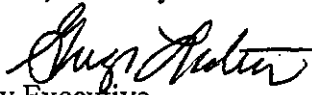


# Memorandum

Office of the County Executive  
Michaelian Office Building

October 14, 2022

TO: Hon. Catherine Borgia, Chair  
Hon. Nancy Barr, Vice Chair  
Hon. Christopher Johnson, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer   
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Act & Bond Act – BPL30**  
**Concerning 36-38 Main Street, Yonkers.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators October 17, 2022 Agenda.

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

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for October 17, 2022 "blue sheet" calendar.

Thank you for your prompt attention to this matter.

October 12, 2022

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

Dear Honorable Members of the Board of Legislators:

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

Land Purchase and Conveyance. An Act (the "Land Acquisition Act") to authorize the purchase and subsequent conveyance of approximately +/- 0.24 acres (10,329 square feet) of real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue (the "Property") in the City of Yonkers (the "City") to Macquesten Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction (the "Developer"), as part of the County's program to support the construction of affordable housing units that affirmatively further fair housing (the "Affordable AFFH Units"). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the "NHLA Bond Act"), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$1,900,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning ("Planning") has advised that subject to the approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$1,900,000 to purchase the Property from the current owner to create seventy-six (76) Affordable AFFH Units for rent including one superintendent's unit. The Developer will also construct thirty-four (34) parking spaces for use by the residents.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to eligible households earning at or below 50% and up to 80% of the Westchester County area median income. The units will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer for One (\$1.00) Dollar to construct the Affordable AFFH Units with a total of seventy-six (76) rental units including one superintendent's unit.

Planning has further advised that additional funds for the Development are anticipated to be provided from Tax Exempt Bonds issued by New York State Housing Finance Agency, Federal and State Low Income Housing Tax Credits allocated by New York State Homes and Community

Office of the County Executive

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

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



Renewal (“HCR”), HCR Subsidy, Brownfield Tax Credits, New York State Energy Research Development Authority (“NYSERDA”) funding and City of Yonkers HOME funding for an estimated total development cost of approximately \$57.7 Million.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review (“SEQR”) Act have been met. Planning has advised that the City classified the proposed Development as a Type I action pursuant to 6 NYCRR 617.6(b)(3) of the SEQR implementing regulations, acted as lead agency and issued a Negative Declaration for the Development on January 12, 2021. Because the City undertook a coordinated review pursuant to SEQR and the County was included in the process, no further environmental review is required by the County. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

On September 6, 2022, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 22-13 that recommends funding for the purchase and conveyance of the Property. Planning has further advised that Section 167.131 of the County Charter mandates that a Capital Budget Amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied by a report of the Planning Board with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for BPL30 has been annexed. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the Westchester County Charter.

Based on the importance of creating more affordable housing units that affirmatively further fair housing in the County, your favorable action on the annexed Acts is respectfully requested.

Sincerely,



George Latimer  
County Executive

GL/NVD/DI  
Attachments

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

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

Land Purchase and Conveyance. An Act (the “Land Acquisition Act”) to authorize the purchase and subsequent conveyance of approximately +/- 0.24 acres (10,329 square feet) of real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue (the “Property”) in the City of Yonkers (the “City”) to Macquesten Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction (the “Developer”), as part of the County’s program to support the creation of affordable housing units that affirmatively further fair housing (the “Affordable AFFH Units”). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the “NHLA Bond Act”), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$1,900,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning (“Planning”) has advised that subject to the receipt of approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$1,900,000 to purchase the Property from the current owner to create seventy-six (76) Affordable AFFH Units for rent including one superintendent’s unit.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to households earning at or below 50% and up to 80% of the Westchester County area median income and will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

In accordance with the Land Acquisition Act, the County will subsequently convey the

Property to the Developer for ONE (\$1.00) DOLLAR to construct the seventy-six (76) Affordable AFFH Units for rent including one superintendent's unit. The Developer will then construct a new ten-story building containing the affordable AFFH Units and will also construct thirty-four (34) parking spaces for use by the residents.

Your Committee has been advised that additional funds for the Development are anticipated to be provided from Tax Exempt Bonds issued by New York State Housing Finance Agency, Federal and State Low Income Housing Tax Credits allocated by New York State Homes and Community Renewal ("HCR"); HCR Subsidy, Brownfield Tax Credits, New York State Energy Research Development Authority ("NYSERDA") funding and City of Yonkers HOME funding for an estimated total development cost of approximately \$57.7 Million.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review ("SEQR") Act have been met. Planning has advised that the City classified the proposed Development as a Type I action pursuant to 6 NYCRR 617.6(b)(3) of the SEQR implementing regulations, acted as lead agency and issued a Negative Declaration for the Development on January 12, 2021. Your Committee has been advised that because the City undertook a coordinated review pursuant to SEQR and the County was included in the process, no further environmental review is required by the County. Your Committee has reviewed the attached analysis prepared by Planning and concurs with this conclusion.

