

Housing & Planning Meeting Agenda



Committee Chair: Shanae Williams

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

Monday, October 7, 2024

10:00 AM

Committee Room

Joint with B&A

CALL TO ORDER

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

Legislator Colin Smith will be participating remotely from 1132 Main Street, Suite 1, Peekskill New York 10566

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2024-515](#) **ACT-Amendment of Declaration of Restrictive Covenants-2500 Jacob's Hill Road, Cortlandt**

AN ACT authorizing the County of Westchester to enter into an amendment to the County Declaration of Restrictive Covenants for one hundred three affordable rental units located at 2500 Jacob's Hill Road, in order to delete the reverter clause.

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

Guests: Planning Department
Commissioner Blanca Lopez
Program Director of Community Development Len Gruenfeld

2. [2024-516](#) **ENV RES-60 South Kensico Avenue, White Plains**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant impact on the environment from the real property acquisition and conveyance of 60 South Kensico Avenue in the City of White Plains.

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

Guests: Planning Department

Commissioner Blanca Lopez

Program Director of Community Development Len Gruenfeld

3. [2024-517](#) **BOND ACT-BPL30-60 South Kensico Avenue, White Plains**

A BOND ACT authorizing the issuance of ONE MILLION, THIRTY THOUSAND (\$1,030,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL30 & Land Acquisition Act - 60 South Kensico Avenue, White Plains.

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

Guests: Planning Department

Commissioner Blanca Lopez

Program Director of Community Development Len Gruenfeld

4. [2024-518](#) **ACT-Land Acquisition-60 South Kensico Avenue, White Plains**

AN ACT authorizing the County of Westchester to purchase approximately +/- 0.198 acres (8,625 square feet) of real property located at 60 South Kensico Avenue in the City of White Plains and to subsequently convey said property, and to further authorize the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 12 affordable rental units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years.

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

Guests: Planning Department

Commissioner Blanca Lopez

Program Director of Community Development Len Gruenfeld

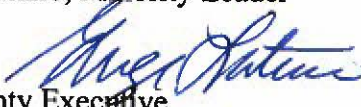
II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

September 26, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Act – Amendment of Declaration of Restrictive Covenants – 2500 Jacob’s Hill Road, Cortlandt.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 30, 2024 Agenda.

Transmitted herewith for your review and approval is an Act, as referenced above.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for September 30, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

September 20, 2024

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

Dear Honorable Members of the Board of Legislators:

In 2004, your Honorable Board enacted legislation in connection with "Capital Project BPL10 New Homes Land Acquisition" ("NHLA") and enacted legislation in connection with "Capital Project BPL1A Housing Implementation Fund II" to finance certain infrastructure improvements, including, but not limited to, construction of a road, curbing, sidewalks, fencing, and landscaping (the "Infrastructure Improvements") in support of the construction of four (4) buildings (the "Development") with one-hundred three (103) affordable rental units that will affirmatively further fair housing (the "Affordable AFFH Units") at 2500 Jacob's Hill Road in the Town of Cortlandt. Of the one-hundred three (103) Affordable AFFH Units, eighty-one (81) are available to eligible senior households age 55 and over that earn at or below sixty percent (60%) of the Westchester County area median income ("AMI"), and the remaining twenty-one (21) Affordable AFFH Units are available to households that earn up to fifty percent (50%) of AMI, all to remain affordable for a period of not less than forty (40) years. One unit is an employee unit.

In particular, your Honorable Board approved Bond Act No. 149-2004 which authorized the issuance of bonds of the County of Westchester ("County") in an amount not-to-exceed \$2,890,000 as part of Capital Project BPL10 to finance the Acquisition and Act No. 148-2004 which authorized the County to acquire and convey the development site to WB Jacob's Hill Associates, LLC, its successors or assigns ("collectively the "Developer"). Your Honorable Board also approved Bond Act No. 152-2004 which authorized the issuance of bonds of the County in an amount not to exceed \$1,155,000 as part of Capital Project BPL1A to finance the Infrastructure Improvements; and Act No. 150-2004 which authorized the County to enter into an Inter-Municipal Developer Agreement (the "IMDA") with the Town of Cortlandt (the "Town") and the Developer. Lastly, your Honorable Board also approved Act 151-2004 for a Capital Budget Amendment to modify BPL1A to include this location.

Your Honorable Board is advised that in addition to the County funds, the Development was originally financed through the award and allocation of 9% Low Income Housing Tax Credits from New York State Housing and Community Renewal ("HCR") along with subsidy funding from HCR. The Development, per the recorded Declaration of Restrictive Covenants ("DRC"), is to remain affordable for 40 years. Presently, the Development is roughly halfway through the affordability period. It is the intent of the Development's owner to seek an extension of the

Office of the County Executive

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

Telephone: (914)995-2900

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



affordability period when it seeks recapitalization of the Development through HCR at the end of the affordability period which will include rehabilitation.

