

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

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

Land Conveyance. An Act (the “Land Conveyance Act”) to authorize the acceptance of a quitclaim deed from the City of Yonkers (“City”) for an approximately 0.93-acre site located at 345 McLean Avenue in the City of Yonkers, (the “Property”), and conveyance of the Property to Verus Development LLC and Yonkers Community Development Organization, Inc., its successors or assigns (collectively, the “Developer”) to facilitate the development of new affordable housing units that affirmatively further fair housing. The Property is identified on the City of Yonkers tax maps as Section 1, Block 59, Lot 75.

Pursuant to Act 29-1961 approved by the Board of Supervisors, the Property was conveyed by the County to the City of Yonkers (“City”) subject to a reverter to the County if the City did not develop the site as a public park by October 1966. The City admits that it failed to develop a park there. It is the County’s position that title to the Property has thus reverted to the County. In order to avoid any potential title issues, the City will give the County a quitclaim deed transferring any rights it may have to the Property.

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

The Development. As your Honorable Board is aware, to encourage the development of affordable housing that will affirmatively further fair housing (“AFFH”), the County has established Housing Implementation Fund II (“HIF” or “Capital Project BPL1A”) to provide funds to assist in the construction of infrastructure improvements. The Department of Planning (“Planning”) has advised that the Developer proposes to construct 105 units in one building on the Property. All 105 rental units will be available to eligible senior households where all

members are over the age of 62 that earn at or below 30% and up to 60% of the Westchester County area median income (“AMI”) and will all remain affordable for a period of not less than the 50-year Period of Affordability. The 104 rental units and one employee unit will be the “Affordable AFFH Units”. The Affordable AFFH Units are expected to include 1 studio, 93 one-bedroom, and 11 two-bedroom units. The building will also include a community room/lounge, outdoor seating areas, management office and laundry facilities. Also included will be the construction of 47 on-grade parking spaces. Together, the building and the parking comprise the “Development.” The Developer is requesting an amount not to exceed \$5,555,000.00 in HIF funding to be used for infrastructure improvements that include, but will not be limited to, on-site and street paving, curbing, sidewalks, retaining walls, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs.

Inter-Municipal Developer Agreement Act. An Act (the “IMDA Act”) which will authorize the County to enter into an Inter-Municipal Developer Agreement (the “IMDA”) with the City and the Developer, its successors or assigns, to finance the construction of the infrastructure improvements including, but not limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the “Infrastructure Improvements”) in support of the Affordable AFFH Units as part of the County’s program to ensure the development of new affordable housing. The term of the IMDA will be 15 years (commensurate with the period of probable usefulness of the HIF bonds as described herein). The IMDA will provide that the City and/or the Developer will be responsible for all costs of operation and maintenance of the Infrastructure Improvements.

Construction Financing. A Bond Act (the “HIF Bond Act”) prepared by the firm of Hawkins, Delafield and Wood, LLP, to authorize the issuance of bonds of the County in an amount not-to-exceed \$5,555,000 as a part of Capital Project BPL1A to finance the Infrastructure Improvements for the Development. Planning has advised your Committee that subject to the approval of your Honorable Board, the HIF Bond Act will authorize an amount not

to exceed \$5,555,000 (the "County Funds") for the Infrastructure Improvements, which includes costs to cover the County's legal fees and staff costs.

Planning has advised your Committee that the authorization of your Honorable Board is required to accept all necessary property rights required to construct the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through an easement until the expiration of the term of the HIF bonds, as described herein. However, the County will not be responsible for any costs related to the operation and maintenance of the Infrastructure Improvements.

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

Pursuant to Section 249.111 of the Laws of Westchester County, for parcels under two acres and not used as parks, the County, upon the recommendation of the Westchester County Parks, Recreation and Conservation Board ("Parks Board"), is authorized to sell any real estate which may have been acquired for park purposes, and which is determined by your Honorable Board to be no longer required for such purposes. The Parks Board recommendation will be submitted under separate cover.

Your Committee has been advised that on April 4, 2023, the Westchester County Planning Board (the "Planning Board") adopted Resolution No. 23--05 to recommend funding to finance the Infrastructure Improvements on the Property. The Planning Board Resolution has been annexed hereto.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act have been met. The Planning Department has advised the City of Yonkers Zoning Board of Appeals ("ZBA")

classified this project as an Unlisted action. On August 16, 2021, the ZBA issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental Assessment Form. On February 15, 2022, the ZBA issued a Negative Declaration for the project. The Development sought amendments to the original approvals from the ZBA and Planning Board. The ZBA approved additional variances and the Planning Board declared itself as Lead Agency, classified the Proposed Development as an Unlisted Action under SEQR, issued a Negative Declaration for the Development and granted approval to the amended site plan approval on March 8, 2023. Since the City undertook coordinated review and the County was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.


