law, require environmental review.



Accordingly, the Planning Department advises that no environmental review is required and no SEQR documentation is necessary for submission with BOL legislation or with resolutions or contracts requiring BAC approval regarding activities on the attached list.

County departments and agencies may reference this memorandum in the legislation in order to document compliance with SEQR for actions listed herein. This memorandum should be considered in effect until rescinded or replaced, with replacements typically occurring annually in mid-January. As such, this memorandum should be kept on file with the Clerk of the Board of Legislators. Legislation should include a statement similar to the following: “The proposed project does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 8, 2024, which is on file with the Clerk of the Board of Legislators.”

This memorandum will be distributed to all Commissioners as part of County operations.

Please contact me if you have any questions.

Att.

cc: Malika Vanderberg, Clerk and Chief Administrative Officer to the Board of Legislators  
Joan McDonald, Director of Operations  
Andrew Ferris, Chief of Staff  
Steve Bass, Director of Intergovernmental Relations  
Paula Friedman, Assistant to the County Executive  
Stacey Dolgin-Kmetz, Chief Deputy County Attorney  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Blanca Lopez, Commissioner, Department of Planning

**ACTIVITIES THAT DO NOT MEET THE DEFINITION OF AN “ACTION”  
PURSUANT TO SEQR AND ARE, CONSEQUENTLY, NOT SUBJECT TO SEQR**

1. **BUDGETS AND AMENDMENTS**

- Municipal budgets and amendments to them – The budgeting process merely sets aside funds without a commitment to their expenditure. Operating expenditures are typically for government-related activities that would also not meet the definition of an action. Even the establishment of the Capital Budget is not subject to SEQR because many of the capital projects are usually not definitive enough with respect to potential impacts to be reviewable at the time the budget is adopted. However, any subsequent authorization, such as bonding, to undertake a particular capital project is an action that requires SEQR compliance before it may be approved.
- The transfer of funds within the County operating and capital budgets for the purpose of balancing accounts – It is understood that these actions are purely budgetary, where accounts with excess funds are moved to accounts with existing or anticipated deficits. It is further understood that the activities covered by these accounts have either already occurred or been reviewed in accordance with SEQR, are Type II actions or actions that are not subject to SEQR, or are actions that will require future approval prior to being undertaken, at which time further SEQR review may be appropriate.
- Rescissions or reduction of bond acts to cancel unspent funds.

2. **SERVICES**

- Consultant services – Contracts or agreements that provide for administrative services, training, reports for Boards and Commissions, but not including studies or design of physical improvements, which has been listed under SEQR as Type II.
- Social Services – Actions or agreements that provide services to persons in need, such as employment assistance, family/domestic intervention and respite care.
- Youth services – Actions or agreements that provide for youth services, such as a Resource Allocation Plan, Invest-in-Kids Program, after-school programs, camp programs and head-start programs.
- Senior programs & services – Actions or agreements that provide for services to seniors, such as provision of information/education, home care, nutrition & transportation assistance, caregiver support, and acceptance of federal and state grants providing for such services (e.g., OAA Title III grants and NYSOFA grants, including CSE, CSI, CRC, EISEP, NYSTP, WIN & NSIP).
- Public Safety services – programs that promote public safety, such as STOP-DWI and Police Night Out; intermunicipal agreements (IMAs) for shared training, equipment and response to emergencies, including E-911; acceptance and administration of grants for law enforcement programs (e.g., JAG).
- Fire services – Fire district IMAs for shared training, equipment and response to emergencies.
- Legal services – Contracts for outside counsel, litigation or associated monetary settlements and collections.



- Medical Services – Contracts with medical providers for medical examinations, testing, vaccinations or medical treatment of County employees or the public.
- Mental Health Services – Contracts with agencies to provide treatment, services or education related to mental health.

### 3. PERSONNEL MATTERS

- Actions related to employment or employees.
- Contracts for temporary staff assistance.
- Legislation pertaining to establishment and membership of boards and commissions.

### 4. FINANCES

- Tax Anticipation Notes.
- Bond acts to finance tax certiorari payments.
- Banking contracts/agreements for money management services.
- Mortgage tax receipts disbursements (County Clerk).
- Refinancing of affordable housing mortgages.
- Payment in Lieu of Taxes (PILOT) agreements.

### 5. LAWS

- New laws or amendments of existing laws that regulate the sale or use of products for the protection of public health.
- New laws or amendments of existing laws that regulate businesses for the protection of consumers.
- Pertaining to consumer protection, not including professional licensing, which have been classified as Type II.
- Pertaining to animal welfare, excluding regulations involving habitat management.
- Pertaining to public safety.
- Pertaining to taxation, such as establishment of new taxes or tax exemptions.
- Pertaining to establishment or modification of fees.
- Pertaining to notices, publications and record keeping.
- Pertaining to hiring or contracting procedures.
- Pertaining to the functioning of County government, such as term limits, board appointments, etc. that do not impact the environment.

### 6. MISCELLANEOUS

- Amendments to existing agreements for changes in name or consultants.
- Education/training programs, contracts for clinical instruction.
- Prisoner Transport IMAs.
- Tourism Promotion Agency designation.
- Software licenses.

- IMAs for temporary housing in existing facilities (homeless, inmate, troubled youths, domestic violence victims).
- Naming or renaming of streets, buildings, parks or other public facilities.

WCDP  
JAN 2024

ACT NO. - 2024

AN ACT amending Act No. 5 of 2024, as amended by Act No. 20 of 2024.

**WHEREAS**, the Westchester County (“County”) Peekskill Sanitary Sewer District has recently revised its sewer taxes apportionment for the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown; and

**WHEREAS**, based upon the revised percentages of sewer taxes with respect to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown as required by the County’s Peekskill Sanitary Sewer District, it is necessary to amend Act No. 5 of 2024, as amended by Act No. 20 of 2024.

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

**Section 1.** Act No. 5 of 2024, as amended by Act No. 20 of 2024, is hereby further amended by deleting certain tables annexed thereto, and replacing those tables with the ones annexed hereto to reflect the revised percentages of sewer taxes applicable to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown as required by the County’s Peekskill Sanitary Sewer Districts.

§2. That the share of taxes to be paid by the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown is hereby fixed and determined as set forth in the aforesaid tables annexed hereto and made part hereof.

§3. That the amount of tax to be collected from each such town and city in said tables set forth, is hereby levied against each such town and city.

§4. This Act shall take effect immediately.

ACT NO. - 2024

AN ACT amending Act No. 6 of 2024, as amended by Act No. 21 of 2024.

**WHEREAS**, the County Board of Legislators of the County of Westchester (“County”) has duly adopted the County Budget and various District Budgets and charges for the fiscal year 2024 as follows:

County of Westchester:		
Metropolitan Transportation Authority	\$ 32,527,847	
Metropolitan Commuter Transportation Mobility Tax	1,786,000	
County Operating Purposes	507,882,380	
Total County Taxes Levy		542,196,227
Blind Brook Sanitary Sewer District		9,631,324
Bronx Valley Sanitary Sewer District		28,891,517
Central Yonkers Sanitary Sewer District		2,070,617
Hutchinson Valley Sanitary Sewer District		8,377,068
Mamaroneck Valley Sanitary Sewer District		20,485,179
New Rochelle Sanitary Sewer District		18,601,335
North Yonkers Sanitary Sewer District		5,844,511
Ossining Sanitary Sewer District		4,806,002
Peekskill Sanitary Sewer District		5,979,689
Port Chester Sanitary Sewer District		3,738,104
Saw Mill Valley Sanitary Sewer District		18,073,494
South Yonkers Sanitary Sewer District		2,415,774
Upper Bronx Valley Sanitary Sewer District		1,650,020
County Water District No. 1		4,698,623
Refuse Disposal District No. 1		61,085,163

**WHEREAS**, the County’s Peekskill Sanitary Sewer District has recently revised its sewer taxes apportionment for the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown; and

**WHEREAS** based upon the revised percentages of sewer taxes with respect to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown as required by the County’s Peekskill Sanitary Sewer District, it is necessary to amend Act No. 6 of 2024, as amended by Act No. 21 of 2024.

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

**Section 1.** Act No. 6 of 2024, as amended by Act No. 21 of 2024 is hereby further amended by deleting the levy and apportionments contained therein with respect to the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown as required by the County's Peekskill Sanitary Sewer District, and replacing the levy and apportionments with those contained herein.

§2. That each and every one of the aforesaid amounts be and the same are hereby levied against the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown within the County's Peekskill Sanitary Sewer District or tax division from which said amounts are to be raised.

§3. That aforesaid amounts, heretofore or hereby levied, are hereby apportioned against the Town of Cortlandt, the City of Peekskill, the Town of Somers and the Town of Yorktown within the County's Peekskill Sanitary Sewer District in the apportioned amounts hereinafter specified and for the special purpose hereinafter indicated and the total amount so levied against each of said towns and cities shall be paid to the Commissioner of Finance of the County of Westchester, and shall be applied to and for the purpose hereinafter specified.

§4. That the Chairman of the Board be and is hereby authorized and directed to issue for and on behalf of this Board, a certificate of such apportionment and levy as provided by law, and the Clerk of the Board be and is hereby authorized and directed to attest the same as required by law.

§5. That the Clerk of the Board be and is hereby authorized and directed, as provided by law, to deliver certified copies of this Act and apportionment to each of said towns and cities.

§6. This Act shall take effect immediately.