At the time when this Development closed, it was commonplace for the County DRC to include a reverter clause. In the event of non-compliance with the DRC's restrictions, this clause, would result in the property ownership reverting to the County. This poses significant risk to lenders who could see their liens disappear should the County enforce the reverter clause.

When this Development closed along with others in the late 1990's and early 2000's, the County placed reverters on a few developments before the realization that the reverter clause created issues for the developments to seek financing. In the case of this Development, the owner is seeking to refinance the existing debt with a new loan through a Federal National Mortgage Association ("Fannie Mae") or Federal Home Loan Mortgage Corporation ("Freddie Mac") execution. Like most lenders, Freddie Mac and Fannie Mae will not permit the existence of a reverter clause. With this clause in the current DRC, the refinancing is unable to occur, causing potential harm to the ownership as they might not be able to repay the existing loan prior to its maturity.

On June 2, 2004, the Westchester County Planning Board (the "Planning Board") adopted Resolution No. 2004-17 and No. 2004-20 (the "Planning Board Resolutions") to recommend funding to finance the acquisition and conveyance along with the Infrastructure Improvements for the Development. Because no material change to the Development is contemplated by the proposed amendment to the DRC, the Planning Board Resolutions remain in full force and effect. However, it should be noted that the Planning Board was apprised of the proposed amendment as an information item at its September 4, 2024 meeting. The Planning Board Resolutions and information item are annexed hereto for your Honorable Board's review.

Sincerely,

A handwritten signature in blue ink, appearing to read "George Latimer", is written over the typed name.

George Latimer
County Executive
Attachments
GL/BL/DLV

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

Your Committee is in receipt of a communication from the County Executive recommending the adoption of an Act in order to amend the reverter clause contained in the County Declaration of Restrictive Covenants (“DRC”) dated August 30, 2004.

Your Committee is advised that on, 2004, your Honorable Board enacted legislation in connection with “Capital Project BPL10 – New Homes Land Acquisition” to finance the acquisition of the development site and enacted legislation in connection with “Capital Project BPL1A – Housing Implementation Fund” to finance infrastructure improvements in support of the construction of four (4) buildings (the “Development”) with one hundred three (103) affordable rental units that will affirmatively further fair housing (the “Affordable AFFH Units”) at 2500 Jacob’s Hill Road in the Town of Cortlandt (the “Property”). Of the one hundred three (103) Affordable AFFH Units, eighty-one (81) are available to eligible senior households age 55 and over that earn at or below sixty percent (60%) of the Westchester County area median income (“AMI”), and the remaining twenty-one (21) Affordable AFFH Units are available to households that earn up to fifty percent (50%) of AMI, all to remain affordable for a period of not less than forty (40) years. One unit is an employee unit.

In particular, your Honorable Board approved Bond Act No. 152-2004 which authorized the issuance of bonds of the County of Westchester (“County”) in an amount not-to-exceed \$1,155,000 as part of Capital Project BPL1A to finance the Infrastructure Improvements; and Act No. 150-2004 which authorized the County to enter into an Inter-Municipal Developer Agreement (the “IMDA”) with the Town of Cortlandt (the “Town”), WB Jacob’s Hill Associates, LLC , its successors or assigns (“collectively the “Developer”). Lastly, your Honorable Board also approved Act 151-2004 for a Capital Budget Amendment to modify BPL1A to include this location.

Your Committee is advised that in addition to the County funds, the Development was originally financed through the award and allocation of 9% Low Income Housing Tax Credits

from New York State Housing and Community Renewal ("HCR") along with subsidy funding from HCR. The Development, per the recorded Declaration of Restrictive Covenants ("DRC"), is to remain affordable for 40 years. Presently, the Development is roughly halfway through the affordability period. It is the intent of the Development's owner to seek an extension of the affordability period when it seeks recapitalization of the Development through HCR at the end of the affordability period which will include rehabilitation.

Planning has further advised that Developer have requested that the reverter clause, found in the County DRC be removed. At the time when this Development closed, it was commonplace for the County DRC to include a reverter clause. In the event of non-compliance with the DRC's restrictions, this clause, would result in the property ownership reverting to the County. This poses significant risk to lenders who could see their liens disappear should the County enforce the reverter clause. When this Development closed along with others in the late 1990's and early 2000's, the County placed reverters on a few developments before the realization that the reverter clause created issues for the developments to seek financing. In the case of this Development, the owner is seeking to refinance the existing debt with a new loan through a Federal National Mortgage Association ("Fannie Mae") or Federal Home Loan Mortgage Corporation ("Freddie Mac") execution. Like most lenders, Freddie Mac and Fannie Mae will not permit the existence of a reverter clause. With this clause in the current DRC, the refinancing is unable to occur, causing potential harm to the ownership as they might not be able to repay the existing loan prior to its maturity.

