

Housing & Planning Meeting Agenda



Committee Chair: Shanae Williams

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, March 18, 2024

10:00 AM

Committee Room

CALL TO ORDER

Joint with the Committee on Budget & Appropriations

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

1. Wednesday, March 13, 2024 at 3:00pm

I. ITEMS FOR DISCUSSION

Guests: Planning Department

Commissioner Blanca Lopez and Program Director for Community Development Leonard Gruenfeld

1. [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

2. [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

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



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 #: 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

23 Mulberry St Yonkers NY amend IMDA (BA 29-2022 previously authorized)

SECTION B - BONDING AUTHORIZATIONS
To Be Completed by Finance

| Total Principal | PPU | Anticipated Interest Rate |
|---|-----|---------------------------|
| Anticipated Annual Cost (Principal and Interest): | | |
| Total Debt Service (Annual Cost x Term): | \$ | - |
| Finance Department: | | |

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)
To Be Completed by Submitting Department and Reviewed by Budget

| | | |
|--------------------------------------|----|---|
| Potential Related Expenses (Annual): | \$ | - |
| Potential Related Revenues (Annual): | \$ | - |


Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

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


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

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff Consultant Not Applicable

| | | | |
|--------------|----------------------------------|----------------------|---|
| Prepared by: | <u>Dianne Vanadia</u> | Reviewed By: |  |
| Title: | <u>Associate Budget Director</u> | | Budget Director |
| Department: | <u>Budget</u> | | |
| Date: | <u>2/22/24</u> | | |
| | | Date: <u>2/23/24</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)**

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

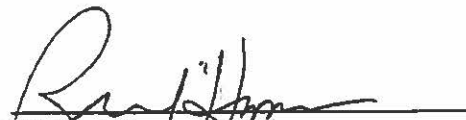
development of “a range of housing types” “affordable to all income levels;” and

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 1st 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

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):

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**

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 7th 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.

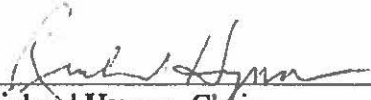
Now, therefore be it

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 8th 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.