**2024 TAX WARRANTS  
WESTCHESTER COUNTY CITIES & TOWNS**

**SUMMARY**

City or Town	Percent of Total Full Assessed Value from Westchester County Tax Commission	Westchester County 2024 Taxes			Special District 2024 Taxes			Total 2024 Warrant
		County Operating Purposes	County Share of MTA	Total County of Westchester	Total Water District #1	Total Refuse Disposal District #1	Total Sewer Districts	
1) Bedford	3.07099363	15,651,883	998,928	16,650,811				\$ 16,650,811
2) Cortlandt	3.93917936	20,076,752	1,281,330	21,358,082		2,789,610	1,826,457	\$ 25,974,149
3) Eastchester	4.69379139	23,922,771	1,526,789	25,449,560		3,274,429	6,105,425	\$ 34,829,414
4) Greenburgh	10.55783026	53,809,922	3,434,235	57,244,157		7,418,642	14,721,021	\$ 79,383,820
5) Harrison	4.67929881	23,848,906	1,522,075	25,370,981		3,304,118	7,149,933	\$ 35,825,032
6) Lewisboro	1.83366144	9,345,593	596,451	9,942,044				\$ 9,942,044
7) Mamaroneck	5.07425883	25,861,893	1,650,547	27,512,440		3,519,389	8,948,096	\$ 39,979,925
8) Mt. Kisco	0.91581889	4,667,639	297,896	4,965,535		642,812		\$ 5,608,347
9) Mt. Pleasant	5.54911550	28,282,087	1,805,008	30,087,095		3,914,272	8,889,911	\$ 42,891,278
10) Mt. Vernon	3.71268520	18,922,383	1,207,657	20,130,040	1,315,614	2,710,608	5,282,555	\$ 29,438,817
11) New Castle	3.14408513	16,024,408	1,022,703	17,047,111			1,065,083	\$ 18,112,194
12) New Rochelle	5.95552030	30,353,404	1,937,203	32,290,607		4,557,799	15,233,472	\$ 52,081,878
13) North Castle	3.18981011	16,257,454	1,037,577	17,295,031			522,349	\$ 17,817,380
14) North Salem	0.73536549	3,747,925	239,199	3,987,124				\$ 3,987,124
15) Ossining	2.73785212	13,953,967	890,564	14,844,531		1,914,427	4,340,949	\$ 21,099,907
16) Peekskill	1.16747873	5,950,270	379,756	6,330,026		885,272	3,105,830	\$ 10,321,128
17) Pelham	1.81511399	9,251,062	590,418	9,841,480		1,258,719	2,655,361	\$ 13,755,560
18) Pound Ridge	1.15106315	5,866,605	374,416	6,241,021				\$ 6,241,021
19) Rye City	4.88460618	24,895,293	1,588,857	26,484,150		3,450,603	7,005,000	\$ 36,939,753
20) Rye Town	4.05463961	20,665,216	1,318,887	21,984,103		2,867,020	6,947,228	\$ 31,798,351
21) Scarsdale	5.20932186	26,550,266	1,694,480	28,244,746	845,752	3,604,327	6,785,595	\$ 39,480,420
22) Somers	2.20575933	11,242,058	717,486	11,959,544			222,924	\$ 12,182,468
23) White Plains	5.09806695	25,983,235	1,658,291	27,641,526	1,409,587	3,614,255	8,806,849	\$ 41,472,217
24) Yonkers	11.30364484	57,611,103	3,676,832	61,287,935	1,127,670	9,027,147	19,042,462	\$ 90,485,214
25) Yorktown	3.32103886	16,926,285	1,080,262	18,006,547		2,331,714	1,908,134	\$ 22,246,395
<b>Grand Totals</b>	<b>100.0000000</b>	<b>509,668,380.00</b>	<b>32,527,847.00</b>	<b>542,196,227</b>	<b>\$ 4,698,623</b>	<b>\$ 61,085,163</b>	<b>\$ 130,564,634</b>	<b>\$ 738,544,647</b>

**2024 TAX WARRANTS  
WESTCHESTER COUNTY CITIES & TOWNS**

**SPECIAL DISTRICTS:  
COUNTY SANITARY SEWER DISTRICTS**

City or Town	Blad Brook	Bronx Valley	Central Yonkers	Hutchinson Valley	Mamaroneck Valley	New Rochelle	North Yonkers	Ossining	Peekskill	Port Chester	Saw Mill Valley	South Yonkers	Upper Bronx Valley	Total Sewer Districts
1) Bedford														1,826,457
2) Cortlandt									742,801					6,105,425
3) Eastchester		4,449,922		1,655,503										14,721,021
4) Greenburgh		4,863,933					3,691,283				6,165,805		17,048	7,149,933
5) Harrison	1,469,941				5,662,944									8,948,096
6) Lewisboro						4,149,704								
7) Mamaroneck														
8) Mt. Kisco								122,641			7,543,996		1,223,274	8,889,911
9) Mt. Pleasant														5,282,555
10) Mt. Vernon		1,170,960		4,111,595				10,433			1,054,650			1,065,083
11) New Castle														15,233,472
12) New Rochelle				939,399	989,607	13,304,466							409,698	522,349
13) North Castle	102,604				10,047									
14) North Salem														
15) Ossining								3,589,272			751,677			4,340,949
16) Peekskill									3,105,830					3,105,830
17) Peltam						1,147,165								2,655,361
18) Pound Ridge														
19) Rye City	6,101,452				903,548									7,005,000
20) Rye Town	1,957,327				1,251,797					3,738,104				6,947,228
21) Scarsdale		3,991,655		162,375	2,631,565									6,785,595
22) Somers									222,924					222,924
23) White Plains		4,569,570			4,237,279									8,806,849
24) Yonkers		9,843,477	2,070,617				2,153,228				2,557,366	2,415,774		19,042,462
25) Yorktowns									1,908,134					1,908,134
<b>Total</b>	<b>\$ 9,631,324</b>	<b>\$ 28,891,517</b>	<b>\$ 2,070,617</b>	<b>\$ 8,377,068</b>	<b>\$ 20,485,179</b>	<b>\$ 18,601,335</b>	<b>\$ 5,844,511</b>	<b>\$ 4,806,002</b>	<b>\$ 5,979,689</b>	<b>\$ 3,738,104</b>	<b>\$ 18,073,494</b>	<b>\$ 2,415,774</b>	<b>\$ 1,650,020</b>	<b>\$ 130,564,634</b>

**2024 TAX WARRANTS  
WESTCHESTER COUNTY CITIES & TOWNS**

**Comparison of Total 2023 Taxes Versus 2024**

	Westchester County Tax				Special District Taxes (Water, Sewer, Refuse)				Total Westchester County Tax Warrants			
	Total 2023 Taxes	Total 2024 Taxes	Tax Change	Percentage Change	Total 2023 Taxes	Total 2024 Taxes	Tax Change	Percentage Change	Total 2023 Taxes	Total 2024 Taxes	Tax Change	Percentage Change
Bedford	16,588,287	16,650,811	62,524	0.38%	-	-	-	0.00%	16,588,287	16,650,811	62,524	0.38%
Cortlandt	21,243,589	21,358,082	114,493	0.54%	4,202,435	4,616,067	413,632	9.84%	25,446,024	25,974,149	528,125	2.08%
Eastchester	25,366,653	25,449,560	82,907	0.33%	8,679,292	9,379,854	700,562	8.07%	34,045,945	34,829,414	783,469	2.30%
Greenburgh	60,054,696	57,244,157	-2,810,539	-4.68%	21,256,930	22,139,663	882,733	4.15%	81,311,626	79,383,820	-1,927,806	-2.37%
Harrison	25,110,688	25,370,981	260,293	1.04%	9,545,418	10,454,051	908,633	9.52%	34,656,106	35,825,032	1,168,926	3.37%
Lewisboro	9,333,249	9,942,044	608,795	6.52%	-	-	-	0.00%	9,333,249	9,942,044	608,795	6.52%
Mamaroneck	28,008,458	27,512,440	-496,018	-1.77%	11,894,716	12,467,485	572,769	4.82%	39,903,174	39,979,925	76,751	0.19%
Mt. Kisco	5,000,285	4,965,535	-34,750	-0.69%	601,753	642,812	41,059	6.82%	5,602,038	5,608,347	6,309	0.11%
Mt. Pleasant	30,618,936	30,087,095	-531,841	-1.74%	11,926,445	12,804,183	877,738	7.36%	42,545,381	42,891,278	345,897	0.81%
Mt. Vernon	18,856,981	20,130,040	1,273,059	6.75%	8,199,814	9,308,777	1,108,963	13.52%	27,056,795	29,438,817	2,382,022	8.80%
New Castle	16,467,381	17,047,111	579,730	3.52%	929,310	1,065,083	135,773	14.61%	17,396,691	18,112,194	715,503	4.11%
New Rochelle	31,438,879	32,290,607	851,728	2.71%	18,119,928	19,791,271	1,671,343	9.22%	49,558,807	52,081,878	2,523,071	5.09%
North Castle	16,190,018	17,295,031	1,105,013	6.83%	464,337	522,349	58,012	12.49%	16,654,355	17,817,380	1,163,025	6.98%
North Salem	4,073,793	3,987,124	-86,669	-2.13%	-	-	-	0.00%	4,073,793	3,987,124	-86,669	-2.13%
Ossining	14,908,611	14,844,531	-64,080	-0.43%	5,654,490	6,255,376	600,886	10.63%	20,563,101	21,099,907	536,806	2.61%
Peekskill	6,400,021	6,330,026	-69,995	-1.09%	3,795,980	3,991,102	195,122	5.14%	10,196,001	10,321,128	125,127	1.23%
Pelham	9,967,617	9,841,480	-126,137	-1.27%	3,774,374	3,914,080	139,706	3.70%	13,741,991	13,755,560	13,569	0.10%
Pound Ridge	6,069,321	6,241,021	171,700	2.83%	-	-	-	0.00%	6,069,321	6,241,021	171,700	2.83%
Rye City	25,993,378	26,484,150	490,772	1.89%	9,194,131	10,455,603	1,261,472	13.72%	35,187,509	36,939,753	1,752,244	4.98%
Rye Town	22,861,263	21,984,103	-877,160	-3.84%	9,238,379	9,814,248	575,869	6.23%	32,099,642	31,798,351	-301,291	-0.94%
Scarsdale	26,891,946	28,244,746	1,352,800	5.03%	9,848,136	11,235,674	1,387,538	14.09%	36,740,082	39,480,420	2,740,338	7.46%
Somers	11,946,412	11,959,544	13,132	0.11%	202,241	222,924	20,683	10.23%	12,148,653	12,182,468	33,815	0.28%
White Plains	28,566,648	27,641,526	-925,122	-3.24%	12,925,126	13,830,691	905,565	7.01%	41,491,774	41,472,217	-19,557	-0.05%
Yonkers	62,595,754	61,287,935	-1,307,819	-2.09%	27,569,358	29,197,279	1,627,921	5.90%	90,165,112	90,485,214	320,102	0.36%
Yorktown	17,643,363	18,006,547	363,184	2.06%	3,940,227	4,239,848	299,621	7.60%	21,583,590	22,246,395	662,805	3.07%
<b>Totals:</b>	<b>\$542,196,227</b>	<b>\$542,196,227</b>	<b>0</b>	<b>0.00%</b>	<b>\$181,962,820</b>	<b>\$196,348,420</b>	<b>14,385,600</b>	<b>7.91%</b>	<b>\$724,159,047</b>	<b>\$738,544,647</b>	<b>14,385,600</b>	<b>1.99%</b>