Therefore, Planning has requested that your Honorable Board authorize an amendment to the County DRC to remove the reverter clause. so that the Development can successfully pursue a refinancing. All other terms and conditions of the County DRC will remain in full force and effect.

Your Committee is further advised that Planning has noted that the Declaration of Restrictive Covenants dated August 30, 2004, and filed in the Westchester County Clerk's Office which requires that all of the Affordable AFFH Units will remain affordable for a term of

not less than forty (40) years, will also be amended to reflect the aforesaid deletion of the reverter clause.

Your Committee is also advised that on June 2, 2004, the Westchester County Planning Board (the “Planning Board”) adopted Resolutions No. 2004-17 and No. 2004-20 (the “Planning Board Resolutions”) to recommend funding to finance the acquisition and conveyance along with the and Infrastructure Improvements for the Development. Because no material change to the Development is contemplated by the proposed amendment to the DRC, the Planning Board Resolutions remain in full force and effect. However, it should be noted that the Planning Board was apprised of the proposed amendment as an information item at its September 4, 2024 meeting. The Planning Board Resolutions and information item are annexed hereto for your Honorable Board’s review.

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 County’s action merely involves the amendment of the Declaration of Restrictive Covenants to remove the reverter clause to facilitate the extension of the affordability period of the existing units and there is no physical change to the project itself, with respect to the State Environmental Quality Review (SEQR) Act, this does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617. As such, no environmental review is required and the original environmental review remains valid.

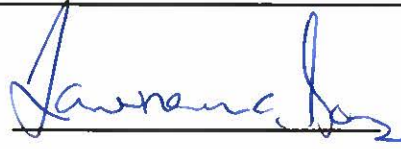
After careful review, your Committee believes that the Act is in the best interest of the County and therefore recommends its adoption, noting that it requires no more than an affirmative vote of the majority of your Honorable Board.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

c/dlv 9-16-24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: <u>BPL1A</u>		<input checked="checked" type="checkbox"/> NO FISCAL IMPACT PROJECTED
SECTION A - CAPITAL BUDGET IMPACT To Be Completed by Budget		
<input type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND	<input type="checkbox"/> SPECIAL DISTRICTS FUND
Source of County Funds (check one):		<input type="checkbox"/> Current Appropriations
		<input type="checkbox"/> Capital Budget Amendment
2500 Jacob's Hill Rd, Tn of Cortlandt amend to remove reverter clause in DRC		
SECTION B - BONDING AUTHORIZATIONS To Be Completed by Finance		
Total Principal	PPU	Anticipated Interest Rate
Anticipated Annual Cost (Principal and Interest):		
Total Debt Service (Annual Cost x Term):	\$	-
Finance Department:		
SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service) To Be Completed by Submitting Department and Reviewed by Budget		
Potential Related Expenses (Annual):	\$	-
Potential Related Revenues (Annual):	\$	-
Anticipated savings to County and/or impact of department operations (describe in detail for current and next four years):		
<hr/> <hr/>		
SECTION D - EMPLOYMENT As per federal guidelines, each \$92,000 of appropriation funds one FTE Job		
Number of Full Time Equivalent (FTE) Jobs Funded:	n/a	
Prepared by: <u>Dianne Vanadia</u>	Reviewed By: 	
Title: <u>Associate Budget Director</u>	Budget Director	
Department: <u>Budget</u>	Date: <u>9/19/24</u>	
Date: <u>9/18/24</u>		

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL10

☒ 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

2500 Jacob's Hill Rd, Tn of Cortlandt amend to remove reverter clause in DRC

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal

PPU

Anticipated Interest Rate

Anticipated Annual Cost (Principal and Interest):

Total Debt Service (Annual Cost x Term):

\$ -

Finance Department:

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual):

\$ -

Potential Related Revenues (Annual):

\$ -

Anticipated savings to County and/or impact of department operations

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

SECTION D - EMPLOYMENT

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

Number of Full Time Equivalent (FTE) Jobs Funded:

n/a

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget


Date: 9/18/24

Reviewed By: 

Budget Director

Date: 9/19/24

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

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

DATE: September 12, 2024

SUBJECT: **SEQR DOCUMENTATION FOR AMENDMENT OF RESTRICTIVE
COVENANTS – JACOB’S HILL ROAD, CORTLANDT**

Pursuant to your request for an environmental review of the above referenced action, the Planning Department has determined that no environmental review is necessary.