Based on the foregoing, your Committee believes that the Acts are in the best interest of the County and therefore recommends their adoption, noting that the IMDA Act requires no more than an affirmative vote of the majority of the Board, while the HIF Bond Act requires the affirmative vote of two-thirds of your Honorable Board.

Dated: July 31st, 2023
 White Plains, New York

<p><i>Samuel Z. Kelly Jones</i></p> <p><i>Jedat Fathi</i> <i>Jy WOP</i> <i>Maureen Saw WOP</i> <i>Colin [Signature]</i> <i>Colin Park</i> <i>Wendy Mee</i> <i>[Signature] WOP</i></p> <p>c:dlv</p>	<p><i>Samuel Z. Kelly Jones</i></p> <p><i>Jedat Fathi</i> <i>Jy WOP</i> <i>Maureen Saw WOP</i> <i>Colin Park</i> <i>Wendy Mee</i></p>	<p><i>Jedat Fathi</i> <i>Jy WOP</i> <i>Maureen Saw WOP</i> <i>Colin [Signature]</i> <i>Colin Park</i> <i>[Signature] WOP</i></p>
<p>Budget & Appropriations</p>	<p>Housing</p>	<p>Public Works & Transportation</p>

COMMITTEE ON

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

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

DATE: June 14, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
345 MCLEAN AVENUE, YONKERS
(BPLIA HOUSING IMPLEMENTATION FUND II)**

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

The project involves the creation of approximately 105 units of affordable rental housing for seniors at 345 McLean Avenue in the City of Yonkers. The development includes the construction of a 12-story apartment building with approximately 52 on-site parking spaces on an approximately 1.5-acre site, which includes easements from a private landowner and the New York State Department of Transportation. Approximately 0.93 acres of the proposed development site (Section 1, Block 59, Lot 75) was previously surplus property belonging to the East of Hudson Parkway Authority that was deeded to the county in the early 1960s, who, in turn, conveyed it to the City of Yonkers on the condition that it be developed as publicly accessible parkland within a 5-year period. Since the City never developed it as parkland, ownership of the property has essentially reverted back to the County. As such, the County will convey the property to the developer who will then construct the affordable housing project. To avoid any potential title issues, the City will provide the County with a quitclaim deed.

In addition to the property conveyance, the County will provide funding assistance under capital project BPLIA - Housing Implementation Fund II (Fact Sheet Unique ID # 2104) to be applied towards the cost of certain infrastructure improvements to support the development.

In accordance with SEQR, the City of Yonkers Zoning Board of Appeals (ZBA) classified this project as an Unlisted action. On August 16, 2021 and again on September 20, 2021, the Yonkers ZBA circulated a notice of intent to serve as lead agency, along with Part 1 of a Full Environmental Assessment Form. On February 15, 2022, the Yonkers ZBA issued a Negative Declaration for the project.

On February 9, 2023, the City of Yonkers Planning Board re-opened the SEQR process by sending out a new notice of intent to serve as lead agency along with a revised EAF to address subsequent modifications to the proposed development. At its meeting of March 6, 2023, the County Board of Legislators issued a resolution concurring with the Yonkers Planning Board's

assumption of lead agency status in connection with SEQR. On March 9, 2023, the Yonkers Planning Board distributed a Negative Declaration for the project. Since the City undertook coordinated review and the County of Westchester was included in the coordinated review process, then, in accordance with section 617.6(b)(3), no further environmental review by the County is required.

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

DSK/cnm

cc: Blanca Lopez, Acting Commissioner
David Vutera, Associate County Attorney
Kelly Sheehan, Assistant Commissioner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 23-5

WESTCHESTER COUNTY PLANNING BOARD

**Housing Implementation Fund II
Capital Project Funding Request
345 McLean Avenue, City of Yonkers**

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

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

WHEREAS, the Developer desires the County to fund infrastructure improvements to support the construction of a twelve-story building, with 105 affordable residential rental units and 47 parking spaces (the “Development”); and

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

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

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

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

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

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

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

WHEREAS, the County Planning Board had previously recommended \$4,200,000 from Capital Project BPL1A for the public infrastructure improvements;

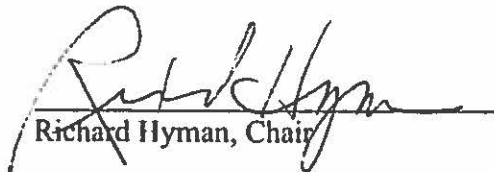
WHEREAS, a change in the parking lot and retaining wall design, the increase in interest rates and construction costs necessitated the developer to seek additional funding for this development;

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

RESOLVED, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Development, supports the request to provide a not to exceed amount of \$5,555,000 for infrastructure improvements for the Development under the terms of the HIF Program, which will support the creation of 104 Affordable AFFH Units which will be available to senior households, aged 62 or over, who earn at or below 30% and up to 60% of AMI, one employee unit restricted at 60% of AMI and 47 parking spaces, located at 345 McLean Avenue in the City of Yonkers; and

RESOLVED, that the Westchester County Planning Board amends its report on the 2023 Capital Project Requests to include 345 McLean Avenue in the City of Yonkers, as a new component project in Capital Project BPL1A under the heading of Buildings, Land and Miscellaneous.