**2024 Summary for Allocation of O & M Expenses**

District	Org	2024 Apportionment	%	2023 Apportionment	%
Blind Brook	0310	17,766,721,199	7.840235%	15,910,329,974	7.659642%
Bronx Valley	0410	59,557,290,050	26.281896%	55,297,791,535	26.621778%
Central Yonkers	0510	3,998,823,631	1.764631%	3,775,512,947	1.817629%
Hutchinson	0610	17,765,585,134	7.839733%	15,585,606,895	7.503312%
Mamaroneck	0710	34,913,449,208	15.406874%	31,791,913,260	15.305444%
New Rochelle	0810	18,930,466,161	8.353781%	16,788,753,404	8.082537%
North Yonkers	0910	10,677,978,133	4.712060%	10,107,725,425	4.866119%
Saw Mill	1010	33,167,213,760	14.636282%	31,038,721,760	14.942838%
South Yonkers	1110	5,018,200,894	2.214470%	4,760,598,474	2.291874%
Upper Bronx Valley	1210	3,540,011,586	1.562163%	3,224,981,720	1.552589%
Ossining	1510	6,908,892,879	3.048809%	6,251,433,644	3.009601%
Peekskill	1610	9,869,758,849	4.355403%	8,885,966,834	4.277933%
Port Chester	1710	4,495,168,872	1.983663%	4,297,039,644	2.068705%
		226,609,560,357	100.00000%	207,716,375,514	100.00000%

2024 Apportionment to be used for the 2024 Tax Warrants and for the O & M in the 2025 Budget

**Peekskill Sewer District Tax Schedule - 2024**

Municipality	Parcels	Special District	Taxable Value	Equalization Rate	FEV	%	Decimal Share
Town of Cortlandt	1,587	Peekskill SSD	14,893,985.00	1.22%	1,220,818,442.62	12.37%	0.123692834
City of Peekskill	6,367	Peekskill SSD	123,230,717.00	2.39%	5,156,096,945.61	52.24%	0.522413670
Town of Somers	333	Peekskill SSD	34,641,224.00	9.71%	356,758,228.63	3.61%	0.036146600
Town of Yorktown	5,931	Peekskill SSD	53,940,666.00	1.72%	3,136,085,232.56	31.77%	0.317746895
					9,869,758,849.42	100.000%	1.000000000

Normal Apportionment	Assessed Values	Equalization Rate	Full Equalized Value	Decimal Share	Amount of Tax
Town of Cortlandt	14,893,985.00	1.22%	1,220,818,443	0.123692834	735,373.00
City of Peekskill	123,230,717.00	2.39%	5,156,096,946	0.522413670	3,105,830.00
Town of Somers	34,641,224.00	9.71%	356,758,229	0.036146600	214,897.00
Town of Yorktown	53,940,666.00	1.72%	3,136,085,233	0.317746895	1,889,055.00
			9,869,758,851.00	1.000000000	5,945,155.00

ex surcharge	5,945,155.00
surcharge	34,534.00
per Act	<u>5,979,689.00</u>

Final Apportionment	Assessed Values	Equalization Rate	Full Equalized Value	Normal Apportionment	Surcharge	Total Final Apportionment
Town of Cortlandt	14,893,985.00	1.22%	1,220,818,443	735,373.00	7,428.00	742,801.00
City of Peekskill	123,230,717.00	2.39%	5,156,096,946	3,105,830.00	-	3,105,830.00
Town of Somers	34,641,224.00	9.71%	356,758,229	214,897.00	8,027.00	222,924.00
Town of Yorktown	53,940,666.00	1.72%	3,136,085,233	1,889,055.00	19,079.00	1,908,134.00
			9,869,758,851.00	5,945,155.00	34,534.00	<u>5,979,689.00</u>

STATE OF NEW YORK            )  
  )  
COUNTY OF WESTCHESTER    )

I, VEDAT GASHI, Chair of the Westchester County Board of Legislators, do hereby certify that the following is a correct statement of 2024 taxes and assessments that have been duly apportioned, levied and assessed by the Westchester County Board of Legislators against the 2023 taxable property in the TOWN OF CORTLANDT at an annual session of said County Board of Legislators:

Tax for County Operating Purposes	\$	20,076,752
Tax for County Share of MTA		1,281,330
Refuse Disposal District Number 1		2,789,610
Ossining Sanitary Sewer District		1,083,656
Peekskill Sanitary Sewer District		<u>742,801</u>
<b>TOTAL ALL TAXES</b>	<b>\$</b>	<b><u>25,974,149</u></b>

IN WITNESS WHEREOF, I have hereunto set my hand and the Clerk of the County Board of Legislators has attested the same and affixed thereto the Corporate Seal of said County Board of Legislators this        day of March, 2024.

/s/ \_\_\_\_\_  
VEDAT GASHI  
The Chair of the Westchester  
County Board of Legislators  
County of Westchester, New York

ATTEST:

SUNDAY VANDERBERG  
The Clerk of the Westchester County  
Board of Legislators  
County of Westchester, New York

STATE OF NEW YORK            )  
  )  
COUNTY OF WESTCHESTER    )

I, VEDAT GASHI, Chair of the Westchester County Board of Legislators, do hereby certify that the following is a correct statement of 2024 taxes and assessments that have been duly apportioned, levied and assessed by the Westchester County Board of Legislators against the 2023 taxable property in the CITY OF PEEKSKILL at an annual session of said County Board of Legislators:

Tax for County Operating Purposes	\$	5,950,270
Tax for County Share of MTA		379,756
Refuse Disposal District Number 1		885,272
Peekskill Sanitary Sewer District		<u>3,105,830</u>
<b>TOTAL ALL TAXES</b>	<b>\$</b>	<b><u>10,321,128</u></b>

IN WITNESS WHEREOF, I have hereunto set my hand and the Clerk of the County Board of Legislators has attested the same and affixed thereto the Corporate Seal of said County Board of Legislators this        day of March, 2024.

/s/ \_\_\_\_\_  
VEDAT GASHI  
The Chair of the Westchester  
County Board of Legislators  
County of Westchester, New York

ATTEST:

SUNDAY VANDERBERG  
The Clerk of the Westchester County  
Board of Legislators  
County of Westchester, New York

STATE OF NEW YORK        )  
  )  
COUNTY OF WESTCHESTER    )

I, VEDAT GASHI, Chair of the Westchester County Board of Legislators, do hereby certify that the following is a correct statement of 2024 taxes and assessments that have been duly apportioned, levied and assessed by the Westchester County Board of Legislators against the 2023 taxable property in the TOWN OF SOMERS at an annual session of said County Board of Legislators:

Tax for County Operating Purposes	\$	11,242,058
Tax for County Share of MTA		717,486
Peekskill Sanitary Sewer District		<u>222,924</u>
<b>TOTAL ALL TAXES</b>	<b>\$</b>	<b><u>12,182,468</u></b>

IN WITNESS WHEREOF, I have hereunto set my hand and the Clerk of the County Board of Legislators has attested the same and affixed thereto the Corporate Seal of said County Board of Legislators this        day of March, 2024.

/s/ \_\_\_\_\_  
VEDAT GASHI  
The Chair of the Westchester  
County Board of Legislators  
County of Westchester, New York

ATTEST:

SUNDAY VANDERBERG  
The Clerk of the Westchester County  
Board of Legislators  
County of Westchester, New York

STATE OF NEW YORK            )  
  )  
COUNTY OF WESTCHESTER    )

I, VEDAT GASHI, Chair of the Westchester County Board of Legislators, do hereby certify that the following is a correct statement of 2024 taxes and assessments that have been duly apportioned, levied and assessed by the Westchester County Board of Legislators against the 2023 taxable property in the TOWN OF YORKTOWN at an annual session of said County Board of Legislators:

Tax for County Operating Purposes	\$	16,926,285
Tax for County Share of MTA		1,080,262
Refuse Disposal District Number 1		2,331,714
Peekskill Sanitary Sewer District		<u>1,908,134</u>
<b>TOTAL ALL TAXES</b>	<b>\$</b>	<b><u>22,246,395</u></b>

IN WITNESS WHEREOF, I have hereunto set my hand and the Clerk of the County Board of Legislators has attested the same and affixed thereto the Corporate Seal of said County Board of Legislators this        day of March, 2024.