The property involves a four buildings including over one hundred affordable housing units located at Jacob’s Hill Road in Cortlandt, constructed with financial assistance from multiple sources, including the County’s New Homes Land Acquisition Fund and Housing Implementation Fund, to facilitate affordable housing. The Town of Cortlandt declared itself Lead Agency for the original construction and conducted a coordinated review. As an involved agency, the County adopted a Findings Statement in 2004. The owner of the development now seeks to extend the affordability period and remove the reverter clause contained in the Declaration of Restrictive Covenants, because such clauses restrict the ability to secure the federal funding the owner is seeking to extend the affordability period.

Since the County’s action merely involves the amendment of the Declaration of Restrictive Covenants to remove the reverter clause to facilitate the extension of the affordability period of the existing units and there is no physical change to the project itself, with respect to the State Environmental Quality Review (SEQR) Act, this does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617. As such, no environmental review is required and the original environmental review remains valid.

cc: Blanca P. Lopez, Commissioner
Claudia Maxwell, Principal Environmental Planner

To: Honorable Members of the Westchester County Planning Board

From: Blanca P. Lopez
Commissioner
Department of Planning

Leonard Gruenfeld
Program Director– Community Development
Department of Planning

Re: **No-Action Memo to the Planning Board**
Jacobs Hill Apartments - Removal of Restrictive Covenant Reverter Clause

Date: August 28, 2024

Jacobs Hill Apartments (the “Development”) in the Town of Cortlandt was assisted by the County of Westchester through both the New Homes Land Acquisition (“NHLA”) and the Housing Implementation Fund (“HIF”) and currently provides 103 units of affordable housing for seniors including one unit for an employee. The Development was completed in 2006 and includes 81 one-bedroom and 22 two-bedrooms units in four buildings with parking and amenities.

At the time when this Development closed, it was commonplace for the County to include a reverter clause in the Declaration of Restrictive Covenants (“DRC”). In the event of non-compliance with the DRC’s restrictions, this clause would result in the property ownership reverting to the County. This poses significant risk to lenders who could see their liens disappear should the County enforce the reverter clause.

In the case of this Development, the owner is seeking to refinance the existing debt with a new loan through a Federal National Mortgage Association (“Fannie Mae”) or Federal Home Loan Mortgage Corporation (“Freddie Mac”) execution. Like most lenders, Freddie Mac and Fannie Mae will not permit the existence of a reverter clause. With this clause in the current DRC, the refinancing is unable to occur, causing potential harm to the ownership as they might not be able to repay the existing loan prior to its maturity.

Therefore, the County will proceed, with Board of Legislators approval, to amend the existing DRC to remove this clause so that the refinancing can occur. This will bring the DRC for the Development in line with other current County developments.

ACT NO. ____ - 2024

AN ACT authorizing the County of Westchester to enter into an amendment to the County Declaration of Restrictive Covenants for one hundred three affordable rental units located at 2500 Jacob's Hill Road, in order to delete the reverter clause.

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

Section 1. The County of Westchester (the "County") is hereby authorized to enter into an amendment to a County Declaration of Restrictive Covenants (the "DRC"), dated August 30, 2004, and previously authorized on July 12, 2004, by Acts No. 148-2004 and 150-2004, in order to delete the reverter clause as contained in the DRC.

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

§3. 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.


§4. This Act shall take effect immediately.

Memorandum

Office of the County Executive
Michaelian Office Building

September 26, 2024

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act - BPL30 & Land Acquisition Act – 60 South Kensico Avenue, White Plains.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators September 30, 2024 Agenda.

Transmitted herewith for your review and approval is the necessary legislation to 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 September 30, 2024 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

September 30, 2024

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

Dear Honorable Members of the Board of Legislators:

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

Land Purchase and Conveyance. An Act (the "Land Acquisition Act") to authorize the purchase and subsequent conveyance of approximately +/- 0.198 acres (8,625 square feet) of real property located at 60 South Kensico Avenue in the City of White Plains (the "Property") to Regan Development Corp., its successors, assigns or any entity created to carry out the purposes of the proposed transaction (the "Developer"), as part of the County's program to support the construction of affordable housing units that affirmatively further fair housing (the "Affordable AFFH Units"). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the "NHLA Bond Act"), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$1,030,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning ("Planning") has advised that subject to the approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$1,030,000 to purchase the Property from the current owner to create twelve (12) Affordable AFFH Units for rent and approximately fifteen (15) parking spaces for use by the residents (the "Development").

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to eligible households earning at or below 50% and up to 60% of the Westchester County area median income. The units will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer for One (\$1.00) Dollar to construct the Affordable AFFH Units.