Your Committee has been further advised that on September 6, 2022, the Westchester County Planning Board (the "Planning Board") adopted Resolution No. 22-13 that recommends funding for the purchase and conveyance of the Property. In addition, Section 167.131 of the County Charter mandates that a Capital Budget Amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied by a report of the Planning Board with respect to the physical planning aspects of the project. Accordingly, the necessary Planning Board report for BPL30 has been annexed. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the Westchester County Charter.

Based on the importance of creating more affordable housing units that affirmatively further fair housing in the County, your favorable action on the annexed Acts is respectfully requested, noting that the Land Acquisition Act and the NHLA Bond Act require the affirmative vote of two-thirds of the members of your Honorable Board.

Dated: \_\_\_\_\_, 2022

White Plains, New York

COMMITTEE ON  
C/I/9.26.22

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL30

NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 1,900,000 PPU 30 Anticipated Interest Rate 3.88%

Anticipated Annual Cost (Principal and Interest): \$ 101,534

Total Debt Service (Annual Cost x Term): \$ 3,046,020

Finance Department: Interest rates from October 7, 2022 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

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

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## SECTION D - EMPLOYMENT

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

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

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Norma V. Drummond

Title: Commissioner

Department: Planning

Date: 10/7/22

Reviewed By: 

Budget Director

Date: 10/12/22



Memorandum

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

TO: Honorable George Latimer  
County Executive

FROM: Norma V. Drummond  
Commissioner

DATE: September 30, 2022

SUBJECT: Acquisition of Real Property - 32, 36-38 Main Street and 1-3  
Riverdale Avenue-City of Yonkers

Pursuant to Section 191.41 of the County Charter, submitted herewith is the required report of the Commissioner of Planning on the proposed acquisition and subsequent conveyance of +/- 0.24 acres of real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue in the City of Yonkers, identified on the City tax maps as Section 1, Block 501, Lots 18, 19, 20, 22 & 23 (the "Property") for the purpose of creating 76 affordable housing units (the "Affordable AFFH Units"), including one superintendent's unit that will affirmatively further fair housing ("AFFH"). The development will also provide approximately 34 parking spaces for residents.

The County of Westchester ("the County") intends to finance the purchase of the Property from the current owner in an amount not to exceed \$1,900,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units are marketed and leased in accordance with an approved affirmative fair housing marketing plan and will remain available to eligible households for a period of not less than 50 years. The County will then convey ownership of the Property to Macquesten Development LLC (the "Developer"), its successors or assigns, for One (\$1.00) Dollar.

The Developer proposes to construct one new ten-story building on the Property that will include a mix of affordable studio, one, two and three bedroom rental apartments that will be leased to households who earn at or below 50% and up to 80% of the area median income (collectively the "Development").

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

1. The acquisition of this Property will advance the County's efforts to provide fair and affordable housing;
2. The acquisition and subsequent conveyance of the Property to develop fair and affordable housing is consistent with development policies adopted by the County Planning Board as set forth in *Westchester 2025 - Context for County and Municipal Planning*




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

3. The Development is proposed to include green technology, such as energy efficient appliances, lighting and heating systems and water-conserving fixtures to reduce operating and maintenance costs, minimize energy consumption and conserve natural resources. A green roof will be installed to minimize runoff from rainfalls. The Development is designed to meet the green building standards of Energy Star Multifamily New Construction and NYSERDA Multifamily New Construction, Tier III.;
4. The Development is consistent with the land use policies and regulations of the City of Yonkers; and
5. On September 6, 2022, the County Planning Board adopted a resolution to recommend County financing towards the purchase the Property to support the Development.

NVD/lg

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

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

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

DATE: September 21, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR  
BPL30 NEW HOMES LAND ACQUISITION II  
36-38 MAIN STREET, YONKERS (ST. CLAIR)**

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

The action involves the provision of County funding under capital project BPL30 New Homes Land Acquisition II (Fact Sheet ID #1982) - to facilitate the development of affordable housing, known as the St. Clair Residences, at the southwest corner of Main Street and Riverdale Avenue (32, 36-38 Main Street and 1 and 3 Riverdale Avenue) in the City of Yonkers. County funds will be applied towards the purchase of all five lots, totaling approximately 10,329 square feet, which will be transferred to a developer, who will create approximately 76 units of affordable rental housing. The project will include the construction of a new 10-story building, with some commercial/retail space on the first floor, and approximately 34 underground parking spaces.