/s/ \_\_\_\_\_  
VEDAT GASHI  
The Chair of the Westchester  
County Board of Legislators  
County of Westchester, New York

ATTEST:

SUNDAY VANDERBERG  
The Clerk of the Westchester County  
Board of Legislators  
County of Westchester, New York

George Latimer  
County Executive

Office of the County Attorney

John M. Nonna  
County Attorney

March 11, 2024

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

Re: Request for Authorization to Settle the Lawsuit of Mark Chernis and Michele Chernis v. Town of Bedford, Town Board of the Town of Bedford, Bedford Historical Society, and County of Westchester, in the amount of \$30,000.00, inclusive of attorneys' fees

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if enacted by your Board, would authorize the settlement of the lawsuit entitled Mark Chernis and Michele Chernis v. Town of Bedford, Town Board of the Town of Bedford, Bedford Historical Society, and County of Westchester, Index No. 59940/2022 (Supreme Court of the State of New York, County of Westchester). This matter tentatively settled after a year of settlement negotiations, pending this Board's approval of a settlement in the amount of \$30,000.00, inclusive of attorney's fees.

Yankwitt, LLP are the attorneys for Plaintiffs in this matter.

Plaintiffs Mark Chernis and Michele Chernis are property owners in the Town of Bedford who commenced this action against the above-listed defendants regarding a 140' tower that was constructed on a site commonly referred to as Guard Hill (the "Premises") in the Town of Bedford. The subject property was conveyed to the Town of Bedford in 1981 by Wilhelmiine Kirby Waller subject to certain covenants and restrictions set forth in a Rider to the Deed.

Plaintiffs allege four causes of action in their Complaint: (1) violation of the Public Trust Doctrine seeking declaratory relief relating thereto and enjoining the Town of Bedford from taking any further action with respect to the Premises; (2) violation of the Public Trust Doctrine seeking an order enjoining the Town, County and NYSDOT from taking any further action with respect to the Premises; (3) a declaratory judgment that the agreements with the NYSDOT and County of





Westchester are invalid and ineffective and the restrictive covenants in the deed are valid and enforceable; and (4) an Order that the Plaintiffs are intended beneficiaries of the restrictive covenants of the Deed and requesting a declaratory judgment that the construction of radio towers on the Premises violated the restrictive covenants and enjoining the Town and County from taking any further action.

Following motions to dismiss filed by the Defendants, the Court dismissed Plaintiffs' third and fourth causes of action against the County and the Plaintiffs' fourth cause of action as to the Town, the Town Board and the Bedford Historical Society. The parties have been negotiating settlement terms for nearly a year, prior to engaging in any formal discovery. We have reached a tentative settlement of the matter, pending requisite Board approval.

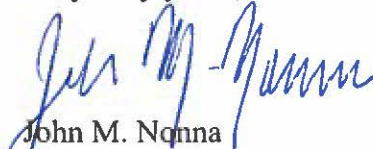
Pursuant to the terms of the settlement, the Town and County affirm that as of the date of the Settlement Agreement: (1) there are no plans to raise the height of the existing radio tower above its current one hundred and forty (140') feet or to take any action with respect to the Premises that would impact the view of the Tower except to the extent necessary to protect human health and safety; and (2) there are no plans to replace the existing Tower with a Tower whose actual structure is wider than the existing Tower.

Additionally, the Town and County agree not to raise the structural height of the Tower above 140' for a 10-year period except in the case of a public emergency (this provision only applies as long as Plaintiffs still own 16 Overlook Drive in Bedford, NY and would no longer be enforceable if Plaintiffs sold the property) and agree to give Plaintiffs written notice if there was a proposal to raise the tower and they had sold their residence. The Town and County retain the right, without notifying Plaintiff, to make maintenance, repair and modifications to the Tower that do not impact its structural height. The Town and County agree to not install lights on the Tower unless required by law, not remove trees south of the Tower that would materially increase the visibility of the Tower or build any additional towers on the Premises.

The Town and County agree to each pay Plaintiffs a collective lump sum payment of \$30,000.00 inclusive of attorneys' fees.

The settlement takes into consideration the uncertainty of litigation and the substantial costs of discovery, the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled Mark Chernis and Michele Chernis v. Town of Bedford, Town Board of the Town of Bedford, Bedford Historical Society, and County of Westchester, in the amount of \$30,000.00, inclusive of attorney's fees.

Very truly yours,



John M. Nonna  
County Attorney



BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Mark Chernis and Michele Chernis v. Town of Bedford, Town Board of the Town of Bedford, Bedford Historical Society, and County of Westchester, Index No. 59940/2022 (Supreme Court of the State of New York, County of Westchester) in the amount of Thirty Thousand and 00/100 (\$30,000.00) Dollars.

This matter is pending in the Supreme Court of the State of New York, County of Westchester. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$30,000.00, inclusive of attorney's fees, after lengthy settlement negotiations. Yankwitt, LLP of White Plains, NY is representing Plaintiffs.

Plaintiffs Mark Chernis and Michele Chernis are property owners in the Town of Bedford who commenced this action against the above-listed defendants regarding a 140' tower that was constructed on a site commonly referred to as Guard Hill (the "Premises") in the Town of Bedford. The subject property was conveyed to the Town of Bedford in 1981 by Wilhelmiine Kirby Waller subject to certain covenants and restrictions set forth in a Rider to the Deed.

Plaintiffs allege four causes of action in their Complaint: (1) violation of the Public Trust Doctrine seeking declaratory relief relating thereto and enjoining the Town of Bedford from taking any further action with respect to the Premises; (2) violation of the Public Trust Doctrine seeking an order enjoining the Town, County and NYSDOT from taking any further action with

respect to the Premises; (3) a declaratory judgment that the agreements with the NYSDOT and County of Westchester are invalid and ineffective and the restrictive covenants in the deed are valid and enforceable; and (4) an Order that the Plaintiffs are intended beneficiaries of the restrictive covenants of the Deed and requesting a declaratory judgment that the construction of radio towers on the Premises violated the restrictive covenants and enjoining the Town and County from taking any further action.

Following motions to dismiss filed by the Defendants, the Court dismissed Plaintiffs' third and fourth causes of action against the County and the Plaintiffs' fourth cause of action as to the Town, the Town Board and the Bedford Historical Society. The parties have been negotiating settlement terms for nearly a year, prior to engaging in any formal discovery. We have reached a tentative settlement of the matter, pending requisite Board approval.

Pursuant to the terms of the settlement, the Town and County affirm that as of the date of the Settlement Agreement: (1) there are no plans to raise the height of the existing radio tower above its current one hundred and forty (140') feet or to take any action with respect to the Premises that would impact the view of the Tower except to the extent necessary to protect human health and safety; and (2) there are no plans to replace the existing Tower with a Tower whose actual structure is wider than the existing Tower.

Additionally, the Town and County agree not to raise the structural height of the Tower above 140' for a 10-year period except in the case of a public emergency (this provision only applies as long as Plaintiffs still own 16 Overlook Drive in Bedford, NY and would no longer be

enforceable if Plaintiffs sold the property) and agree to give Plaintiffs written notice if there was a proposal to raise the tower and they had sold their residence. The Town and County retain the right, without notifying Plaintiff, to make maintenance, repair and modifications to the Tower that do not impact its structural height. The Town and County agree to not install lights on the Tower unless required by law, not remove trees south of the Tower that would materially increase the visibility of the Tower or build any additional towers on the Premises. The Town and County agree to each pay Plaintiffs a collective lump sum payment of \$30,000.00 inclusive of attorneys' fees.

The settlement takes into consideration the uncertainty of litigation and the substantial costs of discovery, the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled Mark Chernis and Michele Chernis v. Town of Bedford, Town Board of the Town of Bedford, Bedford Historical Society, and County of Westchester, in the amount of \$30,000.00, inclusive of attorney's fees.

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled Mark Chernis and Michele Chernis v. Town of Bedford, Town Board of the Town of Bedford, Bedford Historical Society, and County of Westchester, Index No. 59940/2022, in the amount of \$30,000.00, inclusive of attorney's fees. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York  
March , 2024

ACT NO. 2024

AN ACT authorizing the County of Westchester to settle the lawsuit of Mark Chernis and Michele Chernis v. Town of Bedford, Town Board of the Town of Bedford, Bedford Historical Society, and County of Westchester, Index No. 59940/2022, in the amount of \$30,000.00, inclusive of attorney's fees

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

1. The County Attorney is authorized to settle the lawsuit of Mark Chernis and Michele Chernis v. Town of Bedford, Town Board of the Town of Bedford, Bedford Historical Society, and County of Westchester, in the amount of \$30,000.00, inclusive of attorney's fees.
2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose hereof.
3. This Act shall take effect immediately.

# FISCAL IMPACT STATEMENT

SUBJECT: Mark and Michelle Chernis v. Town of  NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND       AIRPORT FUND       SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense      \$ 30,000

Total Current Year Revenue      \_\_\_\_\_

Source of Funds (check one):  Current Appropriations       Transfer of Existing Appropriations

Additional Appropriations       Other (explain)

Identify Accounts: 101-16-2500-4070

Potential Related Operating Budget Expenses:      Annual Amount \$30,000

Describe: An Act authorizing the County of Westchester to settle the lawsuit of Mark Chernis and Michele Chernis v. Town of Bedford, Town Board of the Town of Bedford, Bedford Historical Society, and County of Westchester.

Potential Related Operating Budget Revenues:      Annual Amount \_\_\_\_\_

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_

Next Four Years: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared by: Debra Ogden

Title: Sr. Budget Analyst

Department: Budget Dept.