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2900

Website: westchestercountyny.gov



Planning has further advised that additional funds for the Development are anticipated to be provided by New York State Homes and Community Renewal ("HCR"), Westchester County Housing Flex Fund, City of White Plains Affordable Housing Fund and a first mortgage from a conventional bank for an estimated total Development cost of approximately \$6.42 Million.

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 Westchester County Planning Board ("Planning Board") with respect to the physical planning aspects of the project. On July 2, 2024, the Planning Board adopted Resolution No. 24-24 that recommends funding for the purchase and conveyance of the Property which is annexed hereto. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of the Westchester County Charter.

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

Sincerely,



George Latimer
Westchester County Executive

GL/BPL/LAC
Attachments

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

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

Land Purchase and Conveyance. An Act (the “Land Acquisition Act”) to authorize the purchase and subsequent conveyance of approximately +/- 0.198 acres (8,625 square feet) of real property located at 60 South Kensico Avenue in the City of White Plains (the “Property”) to Regan Development Corp., its successors, assigns or any entity created to carry out the purposes of the proposed transaction (the “Developer”), as part of the County’s program to support the creation of affordable housing units that affirmatively further fair housing (the “Affordable AFFH Units”). The Land Acquisition Act also authorizes the County to grant and accept any property rights necessary in furtherance thereof.

Acquisition Financing. A New Homes Land Acquisition Bond Act (the “NHLA Bond Act”), prepared by the firm of Hawkins Delafield & Wood LLP, to authorize the issuance of bonds of the County in a total amount not to exceed \$1,030,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning (“Planning”) has advised that subject to the receipt of approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$1,030,000 to purchase the Property from the current owner to create twelve (12) Affordable AFFH Units for rent and approximately fifteen (15) parking spaces for use by the residents (the “Development”).

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed and leased in accordance with an approved affordable fair housing marketing plan to households earning at or below 50% and up to 60% of the Westchester County area median income. The units will remain affordable for a period of not less than fifty (50) years noting that the income limits are subject to change based on the median income levels at the time of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

In accordance with the Land Acquisition Act, the County will subsequently convey the Property to the Developer for One (\$1.00) Dollar to construct the Affordable AFFH Units.

Your Committee has been advised that additional funds for the Development are anticipated to be provided by New York State Homes and Community Renewal ("HCR"), Westchester County Housing Flex Fund, City of White Plains Affordable Housing Fund and a first mortgage from a conventional bank, for an estimated total Development cost of approximately \$6.42 Million.

Your Committee has been advised by Planning that the proposed Development was classified as an Unlisted Action by the City of White Plains Planning Board, which issued a negative declaration pursuant to 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 since the County was not included as an involved agency in the City's review, the County must conduct its own environmental review. As such, a Short Environmental Assessment form ("EAF") was prepared by Planning and is attached hereto for your Honorable Board's consideration. Your Committee has carefully considered the proposed legislation. It has reviewed the attached EAF and the criteria contained in Section 617.7 of the SEQRA regulations to identify the relevant areas of environmental concern. For the reasons set forth in the attached EAF, your Committee believes that the proposed action will not have any significant adverse impact on the environment and urges your Honorable Board to adopt the annexed Resolution by which this Board would issue a Negative Declaration for this Development.

Your Committee has been 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 Westchester County Planning Board ("Planning Board") with respect to the physical planning aspects of the project. On July 2, 2024, the Planning Board adopted Resolution No. 24-24 that recommends funding for the purchase and conveyance of the Property which is annexed hereto. In addition, the report of the Commissioner of Planning is annexed pursuant to Section 191.41 of

the Westchester County Charter.

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

Dated: , 2024

White Plains, New York

COMMITTEE ON
c/lac 09-16-24

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL30

☐ NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

60 South Kensico Avenue, City of White Plains

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 1,030,000 PPU 30 Anticipated Interest Rate 3.32%

Anticipated Annual Cost (Principal and Interest): \$ 52,589

Total Debt Service (Annual Cost x Term): \$ 1,577,679

Finance Department: maab 9-19-24

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

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

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

SECTION D - EMPLOYMENT

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

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

Prepared by: Blanca P. Lopez

Title: Commissioner

Department: Planning

Date: 9/19/24

Reviewed By:

*By 9/20/24
9/20/24*


Date:

[Signature]
Budget Director
9/20/24



Memorandum
Department of Planning

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

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

DATE: September 12, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
BPL30, NEW HOMES LAND ACQUISITION II
60 SOUTH KENSICO AVENUE, WHITE PLAINS**

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

The action involves the provision of County funding under capital project BPL30 – New Homes Land Acquisition II to facilitate the development of twelve units of affordable rental housing to be constructed at 60 South Kensico Avenue in the City of White Plains. Funds from BPL30 will be applied towards the purchase of approximately 0.198 acre of property, upon which the County will file a restrictive covenant that will require all of the proposed apartments to be marketed and leased to households meeting certain income thresholds for a period of not less than fifty years.

