



# Planning, Economic Development & Energy Meeting Agenda

Committee Chair: Catherine Parker

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

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**Monday, October 18, 2021**

**10:00 AM**

**Committee Room**

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## CALL TO ORDER

Joint with the Committees on Budget & Appropriations, Public Works & Transportation, Environment & Health, and Labor & Housing

## MINUTES APPROVAL

October 5, 2021 at 1:00 p.m. Minutes

## I. ITEMS FOR DISCUSSION

### 1 [2021-532](#) **ENV RES-SSM21-Saw Mill Section B Relief Sewer**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant impact on the environment in connection with Capital Project SSM21 - Saw Mill Section B Relief Sewer.  
**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION, ENVIRONMENT & HEALTH AND PLANNING, ECONOMIC DEVELOPMENT & ENERGY**

Guests: Deputy Commissioner Lou Vetrone, Deputy Commissioner Nat Federici, Assistant Commissioner - Environmental Projects Melissa Rotini, Marian Pompa, Director of Maintenance & Capital Program Coordinator CJ Gelardo- Department of Environmental Facilities

### 2 [2021-533](#) **BOND ACT(Amended)-SSM21-Saw Mill Section B Relief Sewer**

A BOND ACT (Amended) authorizing the issuance of additional bonds of Westchester County in the amount of TEN MILLION (\$10,000,000) DOLLARS to finance Capital Project SSM21 - Saw Mill Section B Relief Sewer.  
**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION, ENVIRONMENT & HEALTH AND PLANNING, ECONOMIC DEVELOPMENT & ENERGY**

Guests: Deputy Commissioner Lou Vetrone, Deputy Commissioner Nat Federici, Assistant Commissioner - Environmental Projects Melissa Rotini, Marian Pompa, Director of Maintenance & Capital Program Coordinator CJ Gelardo- Department of Environmental Facilities

### 3 [2021-542](#) **CBA-BPL30-500 Main Street, New Rochelle**

AN ACT amending the 2021 County Capital Budget Appropriations for Capital Project BPL30 - New Homes Land Acquisition II.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION, LABOR & HOUSING AND PLANNING, ECONOMIC DEVELOPMENT & ENERGY**

Guests: Commissioner Norma Drummond & Program Coordinator-Housing and Community Development Leo Gruenfeld - Department of Planning

**4**     [2021-543](#)     **BOND ACT-BPL30-500 Main Street, New Rochelle**

A BOND ACT authorizing the issuance of FIVE MILLION (\$5,000,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL30 - New Homes Land Acquisition II.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION, LABOR & HOUSING AND PLANNING, ECONOMIC DEVELOPMENT & ENERGY**

Guests: Commissioner Norma Drummond & Program Coordinator-Housing and Community Development Leo Gruenfeld - Department of Planning

**5**     [2021-544](#)     **ACT-Land Acquisition-500 Main Street, New Rochelle**

AN ACT authorizing the County of Westchester to purchase two condominium units making up a portion of an approximate +/- 0.785 acres of real property located at 500 Main Street in the City of New Rochelle 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 119 affordable rental units, that will affirmatively further fair housing and remain affordable for a period of not less than 50 years.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION, LABOR & HOUSING AND PLANNING, ECONOMIC DEVELOPMENT & ENERGY**

Guests: Commissioner Norma Drummond & Program Coordinator-Housing and Community Development Leo Gruenfeld - Department of Planning

## II. OTHER BUSINESS

## III. RECEIVE & FILE

## ADJOURNMENT



George Latimer  
County Executive

September 24, 2021

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an amended Bond Act (“Amended Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue additional bonds in the amount of \$10,000,000 to finance the following capital project:

SSM21 – Saw Mill Section B Relief Sewer (“SSM21”).

The Amended Bond Act, in the total amount of \$11,500,000 which includes \$1,500,000 in previously authorized bonds of the County, would finance the cost of design, construction management and construction costs for a new relief sewer for a section of the County’s Saw Mill Section B sanitary trunk sewer along Hunt’s Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District. Presently the work is also expected to include the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, in and for the benefit of the County’s Saw Mill Sanitary Sewer District.

The Department of Environmental Facilities (“Department”) has advised that design for SSM21 was originally scheduled to begin in 2024, but the schedule has been accelerated at the request of The Town of New Castle and Village of Mt. Kisco in order to reevaluate the current sewer flow agreement. Accordingly, design has begun and the current request is for financing of construction costs.

Design is currently being undertaken by a consultant and is expected to be completed by the first quarter of 2022. It is estimated that construction is estimated to take twelve months to complete and will begin after award and execution of the construction contracts.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance SSM21, as follows: Bond Act No. 105-2020 in the amount of \$1,500,000 to finance design and construction management in connection with SSM21. These bonds have not been sold. Accordingly, it is now requested that Bond Act No. 105-2020 be amended to increase the total amount authorized by \$10,000,000, for a total authorized amount, as amended, of \$11,500,000 to revise the scope of Bond Act No. 105-2020 to include work associated with the construction phase of SSM21 and to increase the period of probable usefulness of said bonds.

Office of the County Executive

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

Email: [CE@westchestergov.com](mailto:CE@westchestergov.com)  
Telephone: (914)995-2900

[westchestergov.com](http://westchestergov.com)

The Planning Department has advised that based on its review, SSM21 has been classified as an "Unlisted" action under the State Environmental Quality Review Act ("SEQR"). A Resolution, and proposed Negative Declaration, along with a Short Environmental Assessment Form, prepared by the Planning Department, are attached to assist your Honorable Board in complying with SEQR. Should your Honorable Board conclude that the proposed action will not have any significant impact on the environment; it must approve the Resolution adopting the Negative Declaration prior to enacting the aforementioned Amended Bond Act. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of this project to the County, favorable action on the proposed Amended Bond Act is respectfully requested.

Sincerely,



George Latimer  
County Executive

Attachments



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

Your Committee is in receipt of an amended bond act (“Amended Bond Act”) in the total amount of \$11,500,000 which includes \$1,500,000 in previously authorized bonds of the County of Westchester (“County”) to finance Capital Project SSM21 – Saw Mill Section B Relief Sewer (“SSM21”). The Amended Bond Act, which was prepared by the law firm Norton Rose Fulbright, is required to finance the cost of design, construction management and construction costs for a new relief sewer for a section of the County’s Saw Mill Section B sanitary trunk sewer along Hunt’s Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District. Presently the work is also expected to include the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, in and for the benefit of the County’s Saw Mill Sanitary Sewer District.

The Department of Environmental Facilities (“Department”) has advised that design for SSM21 was originally scheduled to begin in 2024, but the schedule has been accelerated at the request of The Town of New Castle and Village of Mt. Kisco in order to reevaluate the current sewer flow agreement. Accordingly, design has begun and the current request is for financing of construction costs.