Date: March 11, 2024

Reviewed By: *James A. ...*

Budget Director

Date: 3/11/24

**Vedat Gashi**

Chairman of the Board  
Legislator, 4th District



TO: Hon. Jewel Williams Johnson  
Chair, Budget & Appropriations

Hon. David Imamura  
Chair, Law & Major Contracts

FROM: Hon. Vedat Gashi  
Chairman of the Board 

DATE: March 12, 2024

RE: ACT – Lawsuit Settlement of Chernis v. Bedford and WC

As Chairman of the Board of Legislators, I am placing the below item directly into the Committees on Budget & Appropriations and Law & Major Contracts.

Thank you.

(ID: 2024-147 **ACT - Lawsuit Settlement - Chernis v Bedford, County of Westchester**  
AN ACT authorizing the County of Westchester to settle the lawsuit of Mark Chernis and Michele Chernis v. Town of Bedford, Town Board of Bedford, Bedford Historical Society and County of Westchester in the amount of THIRTY THOUSAND (\$30,000) DOLLARS, inclusive of attorney's fees.

CC: Jill Axelrod  
Marcello Figueroa  
James Silverberg  
Dylan Tragni  
Sunday Vanderberg





George Latimer  
County Executive

March 4, 2024

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

Dear Honorable Members of the Board of Legislators:

On April 11, 2022, your Honorable Board enacted legislation in connection with “Capital Project BPL1A – Housing Implementation Fund II” to finance certain infrastructure improvements, including, but not limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the “Infrastructure Improvements”) in support of the construction of one building with sixty (60) rental units (the “Development”) at 23 Mulberry Street, in the City of Yonkers (the “Property”) which is owned by the Municipal Housing Authority for the City of Yonkers (“MHACY”). All sixty (60) rental units were to be available to eligible senior households where all members of the household are aged sixty-two (62) and older with incomes at or below thirty percent (30%) and up to sixty percent (60%) of the Westchester County area median income (“AMI”), all to remain affordable for a period of not less than fifty (50) years (the “Affordable AFFH Units”).

In particular, your Honorable Board approved Bond Act No. 28-2022 (“Bond Act”) which authorized the issuance of bonds of the County of Westchester (“County”) in an amount not-to-exceed \$3,500,000 as part of Capital Project BPL1A to finance the Infrastructure Improvements; and Act No. 29-2022 which authorized the County to enter into an Inter-Municipal Developer Agreement (the “IMDA”) with the City of Yonkers (the City”) and La Mora, LLC, its successors or assigns (the “Developer”).

Subsequently, the IMDA was executed by the County, City, Developer and MHACY. Act No. 29-2022, however, did not include MHACY as a specific signatory to the IMDA, although it was a related party to the Developer. Therefore, your Honorable Board’s ratification of the IMDA to include MHACY as a signatory, is respectfully requested.

The Department of Planning (“Planning”) has advised that construction of the Development has commenced, but the foundation for the building was constructed in the wrong location, approximately ten (10) feet both south and west of the location shown on the plans for the Development that were approved and attached to the IMDA. It was determined that it would be cost prohibitive to remove and relocate the foundation in the proper location. Therefore, the

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Developer, with the approval of the City, has modified the plans to reflect the current location of the foundation. It should be noted that as a result of the new location of the building, the number of parking spaces for the Development has been reduced from thirty (30) to eighteen (18).

based upon the foregoing, it is requested that your Honorable Board approve an amendment to the IMDA in order to amend the description in the easement, the plans and the budget for the Infrastructure Improvements. It should be noted that the budget currently is below the not-to-exceed amount of \$3,500,000 authorized by the Bond Act. All other terms and conditions of the IMDA will remain in full force and effect.

On March 1, 2022, the Westchester County Planning Board (the "Planning Board") adopted Resolution No. 22-06 (the "Planning Board Resolution") to recommend funding to finance the Infrastructure Improvements for the Development. Because no material change to the Development is contemplated by the proposed amendment to the IMDA, the Planning Board Resolution remains in full force and effect. However, it should be noted that the Planning Board was apprised of the proposed amendment as an information item at its November 8, 2023 meeting. The Planning Board Resolution and information item are annexed hereto for your Honorable Board's review.

Based on the importance of increasing the number of senior rental Affordable AFFH Units in the County, your favorable action on the annexed Act is respectfully requested.

Sincerely,



George Latimer  
County Executive

Attachments  
GL/BL/LAC



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

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act in order to amend ratify an Inter-Municipal Developer Agreement previously authorized by your Honorable Board.

Your Committee is advised that on April 11, 2022, your Honorable Board enacted legislation in connection with “Capital Project BPL1A – Housing Implementation Fund II” to finance certain infrastructure improvements, including, but not limited to, onsite and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the “Infrastructure Improvements”) in support of the construction of one building with sixty (60) rental units (the “Development”) at 23 Mulberry Street, in the City of Yonkers (the “Property”) which is owned by the Municipal Housing Authority for the City of Yonkers (“MHACY”). All sixty (60) rental units were to be available to eligible senior households where all members of the household are aged sixty-two (62) and older with incomes at or below thirty percent (30%) and up to sixty percent (60%) of the Westchester County area medium income (“AMI”), all to remain affordable for a period of not less than fifty (50) years (the “Affordable AFFH Units”).

In particular, your Honorable Board approved Bond Act No. 28-2022 (“Bond Act”) which authorized the issuance of bonds of the County of Westchester (“County”) in an amount not-to-exceed \$3,500,000 as part of Capital Project BPL1A to finance the Infrastructure Improvements, and Act No. 29-2022 which authorized the County to enter into an Inter-Municipal Developer Agreement (the “IMDA”) with the City of Yonkers (the “City”) and La Mora, LLC, its successors or assigns (the “Developer”).

Your Committee is further advised that subsequently, the IMDA was executed by the County, City, Developer and MHACY. Act No. 29-2022, however, did not include MHACY as a specific signatory, although it was a related party to the Developer. Therefore, your Honorable

Board's ratification of the IMDA to include MHACY as a signatory, is respectfully requested.

The Department of Planning ("Planning") has advised that construction of the Development has commenced, but the foundation for the building was constructed in the wrong location, approximately ten (10) feet both south and west of the location shown on the plans for the Development that were approved and attached to the IMDA. It was determined that it would be cost prohibitive to remove and relocate the foundation in the proper location. Therefore, the Developer, with the approval of the City, has modified the plans to reflect the current location of the foundation. It should be noted that as a result of the new location for the building, the number of parking spaces for the Development has been reduced from thirty (30) to eighteen (18).

Based upon the foregoing, it has been requested that your Honorable Board approve an amendment to the IMDA in order to amend the description in the easement, the plans and the budget for the Infrastructure Improvements. It should be noted that the budget currently is below the not-to-exceed amount of \$3,500,000 authorized by the Bond Act. All other terms and conditions of the IMDA will remain in full force and effect.

Your Committee is also advised that on March 1, 2022, the Westchester County Planning Board (the "Planning Board") adopted Resolution No. 23-19 ("Planning Board Resolution") to recommend funding to finance the Infrastructure Improvements for the Development. Because no material change to the Development is contemplated by the proposed amendment to the IMDA, the Planning Board Resolution remains in full force and effect. However, it should be noted that the Planning Board was apprised of the proposed amendment as an information item at its November 8, 2023 meeting. The Planning Board Resolution and the information item are annexed hereto.

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 original project was classified as an Unlisted action, coordinated review was conducted, and a Negative Declaration was issued by the Yonkers

Planning Board on January 12, 2022. SEQR was re-initiated for the additional zoning variances by the City of Yonkers Zoning Board of Appeals (“ZBA”), which re-confirmed the project as an Unlisted action it classified the original action as an Unlisted action. On April 20, 2023, the Yonkers ZBA circulated a notice of intent to serve as lead agency, along with Part I of a Short Environmental Assessment Form. On May 24, 2023, the Yonkers ZBA issued a Negative Declaration for the project. Since the City undertook coordinated review and the County was included in the coordinated review process, then, in accordance with Section 617.6(b)(3), no further environmental review is required by the County. A memorandum prepared by Planning is attached for your Honorable Board’s review. Your Committee concurs with Planning’s analysis.

After careful review, your Committee believes that the Act is in the best interest of the County and therefore recommends its adoption, noting that it requires no more than an affirmative vote of the majority of your Honorable Board.


Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**  
c/lac/2/21/24

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>BPL1A</u>		<input checked="" type="checkbox"/> NO FISCAL IMPACT PROJECTED	
<b>SECTION A - CAPITAL BUDGET IMPACT</b> To Be Completed by Budget			
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND	
Source of County Funds (check one):		<input checked="" type="checkbox"/> Current Appropriations	<input type="checkbox"/> Capital Budget Amendment
23 Mulberry St Yonkers NY amend IMDA (BA 29-2022 previously authorized)			
<b>SECTION B - BONDING AUTHORIZATIONS</b> To Be Completed by Finance			
<b>Total Principal</b>	<b>PPU</b>	<b>Anticipated Interest Rate</b>	
<b>Anticipated Annual Cost (Principal and Interest):</b>			
<b>Total Debt Service (Annual Cost x Term):</b>	\$	-	
<b>Finance Department:</b>			
<b>SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)</b> To Be Completed by Submitting Department and Reviewed by Budget			
<b>Potential Related Expenses (Annual):</b>	\$	-	
<b>Potential Related Revenues (Annual):</b>	\$	-	
<b>Anticipated savings to County and/or impact of department operations</b> (describe in detail for current and next four years):			
_____			
_____			
<b>SECTION D - EMPLOYMENT</b> As per federal guidelines, each \$92,000 of appropriation funds one FTE Job			
<b>Number of Full Time Equivalent (FTE) Jobs Funded:</b>	N/A		
<b>SECTION E - EXPECTED DESIGN WORK PROVIDER</b>			
<input type="checkbox"/> County Staff	<input type="checkbox"/> Consultant	<input type="checkbox"/> Not Applicable	
<b>Prepared by:</b>	<u>Dianne Vanadia</u>	<b>Reviewed By:</b>	<u><i>Christina Rayner</i></u>
<b>Title:</b>	<u>Associate Budget Director</u>	<b>Budget Director</b>	
<b>Department:</b>	<u>Budget</u>	<b>Date:</b>	<u>2/23/24</u>
<b>Date:</b>	<u>2/22/24</u>		

TO: Leonard Gruenfeld, Program Administrator  
Division of Housing & Community Development

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

DATE: February 16, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR AMENDMENT  
TO INTER-MUNICIPAL DEVELOPER AGREEMENT FOR LA MORA  
SENIOR LIVING, 23 MULBERRY STREET, YONKERS (BPL1A)**

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

The action involves an amendment to the Inter-Municipal Developer Agreement (IMDA) between the County, the developer and the City of Yonkers, which provides County funding under capital project BPL1A - Housing Implementation Fund II (ID #1901), to facilitate the development of affordable senior housing at 23 Mulberry Street in Yonkers. Under the original IMDA, the County's funds were to be applied towards the cost of certain infrastructure improvements to support the creation of approximately 60 units of affordable rental housing in a new 4-story building with approximately 30 onsite parking spaces. However, due to an error in the placement of the building foundation during construction, additional zoning variances needed to be sought, including a parking variance to reduce the number of spaces from 30 to 18.