The proposed development was classified as an Unlisted Action by the City of White Plains Planning Board, which issued a negative declaration pursuant to SEQR for this project on April 19, 2022. However, since the County of Westchester was not included as an involved agency in the City's review, the County must conduct its own environmental review. As such, a Short Environmental Assessment Form (EAF) has been prepared and is attached for consideration by the Board of Legislators.

Please contact me if you require any additional information regarding this document.

DSK/cnm

Att.

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

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.

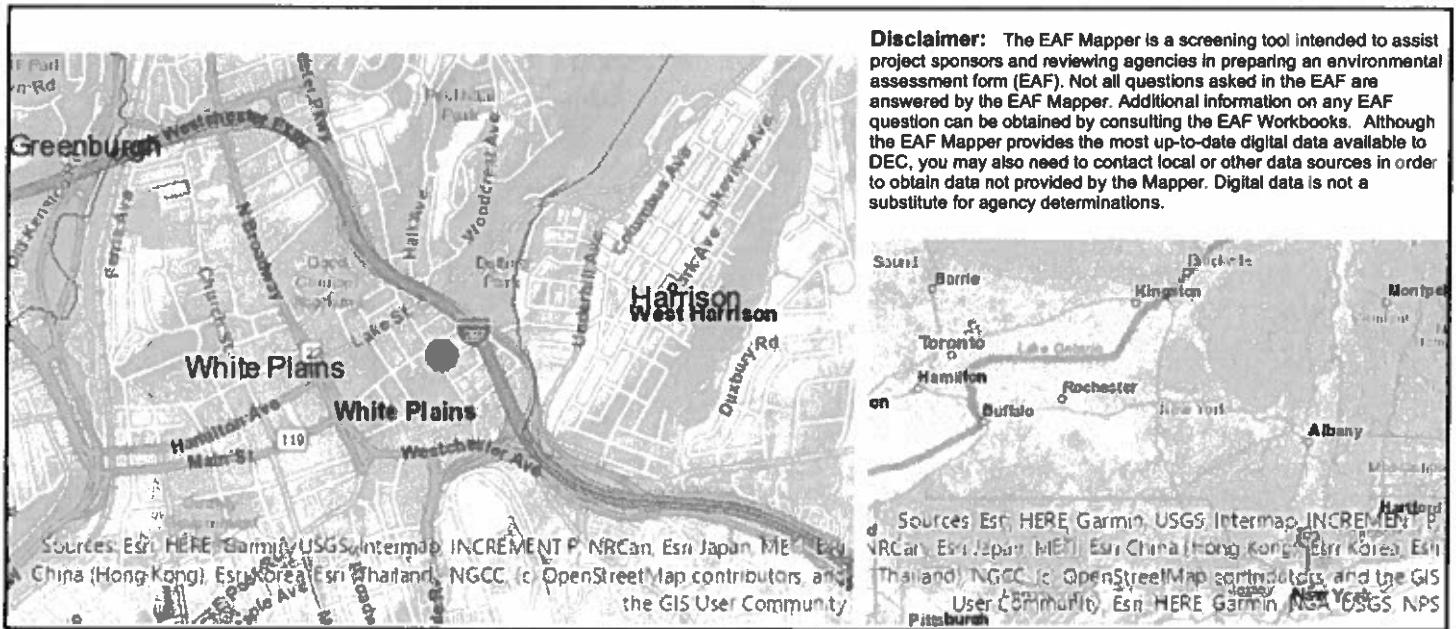
Part 1 – Project and Sponsor Information			
Name of Action or Project: 60 South Kensico			
Project Location (describe, and attach a location map): 60 South Kensico Avenue, White Plains, NY 10601			
Brief Description of Proposed Action: Regan Development Corporation ("Regan" or "RDC") proposes 60 Kensico (the "Project"), the new construction of a twelve-unit 100% affordable multi-family rental building to be developed on vacant real property located at 60 South Kensico Ave, White Plains, NY 10601 (SBL: 126.53-6-18). The gross square footage for the proposed three-story building is 12,155 sq. ft. Of that total, 8,505 sq. ft. will be residential space and 2,555 sq. ft. will be common area. The basement of the building will be dedicated as a parking structure housing fifteen parking spaces underneath the residential building. The basement parking level entrance will be located along South Kensico Ave. Residents can access the building from the basement and first level entrances. The building holds a mix of 12 affordable studio and one-bedroom apartments. Three apartments will be 535 square foot studios, six apartments will be 618 or 665 square foot one-bedrooms, and three apartments will be 940 square foot one-bedroom units with a den space. Floors 1-3 will have identical layouts with four apartments per floor. There will be one studio apartment, two one-bedroom apartments, and one one-bedroom apartment plus a den. All units are accessible by two stairways or by elevator. Trash and recycling rooms will be on each of the three residential floors.			
Name of Applicant or Sponsor: Regan Development Corporation		Telephone: (914) 693-6613 E-Mail: Larry@regandevelopment.com	
Address: 1055 Saw Mill River Rd, Suite 204			
City/PO: Ardsley		State: NY	Zip Code: 10502
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 checked="" 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: Westchester County New York State Homes and Community Renewal		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.198 acres	
b. Total acreage to be physically disturbed?		.198 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.198 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Educational <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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
Although Peregrine Falcon was identified, the site is already fully developed as a parking lot and provides no wildlife habitat.	<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?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		
All stormwater is treated on site. No discharge beyond property line. All contained site.		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<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?	NO	YES
If Yes, describe:	<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?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DECinfo Locator, Spill Incidents Database and Environmental Site Remediation Database were searched and yielded no results.		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Regan Development Corporation / Larry Regan</u> Date: <u>8/30/24</u> Signature: <u></u> Title: <u>President</u>		