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The Planning Department has advised your Committee that based on its review, SSM21 has been classified as an “Unlisted” action under the State Environmental Quality Review Act (“SEQR”). A Resolution, and proposed Negative Declaration, along with a Short Environmental Assessment Form, prepared by the Planning Department, are attached to assist your Honorable Board in complying with SEQR. Should your Honorable Board conclude that the proposed action will not have any significant impact on the environment; it must approve the Resolution adopting the Negative Declaration prior to enacting the aforementioned Amended Bond Act.

It should be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Amended Bond Act. Your Committee recommends the adoption of the proposed Amended Bond Act.

Dated: \_\_\_\_\_, 20\_\_\_\_.  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SSM21

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    \$            11,500,000        PPU    40        Anticipated Interest Rate    1.54%

Anticipated Annual Cost (Principal and Interest):        \$    379,490

Total Debt Service (Annual Cost x Term):                \$ 15,179,600

Finance Department:        Interest rates from September 15, 2021 Bond Buyer - ASBA

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual):        \$            -

Potential Related Revenues (Annual):        \$            -

Anticipated savings to County and/or impact of department operations

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

\_\_\_\_\_

\_\_\_\_\_

## SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded:            125

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: CJ Gelardo

Title: Capital Program Coordinator

Department: Environmental Facilities

Date: 9/21/21

Reviewed By: 

Budget Director

Date: 9/21/21

## Short Environmental Assessment Form

### Part 1 - Project Information


#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

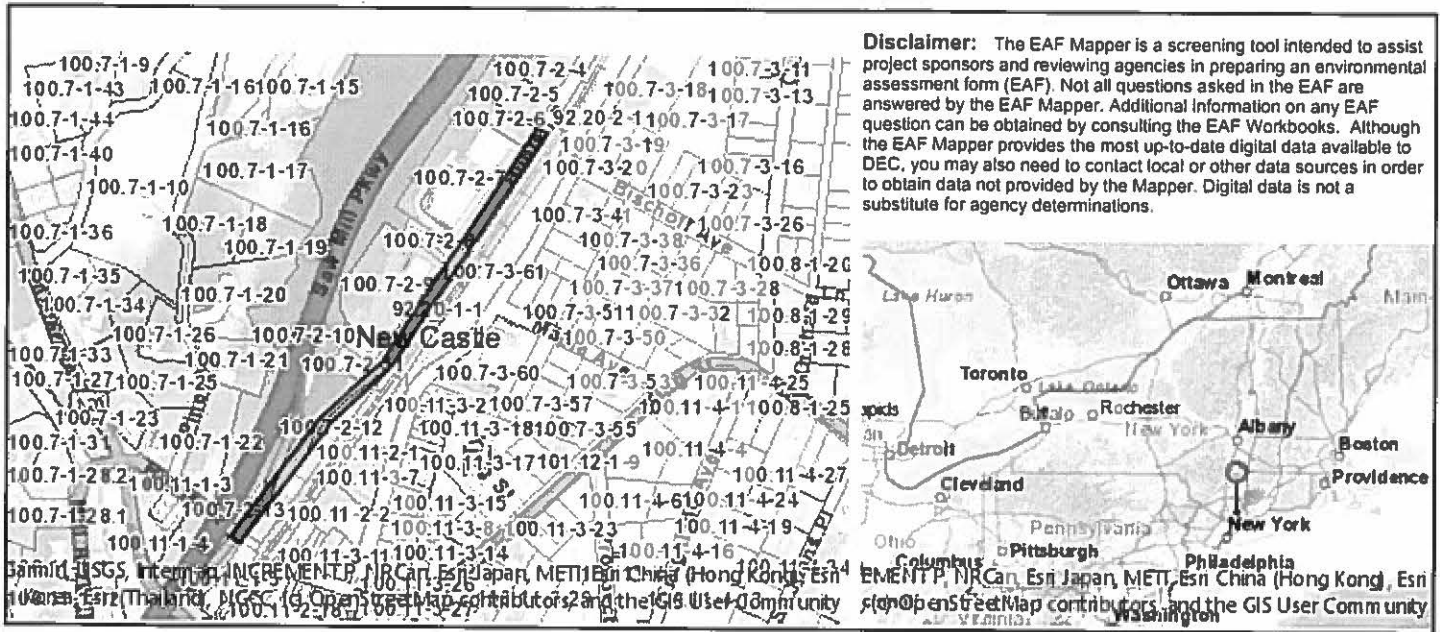
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Saw Mill Section B Relief Sewer (SSM21)			
Project Location (describe, and attach a location map): Hunts Lane, Chappaqua (Town of Mount Pleasant), Westchester County, New York			
Brief Description of Proposed Action: The project involves the installation of a new 30-inch diameter trunk sewer along Hunts Lane to relieve an existing 24-inch diameter sewer main within the Saw Mill Valley Sewer District. The existing sewer main is currently flowing at more than half its capacity during peak hourly flows and at times approaches full capacity and would not be able to handle all future flows that are held in reserve for parcels that are in the district but are not currently connected. The new trunk sewer will run along the center and west side of Hunts Lane. The scope of work includes approximately 1,650 linear feet of pipeline, associated pits and manholes and minor relocation of water and gas lines.			
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestergov.com	
Address: 148 Martine Avenue			
City/PO: White Plains		State: New York	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.75+/- acres	
b. Total acreage to be physically disturbed?		0.75+/- acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Parkway			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, <ul style="list-style-type: none"> <li>a. A permitted use under the zoning regulations?</li> <li>b. Consistent with the adopted comprehensive plan?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	<input type="checkbox"/>
			<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
			<input checked="" type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <u>The project involves only the installation of a sewer line, the state energy code does not apply.</u>	NO	YES	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Not applicable. The project involves sewer infrastructure.	NO	YES	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ The project will not generate wastewater, but provides additional infrastructure to supplement an undersized pipe conveying wastewater between two sections of trunk sewer within the County's Saw Mill Valley Sewer District.	NO	YES	<input type="checkbox"/>
			<input checked="" type="checkbox"/>
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	NO	YES	<input type="checkbox"/>
			<input checked="" type="checkbox"/>
			<input checked="" type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ The project involves only the installation of a sewer main within an existing roadway adjacent to existing development. Although the Saw Mill River and associated tributaries are located in the vicinity of the project area, the project does not lie within any wetland check zones and will not encroach upon or alter any wetlands or waterbodies.			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<small>The project is located proximate to the Chappaqua Coal/Fuel and Humble Oil Site, C360120. Remediation at the site is complete. The site has since been redeveloped.</small>		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>September 13, 2021</u>		
Signature: <u></u> Title: <u>Director of Environmental Planning</u>		





Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>



### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The new sewer line will supplement an existing sewer line which frequently sees flows exceeding best management practices. The size of the new pipe will match the size of the existing sections of pipe on each end, which are both 30 inches in diameter. The new pipe will have the capacity to accommodate additional flow to serve those that are in the district but not yet connected, as well as potential expansions of the district, which would be subject to additional SEQR review. The new sewer line will not follow the existing sewer line as the existing route involves multiple turns and crossings under the Metro North Railroad, which present maintenance issues.