Pursuant to SEQR, the original project was classified as an Unlisted action, coordinated review was conducted and a Negative Declaration was issued by the Yonkers Planning Board on January 12, 2022. SEQR was re-initiated for the additional zoning variances by the City of Yonkers Zoning Board of Appeals (ZBA), which re-confirmed the project as an Unlisted action. On April 20, 2023, the Yonkers ZBA circulated a notice of intent to serve as lead agency, along with Part 1 of a Short Environmental Assessment Form. On May 24, 2023, the Yonkers ZBA issued a Negative Declaration for the project. Since the City undertook coordinated review and the County of Westchester was included in the coordinated review process, 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: Blanca P. Lopez, Commissioner  
Lynne Colavita, Senior Assistant County Attorney  
Claudia Maxwell, Principal Environmental Planner



**RESOLUTION 22- 06**

**WESTCHESTER COUNTY PLANNING BOARD**

**Housing Implementation Fund II  
Capital Project Funding Request  
23 Mulberry Street, City of Yonkers**

**WHEREAS**, the County has established Capital Project BPL1A Housing Implementation Fund II (“HIF”) to assist municipalities with the cost of construction of public infrastructure improvements associated with the development of fair and affordable housing; and

**WHEREAS**, The Mulford Corporation and the Municipal Housing Authority for the City of Yonkers (collectively the “Developer”), its successors or assigns, desires to develop the real property located at 23 Mulberry Street in the City of Yonkers (the “City”), identified on the City tax maps as Section 2; Block 2062; Lot 25 (the “Property”) to create 60 affordable residential rental units in one building which will affirmatively further fair housing (“AFFH”, collectively the “Affordable AFFH Units”);

**WHEREAS**, the Developer desires the County to fund infrastructure improvements to support the construction of 23 Mulberry Street, a four-story building, with 60 affordable residential rental units and 30 parking spaces (the “Development”); and

**WHEREAS**, the 60 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”); 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**, a not to exceed amount of \$3,500,000 is requested from Capital Project BPL1A Housing Implementation Fund II to fund eligible expenses that include, but will not be limited to, on-site and off-site paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and county administrative costs; and

**WHEREAS**, the Development is proposed to include green technology such as solar panels, Energy Star appliances, water conserving fixtures and lighting sensors and timers 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 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

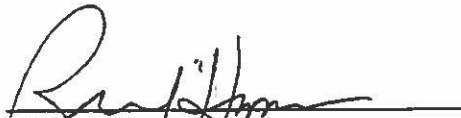
development of “a range of housing types” “affordable to all income levels;” and

**WHEREAS**, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with the construction of the infrastructure improvements; and

**RESOLVED**, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Development, supports the request to provide a not to exceed amount of \$3,500,000 for infrastructure improvements for the Development under the terms of the HIF Program, which will support the creation of 60 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 and 30 parking spaces, located at 23 Mulberry Street in the City of Yonkers. Although, the Westchester County Planning Board supports the request for County Funding to develop new affordable housing opportunities, the Westchester County Planning Board also wishes to note its displeasure with the high construction costs of the Development. In addition, a review by staff of Westchester County Planning Board referral records found that the site plan may not have been properly referred to the Westchester County Planning Board to review, as is required under general municipal law. The referral would have been the appropriate time for the Westchester County Planning Board to recommend site plan revisions. The Westchester County Planning Board notes disappointment in not being able to help shape the site plan through this process; and

**RESOLVED**, that the Westchester County Planning Board amends its report on the 2022 Capital Project Requests to include 23 Mulberry Street in the City of Yonkers, as a new component project in Capital Project BPL1A under the heading of Buildings, Land and Miscellaneous.

Adopted this 1<sup>st</sup> day of March 2022.

  
Richard Hyman, Chair



To: Honorable Members of the Westchester County Planning Board

From: Blanca P. Lopez  
Commissioner  
Department of Planning

Leonard Gruenfeld  
Program Administrator – Housing  
Department of Planning

Re: Information Item  
Modification of Easement for HIF work located at 23 Mulberry Street City of Yonkers

Date: November 8, 2023

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23 Mulberry Street (the “Development”) in the City of Yonkers was originally presented to the Westchester County Planning Board on March 1, 2022. The Executive Summary and Resolution 22-06 are attached for your reference which at the time recommended the approval of Housing Implementation Funding (“HIF”) for this Development.

The Development has been under construction since it closed in June 2022 with the County, State and other funders. During the winter of 2023, the County was notified that the foundation was inadvertently constructed 10 feet both south and west of the location shown in plans as contained in the executed Inter-Municipal Developer Agreement (“IMDA”), dated June 16, 2022, between the County of Westchester (the “County”), La Mora, Limited Liability Company (the “Developer”) and the City of Yonkers (the “City”) to finance the construction of infrastructure improvements located at 23 Mulberry Street, Yonkers (the “Development”) to support the creation of 60 affordable senior housing units (the “Affordable Units”).

At that time, the Development was not in compliance with the IMDA as the Development lacked zoning approvals and the easement which gives the County ownership of the HIF improvements (on the privately owned portion of the site), was no longer valid given that the building location was not constructed where it was supposed to be. The County immediately notified the City of Yonkers to cease all HIF work on site. The work occurring in the right of way (“ROW”) was not affected by this error and could continue. The Development team, after assessing their options including removing and rebuilding the foundation in the correct location decided that the best course of action would be to

seek amended approvals from the City of Yonkers Planning Board and Zoning Board of Appeals. Those approvals were ascertained over the summer into the early fall.

Therefore, with these municipal approvals, the Westchester County Board of Legislators will be requested to authorize an amendment to an IMDA, in order to revise the area of the required easement and to revise the infrastructure budget and plans.

As the Planning Board is aware, the Development is part of the County's program to encourage the development of affordable housing that will affirmatively further fair housing ("AFFH") in the County and has been funded with \$3,500,000 Housing Implementation Fund II ("HIF") funds to assist in the construction of infrastructure improvements.

The IMDA authorizes improvements to the Development and surrounding ROW including, but not limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the "Infrastructure Improvements") in support of the Affordable Units as part of the County's program to ensure the development of new affordable housing. The term of the IMDA is fifteen years (commensurate with the period of probable usefulness of the HIF bonds which are funding the Infrastructure Improvements).

Aside from the new location of the building to house the Affordable Units, the details of the Development have not changed.

The Developer is in the process of constructing the Affordable Units in one building on the approximately +/- 0.8-acre site at 23 Mulberry Street in the City of Yonkers, (the "Property"). All 60 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 50 years (the "Affordable AFFH Units"). The Affordable AFFH Units are expected to include 57 one-bedroom, and 3 two-bedroom units. The building will also include a community room lounge with connected outdoor space, outdoor rooftop patio, management office and laundry facilities on each floor. Also included will be the construction of 18 on-grade parking spaces. A declaration of restrictive covenants approved by, and enforceable by, the County will run with the land and binds the Property requiring that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty years.

Planning has advised that the Property has been leased by the Municipal Housing Authority for the City of Yonkers ("MHACY") to the Developer for 99 years for \$1 per year.

As an information item, there is no action required by the Planning Board at this time.

**ACT NO. \_\_\_\_\_ - 2024**

**AN ACT** authorizing the County of Westchester to enter into an amendment to an Inter-Municipal Developer Agreement with the City of Yonkers, La Mora, LLC, its successors or assigns, and the Municipal Housing Authority for the City of Yonkers in order to amend the description in the easement, the plans, and the budget and to ratify the IMDA to include the Municipal Housing Authority for the City of Yonkers as a signatory.

**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 hereby authorized to enter into an amendment to an Inter-Municipal Developer Agreement (the "IMDA") with the City of Yonkers, La Mora, LLC, its successors or assigns, and the Municipal Housing Authority for the City of Yonkers in order to amend the description in the easement, the plans, and the budget.

§2. The IMDA is hereby ratified to include the Municipal Housing Authority for the City of Yonkers as a signatory.

§3. All of the remaining terms and conditions of the IMDA, except as amended and ratified herein, shall remain in full force and effect.

§4. The County is hereby authorized to grant and accept any property rights necessary in furtherance of the amendment to the IMDA.

§5. 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.

§6. This Act shall take effect immediately.