EAF Mapper Summary Report

Friday, August 30, 2024 9:43 AM



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]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Peregrine Falcon
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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.

There will be minimal environmental impacts as the project is located on a site that has already been fully developed as a paved municipal parking lot and is completely surrounded by existing development, including multi-family residences, a school and a self-storage building.

There will be minimal community impacts since the parking lot is no longer being utilized by the municipality and the development consists of only 12 studio and one-bedroom apartments in a 3-story building with the required number of parking spaces on site.

Although the site has been identified as being within or adjacent to an area designated by SHPO as archaeologically sensitive, the entire neighborhood has already been heavily disturbed; as such, no further impacts on archaeological resources are anticipated.

The development will improve existing conditions by adding landscaping and an underground infiltration system that will help beautify and reduce stormwater runoff currently associated with the former parking lot.

☐ 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 Board of Legislators

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

RESOLUTION

WHEREAS, there is pending before this Honorable Board an Act to authorize the County of Westchester to acquire and convey real property for the purpose of constructing 12 affordable rental units at 60 South Kensico Avenue in the City of White Plains, that will affirmatively further fair housing and remain affordable for a period of not less than 50 years; and

WHEREAS, this Honorable Board has determined that the proposed real property acquisition and conveyance would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, pursuant to SEQRA 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 conducting an uncoordinated review as permitted for Unlisted actions pursuant to Section 617.6(b)(4) of the implementing regulations; and

WHEREAS, in accordance with SEQRA 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 real property acquisition and conveyance of 60 South Kensico Avenue in the City of White Plains in support of the construction 12 affordable rental units that will affirmatively further fair housing; 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 SEQRA 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.



Memorandum

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

TO: Honorable George Latimer
County Executive

FROM: Blanca P. Lopez
Commissioner

DATE: September 30, 2024

SUBJECT: Acquisition of Real Property – 60 South Kensico Avenue –City of White Plains

Pursuant to Section 191.41 of the County Charter, submitted herewith is the required report of the Commissioner of Planning on the proposed acquisition and subsequent conveyance of +/- 0.198 acres of real property located at 60 South Kensico Avenue in the City of White Plains, identified on the City tax maps as Section 126.53: Block 6; Lot: 18 (the "Property") for the purpose of creating 12 affordable housing units (the "Affordable AFFH Units"), that will affirmatively further fair housing ("AFFH"). The development will also provide approximately 15 parking spaces for residents.

The County of Westchester ("the County") intends to finance the purchase of the Property from the current owner in an amount not to exceed \$1,030,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units are marketed and leased in accordance with an approved affirmative fair housing marketing plan and will remain available to eligible households for a period of not less than 50 years. The County will then convey ownership of the Property to Regan Development Corporation (the "Developer"), its successors or assigns, for One (\$1.00) Dollar.

The Developer proposes to construct one new three-story building on the Property that will include a mix of affordable studios and one-bedroom rental apartments that will be leased to households who earn at or below 50% and up to 60% of the area median income (collectively the "Development").

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

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

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

3. The Development is proposed to include green technology, such as an airtight envelope, energy efficient appliances, lighting and heating systems and water-conserving fixtures to reduce operating and maintenance costs, minimize energy consumption and conserve natural resources. The Development is designed to meet the green building and sustainability standards of New York State Homes and Community Renewal ("NYS HCR");
4. The Development is consistent with the land use policies and regulations of the City of White Plains; and
5. On July 2, 2024, the County Planning Board adopted a resolution to recommend County financing towards the purchase of the Property to support the Development.