The installation of the new sewer main and all associated work will occur within the paved area or right-of-way of Hunts Lane, between Hunts Place and 180 Hunts Lane. As the project will only occupy land which has previously been disturbed for roadway and utility construction, the project is not anticipated to have any impact on archaeological resources. As well, the project will not occur within or proximate to any state or federal wetlands, and will have no impact on them.

The project occurs adjacent to the Chappaqua Coal/Fuel and Humble Oil Site, C360120, under the Brownfield Cleanup Program. The site had previously been used to store coal, feed, and petroleum fuels until 1966. The site has since been remediated and redeveloped for residential use. The site is currently under an environmental easement and a site management plan. NYSDEC reports that soil contaminants may be found in soils off site. If soil contamination is encountered during project construction, soil testing will be conducted and any contaminated soils will be disposed of appropriately. As such, the project will result in no releases of contaminated materials, and will have no impact on public health and safety.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Malika Vanderberg

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Clerk of the Westchester County Board of Legislators

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

*Jan Krige*

## **RESOLUTION**

**WHEREAS**, there is pending before this Honorable Board a bond act (“Bond Act”) in connection with Capital Project SSM21 – Saw Mill Section B Relief Sewer (“SSM21”); and

**WHEREAS**, this Honorable Board has determined that the proposed Bond Act would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQR”); and

**WHEREAS**, pursuant to SEQR and its implementing regulations (6 NYCRR Part 617), this project is classified as an “Unlisted action,” which requires this Honorable Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

**WHEREAS**, the County of Westchester is the only involved agency for this action and, therefore, is assuming the role of Lead Agency; and

**WHEREAS**, in accordance with SEQR and its implementing regulations, a Short Environmental Assessment Form has been prepared to assist this Honorable Board in its environmental assessment of this proposed action; and

**WHEREAS**, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have a significant impact on the environment.

**NOW, THEREFORE**, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

**RESOLVED**, that based upon the Honorable Board’s review of the Short Environmental Assessment Form and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the Bond Act and be it further

**RESOLVED**, that the Clerk of the Board of Legislators is authorized and directed to sign the “Determination of Significance” in the Short Environmental Assessment Form, which is attached hereto and made a part hereof, as the “Responsible Officer in Lead Agency”; to issue this “Negative Declaration” on behalf of this Board in satisfaction of SEQR and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

**RESOLVED**, that the Resolution shall take effect immediately.

REFERENCE SSM21

ACT NO. \_\_\_\_\_ - 2021

BOND ACT DATED \_\_\_\_\_, 2021.

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT 105-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$1,500,000 BONDS TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, TO INCLUDE FINANCING FOR CONSTRUCTION, TO INCREASE THE MAXIMUM ESTIMATED COST TO \$11,500,000 AND TO PROVIDE AN ADDITIONAL \$10,000,000 BONDS FOR SAID PURPOSE.

WHEREAS, this Board has previously authorized the issuance of \$1,500,000 bonds to finance design, construction management and construction costs for the a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, a class of objects or purposes, pursuant to Bond Act 105-2020;

WHEREAS, no obligations have been issued under Bond Act 105-2020;

WHEREAS, upon further engineering analysis, it has now been determined that the maximum estimated cost thereof is now \$11,500,000;

WHEREAS, \$11,500,000 has been appropriated in the Capital Budget of the County for the aforesaid class of objects or purposes;

WHEREAS, the cost of said class of objects or purposes shall be specially assessed against properties in the County's Saw Mill Sanitary Sewer District, which are specially benefitted by said class of objects or purposes; and

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), as follows:

Section (A): The bond act duly adopted by this Board entitled

ACT NO. 105-2020

A BOND ACT AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO PAY THE COSTS OF DESIGN AND CONSTRUCTION MANAGEMENT FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE.

is hereby amended to read as follows:

A BOND ACT AUTHORIZING THE ISSUANCE OF \$11,500,000 BONDS TO PAY THE DESIGN, CONSTRUCTION MANAGEMENT AND CONSTRUCTION COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year;

WHEREAS, the plan for the financing of the maximum estimated cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget;

WHEREAS, all other conditions precedent to the financing of the capital project hereinafter described, and compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed;

WHEREAS, it is now desired to authorize the financing of the costs of such capital project allocable to the County's Saw Mill Sanitary Sewer District; NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. There are hereby authorized to be issued \$11,500,000 bonds of the County of Westchester to finance the design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, presently expected to include the relocation of an existing 6 inch diameter water main,

excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, which is a class of objects or purposes, in and for the benefit of the County's Saw Mill Sanitary Sewer District. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$11,500,000, and that the plan for the financing thereof is by the issuance of the \$11,500,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from the assessment of properties assessable for this purpose in County's Saw Mill Sanitary Sewer District, or other sources, there shall annually be levied on all the taxable real

property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The



Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the sole discretion of the Commissioner of Finance, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal



agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance and, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no moneys are,

or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk and Chief Administrative Officer of the County Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section (B). The amendments of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

Section (C). This Act shall take effect immediately upon approval by the County Executive.

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES:

NOES:

ABSENT:

The Bond Act was thereupon declared duly adopted.

\* \* \*

APPROVED BY THE COUNTY EXECUTIVE

\_\_\_\_\_

Date: \_\_\_\_\_, 2021

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF WESTCHESTER    )

I, the undersigned Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on \_\_\_\_\_, 2021, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, [please check one below]

\_\_\_\_\_ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, or

\_\_\_\_\_ (2) due to the COVID-19 pandemic, said meeting was held remotely by conference call, video conference, or other similar means in accordance with the requirements set forth in Executive Order 202.1, as amended.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media

Date Given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board of Legislators  
of the County of Westchester, New York

(CORPORATE  
SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 2021 and approved by the County Executive on \_\_\_\_\_, 2021 and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-2021

A BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING BOND ACT 105-2020, WHICH PROVIDED FOR THE ISSUANCE OF \$1,500,000 BONDS TO PAY THE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR A NEW RELIEF SEWER FOR A SECTION OF THE COUNTY'S SAW MILL SECTION B SANITARY TRUNK SEWER ALONG HUNT'S LANE IN THE TOWN OF NEW CASTLE, TO INCLUDE FINANCING FOR CONSTRUCTION, TO INCREASE THE MAXIMUM ESTIMATED COST TO \$11,500,000 AND TO PROVIDE AN ADDITIONAL \$10,000,000 BONDS FOR SAID PURPOSE.