In accordance with SEQR, the City of Yonkers Planning Board classified this project as an Unlisted action. On November 12, 2021, the City Planning Board issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental Assessment Form. On January 12, 2022, the City Planning Board issued a Negative Declaration for the project. Since the City undertook coordinated review and the County of Westchester was included in the 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: Norma Drummond, Commissioner  
Blanca Lopez, Deputy Commissioner  
Daniela Infield, Senior Assistant County Attorney  
William Brady, Chief Planner  
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 22- 13

WESTCHESTER COUNTY PLANNING BOARD

New Homes Land Acquisition II  
Capital Project Funding Request  
32, 36-38 Main Street and 1-3 Riverdale Avenue,  
City of Yonkers

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

**WHEREAS**, Macquesten Development LLC (the "Developer"), its successors or assigns, desires to develop the real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue; in the City of Yonkers (the "City"), identified on the tax maps as Section 1: Block 501; Lots: 18, 19, 20, 22 & 23 (the "Property") to create 76 affordable residential units that will affirmatively further fair housing ("AFFH"; collectively the "Affordable AFFH Units") and approximately 31 parking spaces (collectively the "Development"). and

**WHEREAS**, the County proposes to purchase the Property from the owner of record, for a not to exceed amount of \$1,900,000 with funds from NHLA and subsequently convey the Property to the Developer for One (\$1.00) Dollar to underwrite the cost of the land; and

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

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

**WHEREAS**, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend Capital Project BPL30 NHLA II to add the Property, 32, 36-38 Main Street and 1-3 Riverdale Avenue; City of Yonkers, and authorize bonding in a not to exceed amount of \$1,900,000 to develop the Property; and

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

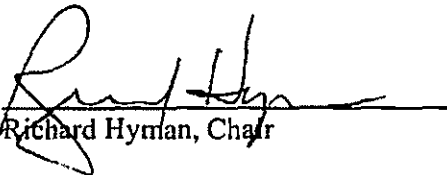
**WHEREAS**, the funding to support the development of the Affordable AFFH Units is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board's adopted long-range land use and development policies, by contributing to the development of "a range of 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 acquisition of the Property; and

**RESOLVED**, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Affordable AFFH Units, subject to an appraisal, recommends that the County provide financial assistance in a not-to-exceed amount of \$1,900,000 from BPL30 NHLA II for property acquisition; and be it further

**RESOLVED**, that the Westchester County Planning Board amends its report on the 2022 Capital Project requests to include 32, 36-38 Main Street and 1-3 Riverdale Avenue in the City of Yonkers, as a new component project in Capital Project BPL30 under the heading of Buildings, Land and Miscellaneous.

Adopted this 6<sup>th</sup> day of September 2022.

  
Richard Hyman, Chair

ACT NO. \_\_\_\_\_ - 2022

AN ACT authorizing the County of Westchester to purchase approximately +/- 0.24 acres (10,329 square feet) of real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue in the City of Yonkers and to subsequently convey said property, as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 76 affordable rental units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years.

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

SECTION 1. The County of Westchester (the "County") is hereby authorized to purchase from the current owner(s) of record approximately +/- 0.24 acres (10,329 square feet) of real property located at 32, 36-38 Main Street and 1-3 Riverdale Avenue in the City of Yonkers, (the "Property") to construct 76 affordable rental housing units which includes one superintendent's unit that will affirmatively further fair housing (the "Affordable AFFH Units") as set forth in 42 U.S.C. Section 5304(b)(2).

§2. The County is hereby authorized to purchase the Property for an amount not to exceed ONE MILLION NINE HUNDRED THOUSAND (\$1,900,000) DOLLARS.

§3. The County is hereby authorized to convey the Property to Macquesten Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction, for One (\$1.00) Dollar to construct the 76 Affordable AFFH Units including one superintendent's unit that will be marketed and leased to households earning at or below 50% and up to 80% of the Westchester County area median income, that will remain affordable for a period of not less than fifty (50) years, and will be marketed and leased in accordance with an approved affirmative fair housing marketing plan, noting that the income limits are subject to

change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

§4. The County is hereby authorized to grant and accept any and all property rights necessary in furtherance hereof.

§5. The transfers of the Property shall be by such deeds as approved by the County Attorney.

§6. 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.

§7. This Act shall take effect immediately.