George Latimer  
County Executive

March 4, 2024

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

Dear Honorable Members of the Board of Legislators:

On June 1, 2020, your Honorable Board enacted legislation in connection with “Capital Project BPL1A – Housing Implementation Fund II” to finance certain infrastructure improvements, including, but not limited to, construction of a park, roads, curbing, retaining walls, play equipment, sidewalks, fencing, and landscaping (the “Infrastructure Improvements”) in support of the construction of two (2) buildings (the “Development”) with one hundred seventy-three (173) affordable rental units that will affirmatively further fair housing (the “Affordable AFFH Units”) at 178 Warburton Avenue and 160 Cottage Gardens in the City of Yonkers (the “Property”) which is owned by the Municipal Housing Authority for the City of Yonkers (“MHACY”). Of the one hundred seventy-three (173) Affordable AFFH Units, one hundred fifty-three (153) were to be available to eligible households that earn at or below thirty percent (30%) and up to eighty percent (80%) of the Westchester County area median income (“AMI”), and the remaining twenty (20) Affordable AFFH Units would be available to households that earn up to ninety percent (90%) of AMI, all to remain affordable for a period of not less than fifty (50) years.

In particular, your Honorable Board approved Resolution No. 49-2020 which issued a Negative Declaration declaring that the construction of the Infrastructure Improvements would have no significant adverse impact on the environment; Bond Act No. 97-2020 which authorized the issuance of bonds of the County of Westchester (“County”) in an amount not-to-exceed \$5,000,000 as part of Capital Project BPL1A to finance the Infrastructure Improvements; and Act No. 98-2020 which authorized the County to enter into an Inter-Municipal Developer Agreement (the “IMDA”) with the City of Yonkers (the City”), 178 Warburton Limited Partnership and CPG Phase VI Limited Partnership, its successors or assigns (“collectively the “Developer”).

Subsequently, the IMDA was executed by the County, City, Developer and MHACY. Act No. 98-2020, however, did not include MHACY as a specific signatory to the IMDA, although it was a related party to the Developer. Therefore, your Honorable Board’s ratification of the IMDA to include MHACY as a signatory, is respectfully requested.

It should be noted that Planning has advised that this Development is a component of a multi-phased Planned Urban Redevelopment known as “Cottage Place Gardens Redevelopment” (the “Redevelopment”), which provides for the replacement of a total of two hundred fifty-six (256)

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units of antiquated public housing with five hundred (500) new affordable housing units. Phases I through IV have been approved and/or already constructed. This Development comprises Phases V and VI of the Redevelopment. The first building which is known as Phase V has already been constructed with eighty-one (81) Affordable AFFH Units in compliance with the IMDA.

Planning has further advised that MHACY and the Developer have requested that the affordability requirements for the second building, which is known as Phase VI, be changed from Affordable AFFH Units available to households with incomes at or below thirty percent (30%) and up to ninety percent (90%) of AMI to affordable senior rental housing. MHACY provided information to support this request, including that seniors represent a large segment of the population and will grow to become an even larger segment of the population by 2030. In addition, low-income seniors represent the majority of this segment, and the demand for affordable senior rental units in the City exceeds the supply.

In this regard, it is requested that your Honorable Board authorize an amendment to the IMDA so that the Phase VI building which will contain ninety-two (92) Affordable AFFH Units, be available exclusively for seniors aged sixty-two (62) and older, with incomes between thirty percent (30%) and sixty percent (60%) of AMI, instead of households with incomes at or below thirty percent (30%) of AMI and up to ninety percent (90%) of AMI. All other terms and conditions of the IMDA will remain in full force and effect.

Planning has noted that the Declaration of Restrictive Covenants dated October 22, 2020, and filed in the Westchester County Clerk's Office which requires that all of the Affordable AFFH Units will remain affordable for a term of not less than fifty (50) years, will also be amended to reflect the aforesaid changes in affordability.

On November 8, 2023, the Westchester County Planning Board (the "Planning Board") adopted Resolution No. 23-19 to recommend that the IMDA be amended to change the affordability requirements to senior rental housing. The Planning Board Resolution is annexed hereto for your Honorable Board's review.

Based on the importance of increasing the number of senior Affordable AFFH Units in the County, your favorable action on the annexed Act is respectfully requested.

Sincerely,



George Latimer  
County Executive  
Attachments  
GL/BL/LAC

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

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act in order to amend the affordability requirements contained in and to ratify an Inter-Municipal Developer Agreement dated October 22, 2020.

Your Committee is advised that on June 1, 2020, your Honorable Board enacted legislation in connection with “Capital Project BPL1A – Housing Implementation Fund II” to finance certain infrastructure improvements, including, but not limited to construction of a park, roads, curbing, retaining walls, play equipment, sidewalks, fencing, and landscaping (the “Infrastructure Improvements”) in support of the construction of two (2) buildings (the “Development”) with one hundred seventy-three (173) affordable rental units that will affirmatively further fair housing (the “Affordable AFFH Units”) at 178 Warburton Avenue and 160 Cottage Gardens in the City of Yonkers (the “Property”) which is owned by the Municipal Housing Authority for the City of Yonkers (“MHACY”). Of the one hundred seventy-three (173) Affordable AFFH Units, one hundred fifty-three (153) were to be available to eligible households that earn at or below thirty percent (30%) and up to eighty percent (80%) of the Westchester County area median income (“AMI”), and the remaining twenty (20) Affordable AFFH Units would be available to households that earn up to ninety percent (90%) of AMI, all to remain affordable for a period of not less than fifty (50) years.

In particular, your Honorable Board approved Resolution No. 49-2020 which issued a Negative Declaration declaring that the construction of the Infrastructure Improvements would have no significant adverse impact on the environment; Bond Act No. 97-2020 which authorized the issuance of bonds of the County of Westchester (“County”) in an amount not-to-exceed \$5,000,000 as part of Capital Project BPL1A to finance the Infrastructure Improvements; and Act No. 98-2020 which authorized the County to enter into an Inter-Municipal Developer Agreement (the “IMDA”) with the City of Yonkers (the City”), 178 Warburton Limited Partnership and CPG Phase VI Limited Partnership, its successors or assigns (“collectively the “Developer”).



Your Committee is further advised that subsequently, the IMDA was executed by the County, City, Developer and MHACY. Act No. 98-2020, however, did not include MHACY as a specific signatory, although it was a related party to the Developer. Therefore, your Honorable Board's ratification of the IMDA to include MHACY as a signatory, is respectfully requested.

It should be noted that the Department of Planning ("Planning") has advised that this Development is a component of a multi-phased Planned Urban Redevelopment known as "Cottage Place Gardens Redevelopment" (the "Redevelopment"), which provides for the replacement of a total of two hundred fifty-six (256) units of antiquated public housing with five hundred (500) new affordable housing units. Phases I through IV have been approved and/or already constructed. This Development comprises Phases V and VI of the Redevelopment. The first building which is known as Phase V has already been constructed with eighty-one (81) Affordable AFFH Units in compliance with the IMDA.

Planning has further advised that MHACY and the Developer have requested that the affordability requirements for the second building, which is known as Phase VI, be changed to from Affordable AFFH Units available to households with incomes at or below thirty percent (30%) and up to ninety percent (90%) of AMI to affordable senior rental housing. MHACY provided information to support this request, including that seniors represent a large segment of the population and will grow to become an even larger segment of the population by 2030. In addition, low-income seniors represent the majority of this segment and the demand for affordable senior rental units in the City exceeds the supply.

Therefore, Planning has requested that your Honorable Board authorize an amendment to the IMDA so that the Phase VI building which will contain ninety-two (92) Affordable AFFH Units, be available exclusively for seniors aged sixty-two (62) and older, with incomes between thirty percent (30%) and sixty percent (60%) of AMI, instead of households with incomes at or below thirty percent (30%) of AMI and up to ninety percent (90%) of AMI. All other terms and conditions of the IMDA will remain in full force and effect.

Your Committee is further advised that Planning has noted that the Declaration of Restrictive Covenants dated October 22, 2020, and filed in the Westchester County Clerk's Office which requires that all of the Affordable AFFH Units will remain affordable for a term of not less than fifty (50) years, will also be amended to reflect the aforesaid changes in affordability.

Your Committee is also advised that on November 8, 2023, the Westchester County Planning Board (the "Planning Board") adopted Resolution No. 23-19 to recommend that the IMDA be amended to change the affordability requirements to senior rental housing. The Planning Board Resolution is annexed hereto.

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 it classified the original action as an Unlisted action. A Short Environmental Assessment Form was prepared and a Negative Declaration was issued by Resolution No. 49-2020 of your Honorable Board. As the Act pertains to a change in tenant eligibility, resulting in less parking and traffic ramifications, the original Negative Declaration remains valid. Additionally, on June 10, 2022, the City of Yonkers Planning Board initiated a coordinated review pursuant to SEQR in connection with the necessary amendments to the Site Plan and Special Use Permit for the Phase VI modifications. On July 13, 2022, the Yonkers Planning Board assumed the role of lead agency and issued a Negative Declaration for the revised plan. Since the County was included as an involved agency in the City's review, pursuant to section 617.6(b)(3), no further environmental review by the County is required. Your Committee concurs with this analysis.

After careful review, your Committee believes that the Act is in the best interest of the County and therefore recommends its adoption, noting that it requires no more than an affirmative vote of the majority of your Honorable Board.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON**  
c/lac/2/14/24

# 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

178 Warburton Ave Yonkers NY amend IMDA (BA 98-2020 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):

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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: Dianne Vanadia

Title: Associate Budget Director

Department: Budget


Date: 2/22/24

Reviewed By: *Christine Ruppel*

Budget Director

Date: 2/23/24

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

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

**DATE:** November 15, 2023

**SUBJECT: STATE ENVIRONMENTAL QUALITY REVIEW FOR  
178 Warburton Avenue, Yonkers  
Inter-Municipal Developer Agreement Amendment**

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

The action involves an amendment of an inter-municipal developer agreement (IMDA), executed in October 2020, between the County and the City of Yonkers supporting a multi-phased redevelopment of affordable housing, previously known as Cottage Place Gardens, located between Cottage Place and Warburton Avenue and north of Ashburton Avenue in the City of Yonkers. Through the County's Housing Implementation Fund (HIF), funding assistance was provided for phases V and VI, which provided for 173 units of new affordable housing. County funds were to be used for the construction of a park/playground and other site and infrastructure improvements, which were completed under Phase V. All of the affordable housing units were to be available to any households meeting certain income level requirements. At this time, however, it is proposed that Phase VI, which will consist of 92 units, be limited to senior citizens that meet the income level requirements. Except for a reduction in parking, there will be no substantial changes to the project as proposed to the County in 2020.