Class of objects or purposes: to finance the design, construction management and construction costs for a new relief sewer for a section of the County's Saw Mill Section B sanitary trunk sewer along Hunt's Lane in the Town of New Castle in order to handle all existing and future sewer flow in this area of the District, presently expected to include the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork, and incidental expenses in connection therewith, for the benefit of the County's Saw Mill Sanitary Sewer District.

period of probable usefulness: forty years

amount of obligations to be issued: \$11,500,000

Dated: \_\_\_\_\_, 2021  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York



## CAPITAL PROJECT FACT SHEET

**Project ID:\***  
SSM21

CBA

**Fact Sheet Date:\***  
06-02-2021

**Fact Sheet Year:\***  
2021

**Project Title:\***  
SAW MILL SECTION B RELIEF  
SEWER

**Legislative District ID:**  
2, 16, 15, 12, 9, 8, 4, 3,

**Category\***  
SEWER AND WATER DISTRICTS

**Department:\***  
ENVIRONMENTAL FACILITIES

**CP Unique ID:**  
1704

**Overall Project Description**

This project will fund a new relief sewer for a portion of the Section B sanitary trunk sewer located in the Village of Chappaqua in the Town of New Castle.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety               | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue                   |
| <input type="checkbox"/> Security                  | <input type="checkbox"/> Other                   |  |

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
<b>Gross</b>	21,500	11,500	10,000	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	21,500	11,500	10,000	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 431

**Current Bond Description:** Construction funding for the installation of a new 30 inch diameter fiberglass reinforced plastic (FRP) relief sewer within a 42 inch steel casing and associated manholes. The work will also include, but not be limited to, the relocation of an existing 6 inch diameter water main, excavation, backfill, tunneling, paving, and other piping and roadwork as required.

**Financing Plan for Current Request:**

Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
<b>Total:</b>	<b>\$ 10,000,000</b>

**SEQR Classification:**  
UNLISTED

**Amount Requested:**  
10,000,000

**Comments:**  
This project was previously expedited at the request of the CEO.

**Energy Efficiencies:**  
NOT APPLICABLE

**Appropriation History:**

Year	Amount	Description
2020	1,500,000	DESIGN AND CONSTRUCTION MANAGEMENT
2021	10,000,000	CONSTRUCTION

**Total Appropriation History:**  
11,500,000

**Financing History:**

<b>Year</b>	<b>Bond Act #</b>	<b>Amount</b>	<b>Issued</b>	<b>Description</b>
20	105	1,500,000		0 COST OF NEW RELIEF SEWER FOR SECTION OF SAW MILL SECTION B SANITARY TRUNK SEWER IN NEW CASTLE

**Total Financing History:**  
1,500,000

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
06-09-2021

**Department of Public Works**  
RJB4

**Date**  
06-09-2021

**Budget Department**  
LMY1

**Date**  
06-10-2021

**Requesting Department**  
CJGA

**Date**  
06-10-2021



## SAW MILL SECTION B RELIEF SEWER ( SSM21 )

**User Department :** Environmental Facilities  
**Managing Department(s) :** Environmental Facilities ; Public Works ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project approved in concept but subject to subsequent staff review.

### **FIVE YEAR CAPITAL PROGRAM (in thousands)**

	Est Ult Cost	Appropriated	Exp / Obl	2021	2022	2023	2024	2025	Under Review
Gross	11,500	1,500	431	10,000					
Non County Share									
<b>Total</b>	<b>11,500</b>	<b>1,500</b>	<b>431</b>	<b>10,000</b>					

### **Project Description**

This project will fund a new relief sewer for Section B sanitary trunk sewer.

### **Current Year Description**

The current request funds construction.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2021	10,000,000			10,000,000

### **Impact on Operating Budget**

The impact on the District Operating Budget is the debt service associated with the issuance of bonds.

### **Appropriation History**

Year	Amount	Description	Status
2020	1,500,000	Design and construction management	DESIGN
<b>Total</b>	<b>1,500,000</b>		

### **Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	1,500,000		1,500,000
<b>Total</b>	<b>1,500,000</b>		<b>1,500,000</b>

### **Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
105 20	1,500,000			1,500,000
<b>Total</b>	<b>1,500,000</b>			<b>1,500,000</b>

October 1, 2021

TO: Hon. Benjamin Boykin, Chair  
Hon. Alfreda Williams, Vice Chair  
Hon. MaryJane Shimsky, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer   
Westchester County Executive

RE: Message Requesting Immediate Consideration: **CBA & Bond Act –  
BPL30, and Act Concerning 500 Main Street, New Rochelle.**

---

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 4, 2021 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 4, 2021 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

October 1, 2021

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

Dear Honorable Members of the Board of Legislators:

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

Land Purchase and Conveyance. An Act (the "Land Acquisition Act") to authorize the County to purchase two condominium units (the "Property") making up a portion of the approximately +/- 0.785 acres of real property located at 500 Main Street in the City of New Rochelle (the "City") from the current owner thereof, and and subsequently convey the Property to BRP 500 Main TC Owner LLC, its successors or assigns, (the "Developer") as part of the County's program to support the construction of 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 \$5,000,000 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 \$5,000,000 to purchase the Property from the current owner to create one hundred nineteen (119) Affordable AFFH Units for rental.

Capital Budget Amendment. An Act authorizing an amendment of the County's 2021 Capital Budget (the "CBA") by increasing the amount authorized for BPL30 by \$5,000,000 as part of the County's program to ensure the development of new affordable AFFH housing units. This CBA is necessary to use BPL30 to pay for the acquisition of the land and settlement costs

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to eligible households who earn 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 50 years (the "Period of Affordability").

In accordance with the Land Acquisition Act, the County will subsequently convey two condominium units making up a portion of the Property to the Developer for ONE DOLLAR (\$1.00). The Developer will construct a mixed-use development with 477 rental apartments, that will include the 119 Affordable AFFH Units, 358 market rate units, approximately 1,835 square feet of retail space, approximately 1,000 square feet of governmental office and approximately

Office of the County Executive

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

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



21,892 square feet of community space. Residential amenities will include various terrace and lounge areas, fitness and exercise rooms, a community business center, laundry facilities, a bar/kitchen area/community room, an outdoor rooftop pool, dog park, pet washing facility, concierge/security desk, property management office and parking (“the “Development”). Amenities will be free to all Affordable AFFH units and parking will be \$50 per month (half of the monthly cost incurred by a market rate unit).