Adopted this 4th day of April, 2023.


Richard Hyman, Chair

WESTCHESTER COUNTY PARKS, RECREATION AND CONSERVATION BOARD

RE: Recommending that the County of Westchester ("County") declare that an approximately 0.93-acre site located at 345 McLean Avenue, Yonkers, New York, identified on the City of Yonkers tax maps as Section 1, Block 59, Lot 75 (the "Property"), is no longer required for park purposes and further recommending the sale of the Property to a developer selected by the City of Yonkers and working with the County, for the purpose of facilitating the development of new affordable housing units that affirmatively further fair housing in the County.

WHEREAS, pursuant to Act 29-1961 approved by the Board of Supervisors, the Property was conveyed by the County to the City of Yonkers ("City") subject to a reverter to the County if the City did not develop the site as a public park by October 1966; and

WHEREAS, the City admits that it failed to develop a park at this Property; and

WHEREAS, it is the County's position that title to the Property has thus reverted to the County. However, in order to avoid any potential title issues, the City has indicated that it will give the County a quitclaim deed transferring any rights it may have to the Property; and

WHEREAS, the County intends to file a Declaration of Restrictive Covenants to require that affordable housing be constructed and maintained on the Property for 50 years. The County will then convey the Property for \$1.00 to the developer selected by the City, Verus Development LLC and Yonkers Community Development Organization, Inc., its successors or assigns, for the purpose of facilitating the development of new affordable housing units that affirmatively further fair housing in the County; and

WHEREAS, pursuant to Section 249.111(1) of the Laws of Westchester County, "the County, upon recommendation of the [Parks, Recreation and Conservation] board, is authorized to convey, by public or private sale, any real estate which may have been acquired for park purposes, and which is determined the by County Board of Legislators to be no longer required for such purposes, or to grant rights or interests in, over, under and across any real estate acquired for park purposes, such sale and conveyance or grant to be in accordance with the provisions of the County Charter and Administrative Code"; and

WHEREAS, it is the desire of this Parks Board to recommend that the County Board determine that the Property is no longer needed for park purposes; and

WHEREAS, it is the desire of this Parks Board to also recommend the sale or conveyance of the Property in accordance with the provisions of the County Charter and Administrative Code.

NOW, THEREFORE BE IT


RESOLVED, that the Westchester County Parks, Recreation and Conservation Board recommends, in accordance with Section 249.111(1) of the Laws of Westchester County, that the real property located at 345 McLean Avenue, Yonkers, New York, identified on the City of

Yonkers tax maps as Section 1, Block 59, Lot 75 (the "Property"), be deemed no longer needed for park purposes; and be it further

RESOLVED, that the Westchester County Parks, Recreation and Conservation Board recommends, in accordance with Section 249.111(1) of the Laws of Westchester County, that the County Board of Legislators authorize the sale of the Property for \$1.00 to a developer selected by the City and working with the County, for the purpose of facilitating the development of new affordable housing units that affirmatively further fair housing in the County; and be it further

RESOLVED, that the Westchester County Parks, Recreation and Conservation Board recommends that the proceeds from the sale or conveyance of the Property be set aside in a segregated fund, dedicated solely for use by the County for the purposes of improvements to County parks and park facilities and programs.

Adopted this 21st day of June, 2023


Pamela Tillinghast Dubitsky, Chair
Parks, Recreation and Conservation Board

ACT NO. _____ - 2023

AN ACT authorizing the County of Westchester to accept a quitclaim deed from the City of Yonkers for an approximately 0.93-acre site located at 345 McLean Avenue in the City of Yonkers, and to subsequently convey the property to Verus Development LLC and Yonkers Community Development Organization, Inc. in order to support the construction of 105 affordable rental units including one employee unit that will affirmatively further fair housing.

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

SECTION 1. The County of Westchester (the "County") is authorized to accept a quitclaim deed from the City of Yonkers ("City") for an approximately 0.93-acre site located at 345 McLean Avenue in the City of Yonkers, and identified on the City's tax map as Section 1, Block 59, Lot 75 (the "Property").

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

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

§4. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§5. This Act shall take effect immediately.