In accordance with SEQR, the County classified the original project as an Unlisted action. A Short Environmental Assessment Form was prepared and a Negative Declaration was issued by the Westchester County Board of Legislators on June 1, 2020 via Resolution 49-2020. As the agreement amendment pertains to a change in tenant eligibility, resulting in less parking and traffic ramifications, the original Negative Declaration remains valid. Additionally, on June 10, 2022, the City of Yonkers Planning Board initiated a coordinated review pursuant to SEQR in connection with the necessary amendments to the Site Plan and Special Use Permit for the Phase VI modifications. On July 13, 2022, the Yonkers Planning Board assumed the role of lead agency and issued a Negative Declaration for the revised plan. Since the County was included as an involved agency in the City's review, pursuant to section 617.6(b)(3), no further environmental review by the County is required.

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

DSK/cnm

cc: Blanca Lopez, Commissioner  
Lynne Colavita, Senior Assistant County Attorney  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner



**RESOLUTION 20- 08**

**WESTCHESTER COUNTY PLANNING BOARD**

**Housing Implementation Fund II  
Capital Project Funding Request  
178 Warburton Avenue & 160 Cottage Gardens, City of Yonkers**

**WHEREAS**, the County has established Capital Project BPL1A Housing Implementation Fund II (“HIF”) to assist municipalities with the cost of construction of public infrastructure improvements associated with the development of fair and affordable housing; and

**WHEREAS**, The Community Builders and the Municipal Housing Authority for the City of Yonkers (collectively the “Developer”), its successors or assigns, desires to develop the real property located at 178 Warburton Avenue and 160 Cottage Gardens in the City of Yonkers (the “City”), identified on the City tax maps as Section 2; Block 2095; Lot 33 and Section 2; Block 2094; Lot 1 (the “Property”) to create 173 affordable residential rental units in two buildings which will affirmatively further fair housing (“AFFH”, collectively the “Affordable AFFH Units”);

**WHEREAS**, the Developer desires the County to fund infrastructure improvements to support the demolition of a vacant gas station and six public housing structures on the Property and construction of 178 Warburton Avenue and 160 Cottage Gardens, an eight-story building and a seven-story building, respectively, with 173 affordable residential rental units, 35 parking spaces, an Early Head Start center and a park (the “Development”); and

**WHEREAS**, the 173 rental units will be available to households who earn at or below 30% and up to 90% of Westchester County’s Area Median Income (“AMI”); and

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

**WHEREAS**, a not to exceed amount of \$5,000,000 is requested from Capital Project BPL1A Housing Implementation Fund II to fund eligible expenses that include, but will not be limited to, the construction of the park, roads, curbing, retaining walls, play equipment, sidewalks, fencing, water line, and landscaping; and

**WHEREAS**, the Development is proposed to include green technology such as solar panels, Energy Star appliances, water conserving fixtures and lighting sensors and timers 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 funding to support the development of the Affordable AFFH Units is

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 the construction of the infrastructure improvements; and

**RESOLVED**, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Development, supports the request to provide a not to exceed amount of \$5,000,000 for infrastructure improvements for the Development under the terms of the HIF Program which will support the creation of 173 Affordable AFFH Units which will be available to households who earn at or below 30% and up to 90% of AMI, an Early Head Start center, 35 parking spaces and a park, located at 178 Warburton Avenue and 160 Cottage Gardens in the City of Yonkers; and

**RESOLVED**, that the Westchester County Planning Board amends its report on the 2020 Capital Project Requests to include 178 Warburton Avenue and 160 Cottage Gardens in the City of Yonkers. as a new component project in Capital Project BPL1A under the heading of Buildings, Land and Miscellaneous.

Adopted this 7<sup>th</sup> day of APRIL 2020.

  
Richard Hyman, Chair



RESOLUTION 23-19

**WESTCHESTER COUNTY PLANNING BOARD**

**Housing Implementation Fund II  
Capital Project Funding Request  
178 Warburton Avenue & 160 Cottage Gardens, City of Yonkers**

**WHEREAS**, the County has established Capital Project BPL1A Housing Implementation Fund II (“HIF”) to assist municipalities with the cost of construction of public infrastructure improvements associated with the development of fair and affordable housing; and

**WHEREAS**, The Community Builders and the Municipal Housing Authority for the City of Yonkers (collectively the “Developer”), its successors or assigns, desires to develop the real property located at 178 Warburton Avenue and 160 Cottage Gardens in the City of Yonkers (the “City”), identified on the City tax maps as Section 2; Block 2095; Lot 33 and Section 2; Block 2094; Lot 1 (the “Property”) to create 173 residential rental units in two buildings, 153 of the units will affirmatively further fair housing (“AFFH”, collectively the “Affordable AFFH Units”);

**WHEREAS**, the Developer desires the County to fund infrastructure improvements to support the demolition of a vacant gas station and six public housing structures on the Property and construction of 178 Warburton Avenue and 160 Cottage Gardens, both eight-story buildings, with 173 residential rental units, 47 parking spaces, an Early Head Start center and a park (the “Development”); and

**WHEREAS**, the 153 rental units will be available to households who earn at or below 30% and up to 80% of Westchester County’s Area Median Income (“AMI”); and

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

**WHEREAS**, a not to exceed amount of \$5,000,000 is requested from Capital Project BPL1A Housing Implementation Fund II to fund eligible expenses that include, but will not be limited to, the construction of the park, roads, curbing, retaining walls, play equipment, sidewalks, fencing, water line, and landscaping; and

**WHEREAS**, the Development is proposed to include green technology such as solar panels, Energy Star appliances, water conserving fixtures and lighting sensors and timers 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 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 County Planning Board approved Resolution 2020-08 on April 7, 2020. That recommended approval of Housing Implementation Fund II (“HIF”) in the amount of \$5,000,000 to the County Board of Legislators to support the development of 173 rental units for families with 153 of these units at or below 80% of Westchester County’s Area Median Income (“AMI”). The remaining 20 units would serve households earning up to 90% of the AMI.

**WHEREAS**, based on market conditions, the Developer, the Municipal Housing Authority for the City of Yonkers and The Community Builders, notified the County that they wish to modify the approval by requesting that 92 of the 163 AFFH units be age restricted (was 173 AFFH units, with change to senior, the number of units over 80% of AMI has been reduced from 20 to 10).

**WHEREAS**, the staff of the County Department of Planning has reviewed the proposed modification of the development and recommends that 92 of the proposed 163 AFFH Units be modified to be exclusively for seniors aged 62 and over the requested funding associated with the construction of the infrastructure improvements.


**Now, therefore be it**

**RESOLVED**, that Resolution 2020-08 adopted on April 7, 2020 is hereby rescinded; and be it further

**RESOLVED**, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Development, supports the request to provide a not to exceed amount of \$5,000,000 for infrastructure improvements for the Development under the terms of the HIF Program which will support the creation of 173 units, of these 92 are for seniors aged 62 and over with incomes between 30% and 60% of AMI and 81 are for families with 71 of these units available to households who earn at or below 30% and up to 80% of AMI (the “Affordable AFFH Units”) and the remaining 10 units will serve households up to 90% of AMI, an Early Head Start center and a park, located at 178 Warburton Avenue and 160 Cottage Gardens in the City of Yonkers; and

**RESOLVED**, that the Westchester County Planning Board amends its report on the 2020 Capital Project Requests to include 178 Warburton Avenue and 160 Cottage Gardens in the City of Yonkers, as a new component project in Capital Project BPL1A under the heading of Buildings, Land and Miscellaneous.

Adopted this 8<sup>th</sup> day of November 2023.

  
Richard Hyman, Chair

ACT NO. \_\_\_\_\_ - 2024

**AN ACT** authorizing the County of Westchester to enter into an amendment to an Inter-Municipal Developer Agreement with the City of Yonkers, 178 Warburton Limited Partnership and CPG Phase VI Limited Partnership, its successors or assigns, in order to amend the affordability requirements of ninety-two (92) of the Affordable AFFH Units so that these units will be available exclusively for seniors aged sixty-two (62) and older with incomes between 30% and 60% of the Westchester County area median income instead of households with incomes at or below 30% and up to 90% of AMI and to ratify the IMDA to include the Municipal Housing Authority for the City of Yonkers as a signatory.

**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 hereby authorized to enter into an amendment to an Inter-Municipal Developer Agreement (the "IMDA") with the City of Yonkers, and 178 Warburton Limited Partnership and CPG Phase VI Limited Partnership, their successors or assigns, dated October 22, 2020, and previously authorized on June 1, 2020, by Act No. 98-2020, in order to amend the affordability requirements of ninety-two (92) of the Affordable AFFH Units so that these units will be available exclusively for seniors aged sixty-two (62) and older with incomes between thirty percent (30%) and sixty percent (60%) of the Westchester County area median income ("AMI") instead of households with incomes at or below thirty percent (30%) and up to ninety percent (90%) of AMI.

§2. The IMDA is hereby ratified so as to include the Municipal Housing Authority for the City of Yonkers as a signatory.

§3. All of the remaining terms and conditions of the IMDA, except as amended and ratified herein, shall remain in full force and effect.

§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.