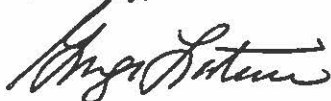
Planning has further advised that additional funding for the Development is anticipated to be provided through an HFA issuance of tax-exempt and taxable bonds, NYS Low Income Housing Tax Credits, owner equity and a loan from Interfaith Development Council for an estimated total development cost over of \$168 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 Act (“SEQRA”) have been met. Planning has advised that, based upon its review, the proposed Development constitutes an Type I action pursuant to 6 NYCRR 617, the implementing regulations of SEQRA. Planning has further advised that the City of New Rochelle Planning Board served as lead agency over the site-specific review and issued a Negative Declaration pursuant to SEQR for this project on July 24, 2018. 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 14, 2021, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 21-19 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 AFFH units in the County, your favorable action on the annexed Acts is respectfully requested.

Sincerely,



George Latimer  
County Executive

GL/NAD/JRC  
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 County of Westchester (the “County”) to purchase two condominium units (the “Property”) making up a portion of the approximately +/- 0.785 acres of real property located at 500 Main Street in the City of New Rochelle (the “City”) from the current owner thereof, and and subsequently convey the Property to BRP 500 Main TC Owner LLC, its successors or assigns, (the “Developer”) as part of the County’s program to support the construction of 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 \$5,000,000 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 \$5,000,000 to purchase the Property from the current owner to create one-hundred nineteen (119) Affordable AFFH Units for rental.

Capital Budget Amendment. An Act authorizing an amendment of the County’s 2021 Capital Budget (the “CBA”) by increasing the amount authorized for BPL30 by \$5,000,000 as part of the County’s program to ensure the development of new affordable AFFH housing units. This CBA is necessary to use BPL30 to pay for the acquisition of the land and settlement costs.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to households who earn 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 50 years.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer its successors or assigns, for ONE DOLLAR (\$1.00). The Developer will construct a mixed-use development with 477 rental apartments, that will include the 119 Affordable AFFH Units, 358 market rate units, approximately 1,835 square feet of retail space, approximately 1,000 square feet of governmental office and approximately 21,892 square feet of community space. Residential amenities will include various terrace and lounge areas, fitness and exercise rooms, a community business center, laundry facilities, a bar/kitchen area/community room, an outdoor rooftop pool, dog park, pet washing facility, concierge/security desk, property management office and parking (“the “Development”). Amenities will be free to all Affordable AFFH units and parking will be \$50 per month (half of the monthly cost incurred by a market rate unit).

Your committee has been advised by Planning that, based on its review, the proposed Development is classified as an “Type I action” under the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617, which requires an assessment of environmental impacts. Your Committee has further been advised by Planning that the City of New Rochelle Planning Board served as lead agency over the site-specific review and issued a Negative Declaration pursuant to SEQR for this Development on July 24, 2018. 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 advised that on September 14, 2021, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 21-19 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 AFFH units in the County, your favorable action on the annexed Acts is respectfully requested, noting that the Land Acquisition Act and the

NHLA Bond Act require the affirmative vote of two-thirds of the members of your Honorable Board.

Dated: \_\_\_\_\_, 2021

White Plains, New York







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: October 4, 2021

SUBJECT: Acquisition of Real Property –500 Main Street, City of New Rochelle

Pursuant to Section 191.41 of the Westchester County Charter, submitted herewith is the required report of the Commissioner of Planning on the proposed acquisition and subsequent conveyance of two condominium units (the "Property") on a portion of +/- 0.785 acres of real property located at 500 Main Street in the City of New Rochelle, for the purpose of creating 119 affordable housing units that will affirmatively further fair housing (the "Affordable AFFH Units").

The County of Westchester ("the County") intends to finance the purchase of the Property containing 119 AFFH units from the current owner in an amount not to exceed \$5,000,000 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 BRP 500 Main TC Owner LLC (the "Developer"), its successors or assigns, for One Dollar (\$1.00).

The Developer proposes to construct a new twenty-six-story building with 477 rental units that will include 119 Affordable AFFH Units, 358 market rate units, approximately 1,835 square feet of retail space, approximately 1,000 square feet of governmental office and approximately 21,892 square feet of community space. Residential amenities will include various terrace and lounge areas, fitness and exercise rooms, a community business center, laundry facilities, a bar/kitchen area/community room, an outdoor rooftop pool, dog park, pet washing facility, concierge/security desk, property management office and parking ("the "Development"). Amenities will be free to all Affordable AFFH units and parking will be \$50 per month (half of the monthly cost incurred by a market rate unit).

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, heating systems and water conserving fixtures. The Development is designed to meet the green building standards of both Energy Star Multifamily Highrise and Enterprise Green Communities;
4. The Development is consistent with the land use policies and regulations of the City of New Rochelle; and
5. On September 14, 2021, the County Planning Board adopted a resolution to recommend County financing towards the purchase the Property to support the Development.

NVD/lg

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

TO: Leonard Gruenfeld  
Program Administrator

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

DATE: September 30, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR  
BPL30 NEW HOMES LAND ACQUISITION  
500 MAIN STREET, NEW ROCHELLE**

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Pursuant to your request, Environmental Planning staff has reviewed the above referenced project (Fact Sheet Unique ID: 1725) 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 funds under capital project BPL30 – New Homes Land Acquisition II to facilitate the creation of affordable housing in connection with a proposed 26-story building to be built on a 0.785-acre site located at 500 Main Street in the City of New Rochelle. The overall development will consist of approximately 477 rental apartments, 1,835 square feet of retail space, 1,000 square feet of government space and 21,892 square feet of community space, as well as a parking garage with approximately 430 parking spaces. County funds will be used to finance the acquisition of a portion of the property, which will be conveyed to the developer and will enable 119 of these apartments to be made available to households earning at or below 50% and up to 80% of the Area Median Income for a minimum of 50 years and marketed/leased in accordance with an approved affirmative fair housing plan.

In accordance with SEQR, the City of New Rochelle Planning Board classified the proposed development as a Type I action. On June 22, 2018, the City Planning Board issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental Assessment Form to involved and interested agencies. On July 24, 2018, 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 lead agency notification, 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: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Norma Drummond, Commissioner  
Anthony Zaino, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 21-19

WESTCHESTER COUNTY PLANNING BOARD

**New Homes Land Acquisition II  
Capital Project Funding Request  
500 Main Street, City of New Rochelle**

**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**, BRP 500 Main LLC, its successors or assigns, (the "Developer") desires to develop the real property located at 500 Main Street in the City of New Rochelle (the "City"), identified on the City tax maps as Section 1; Block 215; Lots 8, 10, 11 and 12 (the "Property") to create 477 residential units, approximately 1,835 square feet of ground floor retail, approximately 1,000 square feet of governmental office space and approximately 21,892 square feet of community space and a parking garage with 430 parking spaces, a majority of which are for the exclusive use of the residents (the "Development"). One hundred-nineteen (119) of the units will be affordable residential units that will affirmatively further fair housing ("AFFH"; collectively the "Affordable AFFH Units"); and

**WHEREAS**, the County proposes to purchase a portion of the Property (one of seven condo units) from the owner of record, for a not to exceed amount of \$5,000,000 with funds from NHLA and subsequently convey the Property to the Developer for One (\$1.00) Dollar to underwrite the cost of the land associated with the development of 90 Affordable AFFH units; 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 convey ownership of the Property to the Developer to construct a mix of studio, one and two-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, 500 Main Street, City of New Rochelle, and authorize bonding in a not to exceed amount of \$5,000,000 to develop the Property; and

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

**WHEREAS**, the funding to support the development of the Affordable AFFH Units is

consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board’s adopted long-range land use and development policies, by contributing to the development of “a range of housing types” “affordable to all income levels”; and

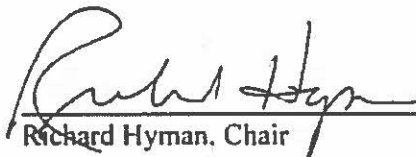
**WHEREAS**, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with acquisition of the Property; and

**WHEREAS**, the staff of the County Department of Planning note that with the funding required for this development, the funding in BPL30 has been depleted and funding in the Capital Project needs to be increased \$5,000,000 for this development; thus a request is included here to increase BPL30 by \$5,000,000;

**NOW THEREFORE BE IT RESOLVED**, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Affordable AFFH Units, subject to an appraisal, recommends that the County provide financial assistance in a not-to-exceed amount of \$5,000,000 from BPL30 NHLA II for property acquisition; and be it further

**RESOLVED**, that the Westchester County Planning Board amends its report on the 2021 Capital Project requests to include the purchase of a portion of the land (one of seven condo units) associated with the Development known as 500 Main Street in the City of New Rochelle, as a new component project in Capital Project BPL30 under the heading of Buildings, Land and Miscellaneous and adds \$5,000,000 to the FY 2021 appropriation; and

Adopted this 14<sup>th</sup> day of September 2021.

  
Richard Hyman, Chair

An Act amending the 2021 County  
 Capital Budget Appropriations for  
 Capital Project BPL30 - New Homes  
 Land Acquisition II

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

Section 1. The Capital section of the 2021 County Budget is hereby amended as follows:

	Previous 2021 Appropriation	Change	Revised 2021 Appropriation
I. Appropriation	\$47,700,000	\$5,000,000	\$52,700,000

Section 2. The estimated method of financing in the Capital Section of the 2021 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$47,700,000	\$5,000,000	\$52,700,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$47,700,000</u>	<u>\$5,000,000</u>	<u>\$52,700,000</u>

Section 3. The ACT shall take effect immediately.

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED AT 500 MAIN STREET, IN THE CITY OF NEW ROCHELLE, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING ("AFFH") PURSUANT TO THE COUNTY'S NEW HOMES LAND ACQUISITION II CAPITAL PROJECT (BPL30); STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted , 20\_\_)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and other laws applicable thereto, bonds of the County in the aggregate amount of \$5,000,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the purchase of a portion (two of seven to be formed condominium units) of approximately 0.785 acres of real property located at 500 Main Street, in the City of New Rochelle (the "AFFH Property") from the current owner(s) of record at a cost of \$5,000,000, including acquisition and settlement costs, in



order to support the construction of 119 affordable housing units that will affirmatively further fair housing (“AFFH”); the County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk’s office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 119 affordable AFFH rental units and parking spaces for residents at the aggregate estimated maximum cost of \$5,000,000 for said property acquisition. Such property shall be acquired by the County, subjected to a declaration of restrictive covenants and subsequently conveyed to BRP 500 Main LLC (the “Developer”), its successors or assigns. The Developer will construct a project which will include 119 affordable AFFH rental units on the AFFH Property. The County’s acquisition of the AFFH Property is set forth in the County’s Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County and the Statement of Need, such Budget and Statement of Need shall be deemed and are hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,000,000. The plan of financing includes the issuance of \$5,000,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of a tax on taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness for which said \$5,000,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

Section 3. The County intends to finance, on an interim basis, the costs or a portion of the costs of said object or purpose for which bonds are herein authorized, which costs are

reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Act, in the maximum amount of \$5,000,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$5,000,000 as the estimated maximum cost of the aforesaid object or purpose is hereby approved, and as the amount of bonds herein authorized is not in excess of \$10,000,000, this Act is not subject to referendum.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of section 30.00 relative to the authorization of the issuance of bond anticipation notes and the renewals thereof, and of sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, and the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on

said bonds and any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

\* \* \*

STATE OF NEW YORK            )  
  : ss.:  
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on            , 20\_\_\_ and approved by the County Executive on            , 20\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this    day of            , 20\_\_\_.

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution. Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED AT 500 MAIN STREET, IN THE CITY OF NEW ROCHELLE, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING ("AFFH") PURSUANT TO THE COUNTY'S NEW HOMES LAND ACQUISITION II CAPITAL PROJECT (BPL30); STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$5,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted \_\_\_\_\_, 20\_\_)

Object or purpose: to finance the cost of the purchase of a portion (two of seven to-be-formed condominium units) of approximately 0.785 acres of real property located at 500 Main Street, in the City of New Rochelle (the "AFFH Property") from the current owner(s) of record at a cost of \$5,000,000, including acquisition and settlement costs, in order to support the construction of 119 affordable housing units that will affirmatively further fair housing ("AFFH"); the County will file, or cause to be filed, a Declaration of Restrictive Covenants in the Westchester County Clerk's office requiring that the AFFH Property remain affordable for a period of not less than 50 years. The funding requested herein is in support of the construction of 119 affordable AFFH rental units and parking spaces for residents at the aggregate estimated maximum cost of \$5,000,000 for said property acquisition. Such property shall be acquired by the County, subjected to a declaration of restrictive covenants and subsequently conveyed to BRP 500 Main LLC (the "Developer"), its successors or assigns. The Developer will construct a project which will include 119 affordable AFFH rental units on the AFFH Property. The County's acquisition of the AFFH Property is set forth in the County's Current Year Capital Budget, as amended.

Amount of obligations to be issued  
and period of probable usefulness:

\$5,000,000 - thirty (30) years

Dated: \_\_\_\_\_, 20\_\_\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board  
of Legislators of the County of Westchester, New York



**CAPITAL PROJECT FACT SHEET**

<b>Project ID:*</b> BPL30	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 08-30-2021
<b>Fact Sheet Year:*</b> 2021	<b>Project Title:*</b> NEW HOMES LAND ACQUISITION II	<b>Legislative District ID:</b> 11
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PLANNING	<b>CP Unique ID:</b> 1725

**Overall Project Description**

This is a continuation of project BPL10 New Homes Land Acquisition Fund (NHLA). NHLA provides funds to acquire property for the construction of fair and affordable housing. The purpose of the Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Demolition may be particularly critical in the County's urban areas where existing structures need to be removed to allow construction of fair and affordable units. Funds can be used in all municipalities. This is a general fund, specific projects are subject to a Capital Budget Amendment.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety               | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue        |
| <input type="checkbox"/> Security                  | <input checked="" type="checkbox"/> Other        |   |

**FIVE-YEAR CAPITAL PROGRAM (in thousands)**

	Estimated Ultimate Total Cost	Appropriated	2021	2022	2023	2024	2025	Under Review
<b>Gross</b>	72,700	37,700	10,000	5,000	5,000	5,000	5,000	5,000
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	72,700	37,700	10,000	5,000	5,000	5,000	5,000	5,000

**Expended/Obligated Amount (in thousands) as of :** 35,964

<b>Current Bond Description:</b> Bonding is requested to finance the acquisition of a portion (two of seven to be formed condominium units) of an approximately 0.785 acres of real property located at 500 Main Street in the City of New Rochelle and identified on the tax maps as Section 1; Block 215; Lots 8, 10, 11 and 12 (the "Property") in order to construct 477 units of rental housing including 119 affordable apartments that will Affirmatively Further Fair Housing (the "Affordable AFFH Units"). The Development will also include 430 parking spaces for residents.	
<b>Financing Plan for Current Request:</b>	
Non-County Shares:	\$ 0
Bonds/Notes:	5,000,000
Cash:	0
<b>Total:</b>	<b>\$ 5,000,000</b>

**SEQR Classification:**  
TYPE I

**Amount Requested:**  
5,000,000

**Comments:**

A Capital Budget Amendment ("CBA") is requested to add the property to Capital Projects BPL30 and to authorize the County to purchase a portion of the property from the current owner for an amount not to exceed \$5,000,000 to support the construction of a twenty-six story residential building with 477 units of rental housing of which there will be 119 Affordable AFFH rental units and 430 parking spaces. Upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the units will be marketed to households who earn less than 50% and up to 80% of the County Area Median Income for a period of no less than 50 years, and further that the units will be leased and marketed to eligible households under an approved Affordable Housing Marketing plan. The County will then convey ownership to BRP 500 Main LLC (the "Developer"), its successors or assigns for one dollar (\$1.00).

**Energy Efficiencies:**

THE BUILDING WILL BE CONSTRUCTED WITH SUSTAINABLE MATERIALS/RENEWABLE RESOURCES AND DESIGNED TO INCORPORATE HIGH EFFICIENCY BUILDING SYSTEMS, APPLIANCES, LIGHTING AND WATER-CONSERVING FIXTURES TO REDUCE OPERATING AND MAINTENANCE COSTS, MINIMIZE ENER

**Appropriation History:**

<b>Year</b>	<b>Amount</b>	<b>Description</b>
2014	5,000,000	CONTINUATION OF THIS PROJECT
2016	2,500,000	CONTINUATION OF THIS PROJECT
2017	7,200,000	LAND ACQUISITION FOR MT HOPE PLAZA FOR MT HOPE COMMUNITY REDEVELOPMENT CORP, LOCATED AT 65 LAKE ST. WHITE PLAINS AND CONTINUATION OF THIS PROJECT.
2018	8,000,000	CONTINUATION OF THIS PROJECT.
2019	5,000,000	CONTINUATION OF THIS PROJECT
2020	10,000,000	CONTINUATION OF THIS PROJECT
2021	10,000,000	CONTINUATION OF THIS PROJECT

**Total Appropriation History:**

47,700,000



**Financing History:**

Year	Bond Act #	Amount	Issued	Description
15	240	0	0	
15	204	460,000	460,609	147, 165 AND 175 RAILROAD AVENUE, BEDFORD HILLS ACQUISITION
15	235	1,840,000	1,830,000	ACQUISITION OF 80 BOWMAN AVENUE, VILLAGE OF RYE BROOK
15	267	284,000	284,376	ACQUISITION OF 322 KEAR STREET, YORKTOWN HEIGHTS
16	59	210,800	211,079	5 STANLEY AVE - OSSINING
16	50	228,800	207,287	112 VILLAGE RD YORKTOWN
16	53	219,050	0	18 MINKEL RD OSSINING
16	56	400,220	388,541	9 WATSON ST-CORTLANDT
16	24	353,000	290,732	104 PINE STREET, CORTLANDT-COST OF ACQUISITION
16	231	2,009,980	1,999,980	200 READER'S DIGEST ROAD CHAPPAQUA AFFIRMATIVELY FURTHERING AFFORDABLE HOUSING AMEND
16	18	385,000	0	164 PHYLLIS COURT, YORKTOWN - COST OF ACQUISITION
16	21	197,000	191,659	27 WALDEN COURT, UNIT #M YORKTOWN - COST OF ACQUISITION
17	172	1,250,000	1,250,000	ACQUISITION OF LAND AT 1847 CROMPOND ROAD PEEKSKILL
17	142	2,600,000	0	ACQUISITION OF LAND LOCATED ON ROUTE 22 IN LEWISBORO
17	209	0	0	PURCHASE OF LAND AT 501 BROADWAY IN VILLAGE OF BUCHANAN
18	77	2,100,000	1,443,000	PURCHASE OF LAND LOCATED AT 65 LAKE STREET IN WHITE PLAINS FOR FAIR HOUSING
18	123	787,500	814,196	PURCHASE PROPERTY AT 5 HUDSON STREET IN YONKERS TO PRESERVE AFFORDABLE AFFH RENTAL UNITS
18	155	0	0	PURCHASE PROPERTY TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
18	159	1,000,000	1,000,000	PURCHASE OF PROPERTY LOCATED AT HALSTEAD AVENUE TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING
18	186	3,000,000	3,000,000	PURCHASE OF REAL PROPERTY AT 25 SOUTH REGENT STREET IN PORT CHESTER TO FURTHER FAIR HOUSING
19	68	1,765,000	1,765,000	PURCHASE AND SUBSEQUENT CONVEYANCE OF PROPERTY LOCATED AT 227 ELM STREET IN YONKERS
19	70	5,225,000	5,225,000	PURCHASE PROPERTY TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
19	182	1,375,000	0	
19	171	306,000	0	FINANCE THE PURCHASE OF REAL PROPERTY, INCLUDING THREE UNIT RENTAL BUILDING AT 162 LINCOLN
19	150	2,340,000	2,419,325	PURCHASE OF REAL PROPERTY LOCATED AT 645 MAIN STREET IN PEEKSKILL, FOR FAIR HOUSING

20	206	5,000,000	0 AFFORDABLE HOUSING DEVELOPMENT 62 MAIN STREET, TARRYTOWN
21	84	3,825,000	0 AFFORDABLE AFFH UNITS - GREENBURGH 1 DROMORE ROAD
21	47	5,000,000	0 AFFORDABLE HOUSING - POINT ST AND RAVINE AVE YONKERS
21	93	1,400,000	0 AFFORDABLE AFFH UNITS - 76 LOCUST HILL AVE YONKERS

**Total Financing History:**

43,561,350

**Recommended By:**

**Department of Planning**  
WBB4

**Date**  
09-15-2021

**Department of Public Works**  
RJB4

**Date**  
09-17-2021

**Budget Department**  
LMY1

**Date**  
09-20-2021

**Requesting Department**  
WBB4

**Date**  
09-20-2021

## NEW HOMES LAND ACQUISITION II ( BPL30 )

**User Department :** Planning

**Managing Department(s) :** Planning ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project approved in concept but subject to subsequent staff review.

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2021	2022	2023	2024	2025	Under Review
Gross	72,700	37,700	23,654	10,000	5,000	5,000	5,000	5,000	5,000
Non County Share			(289)						
Total	72,700	37,700	23,365	10,000	5,000	5,000	5,000	5,000	5,000

### Project Description

This is a continuation of project BPL10 New Homes Land Acquisition Fund (NHLA). NHLA provides funds to acquire property for the construction of fair and affordable housing. The purpose of the Fund is to increase the inventory of available properties for fair and affordable housing development. In addition to the acquisition cost of properties, other costs associated with, and often required for, site acquisition may be considered eligible costs to be funded through the NHLA program. Such associated costs may include, but are not limited to, closing costs, appraisals, property surveys, environmental assessments, hazardous materials reports and demolition of existing structures. Demolition may be particularly critical in the County's urban areas where existing structures need to be removed to allow construction of fair and affordable units. Funds can be used in all municipalities. This is a general fund, specific projects are subject to a Capital Budget Amendment.

### Current Year Description

The current year request funds the continuation of this project.

### Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2021	10,000,000			10,000,000

### Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

### Appropriation History

Year	Amount	Description	Status
2014	5,000,000	Continuation of this project	IN PROGRESS
2016	2,500,000	Continuation of this project	IN PROGRESS
2017	7,200,000	Land acquisition for Mt Hope Plaza for Mt Hope Community Redevelopment Corp, located at 65 Lake St. White Plains and continuation of this project.	IN PROGRESS
2018	8,000,000	Continuation of this project.	IN PROGRESS
2019	5,000,000	Continuation of this project	IN PROGRESS
2020	10,000,000	Continuation of this project	PARTIALLY IN PROGRESS
Total	37,700,000		

**NEW HOMES LAND ACQUISITION II  
( BPL30 )**

**Prior Appropriations**

	Appropriated	Collected	Uncollected
Bond Proceeds	37,700,000	22,780,784	14,919,216
Others		289,010	(289,010)
<b>Total</b>	<b>37,700,000</b>	<b>23,069,794</b>	<b>14,630,206</b>

**Bonds Authorized**

Bond Act	Amount	Date Sold	Amount Sold	Balance
204 15	460,000	12/15/17	388,647	(609)
		12/15/17	71,360	
		12/15/17	603	
235 15	1,840,000	12/15/16	1,830,000	10,000
240 15				
267 15	284,000	12/15/17	239,947	(376)
		12/15/17	44,057	
		12/15/17	372	
18 16	385,000			385,000
21 16	197,000	12/15/16	191,659	5,341
24 16	353,000	12/15/16	290,732	62,268
56 16	400,220	12/15/17	327,838	11,679
		12/15/17	60,194	
		12/15/17	509	
59 16	210,800	12/15/17	178,102	(279)
		12/15/17	32,701	
		12/15/17	276	
50 16	228,800	12/15/17	174,902	21,513
		12/15/17	32,114	
		12/15/17	271	
53 16	219,050			219,050
231 16	2,009,980	12/15/16	1,999,980	10,000
142 17	2,600,000			2,600,000
172 17	1,250,000	12/10/18	1,250,000	
209 17				
77 18	2,100,000	12/10/19	1,205,036	657,000
		12/10/19	237,964	
123 18	787,500	10/28/20	690,728	(26,696)
		10/28/20	96,780	
		10/28/20	26,688	
155 18				
159 18	1,000,000	12/10/19	835,090	
		12/10/19	164,910	

**NEW HOMES LAND ACQUISITION II  
( BPL30 )**

186	18	3,000,000	12/10/19	2,505,271	
			12/10/19	494,729	
68	19	1,765,000	12/10/19	1,473,935	
			12/10/19	291,065	
70	19	5,225,000	12/10/19	4,363,348	
			12/10/19	861,652	
150	19	2,340,000	10/28/20	2,052,449	(79,325)
			10/28/20	287,575	
			10/28/20	79,302	
171	19	306,000			306,000
182	19	1,375,000			1,375,000
206	20	5,000,000			5,000,000
<b>Total</b>		<b>33,336,350</b>		<b>22,780,785</b>	<b>10,555,565</b>

ACT NO. \_\_\_\_\_ - 2021

AN ACT authorizing the County of Westchester to purchase two condominium units making up a portion of an approximate +/- 0.785 acres of real property located at 500 Main Street in the City of New Rochelle 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 119 affordable rental units, that will affirmatively further fair housing and remain affordable for a period of not less than 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 two condominium units (the "Property") making up a portion of an approximate +/- 0.785 acres of real property located at 500 Main Street in the City of New Rochelle, to create 119 affordable rental housing units that will affirmatively further fair housing (the "Affordable AFFH Units") as set forth in 42 U.S.C. Section 5304(b)(2). The remaining condominiums and/or portion of the site will not receive County funding and the Developer will build 358 market rate units plus community and commercial space.

§2. The County is hereby authorized to contract to pay an amount not to exceed FIVE MILLION DOLLARS (\$5,000,000) to purchase the Property.

§3. 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 who earn 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 50 years

§4. The County is hereby authorized to convey the Property to BRP 500 Main TC Owner LLC, its successors or assigns, for ONE DOLLAR (\$1.00) to construct the 119 Affordable AFFH Units 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.

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

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

§7. 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.

§8. This Act shall take effect immediately.