BPL/lg

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

RESOLUTION 24- 24

WESTCHESTER COUNTY PLANNING BOARD

**New Homes Land Acquisition II
Capital Project Funding Request
60 South Kensico Avenue,
City of White Plains**

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, Regan Development Corporation (the "Developer"), its successors or assigns, desires to develop the real property located at 60 South Kensico Avenue in the City of White Plains (the "City"), identified on the tax maps as Section 126.53, Block 6, Lot: 18 (the "Property") to create 12 affordable residential units that will affirmatively further fair housing including one employee unit ("AFFH"; collectively the "Affordable AFFH Units") and approximately 15 parking spaces (collectively the "Development"). and

WHEREAS, the County proposes to purchase the Property from the owner of record, for a not to exceed amount of \$1,030,000 with funds from NHLA and subsequently convey the Property to the Developer for One (\$1.00) Dollar to underwrite the cost of the land; and

WHEREAS, upon acquisition, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units constructed on the Property be leased to households who earn at or below 50% and up to 60% of the Westchester County Area Median Income ("AMI"); and

WHEREAS, the County will transfer ownership of the Property to the Developer to construct a mix of studio and one bedroom units 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, 60 South Kensico Avenue; City of White Plains, and authorize bonding in a not to exceed amount of \$1,030,000 to develop the Property; and

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

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

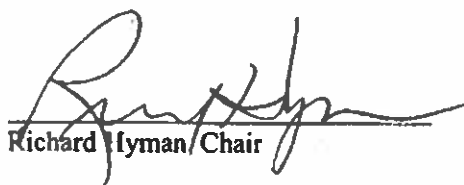
WHEREAS, the staff of the County Department of Planning have reviewed the proposal

and recommend the requested funding associated with acquisition of the Property; and

RESOLVED, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Affordable AFFH Units, subject to an appraisal, recommends that the County provide financial assistance in a not-to-exceed amount of \$1,030,000 from BPL30 NHLA II for property acquisition; and be it further

RESOLVED, that the Westchester County Planning Board amends its report on the 2024 Capital Project requests to include 60 South Kensico Avenue in the City of White Plains, as a new component project in Capital Project BPL30 under the heading of Buildings, Land and Miscellaneous.

Adopted this 2nd day of July 2024.



Richard Hyman/Chair

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,030,000 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 ON 60 SOUTH KENSICO AVENUE, IN THE CITY OF WHITE PLAINS, 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 \$1,030,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,030,000 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 \$1,030,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the purchase of approximately 0.198 acres of real property located on 60 South Kensico Avenue, in the City of White Plains (the "AFFH Property") from the current owner(s) of record at a cost of \$1,030,000,

including acquisition and settlement costs, in order to support the construction of 12 affordable housing units ("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 12 affordable AFFH rental units and 15 parking spaces at the aggregate estimated maximum cost of \$1,030,000 for the acquisition of the AFFH Property. The AFFH Property shall be acquired by the County, subjected to said Declaration of Restrictive Covenants and subsequently conveyed to Regan Development Corporation (the "Developer"), its successors or assigns. The Developer will construct a project which will include 12 affordable AFFH rental units and 15 parking spaces 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 \$1,030,000. The plan of financing includes the issuance of \$1,030,000 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 \$1,030,000 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 \$1,030,000. 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 \$1,030,000 as the estimated maximum cost of the aforesaid object or purpose is hereby approved.

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 \$1,030,000 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 ON 60 SOUTH KENSICO AVENUE, IN THE CITY OF WHITE PLAINS, 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 \$1,030,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,030,000 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 approximately 0.198 acres of real property located on 60 South Kensico Avenue, in the City of White Plains (the "AFFH Property") from the current owner(s) of record at a cost of \$1,030,000, including acquisition and settlement costs, in order to support the construction of 12 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 12 affordable AFFH rental units and 15 parking spaces at the aggregate estimated maximum cost of \$1,030,000 for the acquisition of the AFFH Property. The AFFH Property shall be acquired by the County, subjected to said Declaration of Restrictive Covenants and subsequently conveyed to Regan Development Corporation (the "Developer"), its successors or assigns. The Developer will construct a project which will

include 12 affordable AFFH rental units and 15 parking spaces 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:

\$1,030,000 - 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 Form

Project ID: *
BPL30

☒ CBA

Fact Sheet Date: *
07/08/2024

Fact Sheet Year *
2024

Project Title: *
NEW HOMES LAND ACQUISITION
II

Legislative District ID:
5

Category *
BUILDINGS, LAND &
MISCELLANEOUS

Department *
PLANNING

Unique Identifier
2584

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.

☐ Best Management

☐ Energy Efficiencies

☐ Infrastructure

☐ Life Safety

☐ Project Labor Agreement

☐ Revenue

☐ Security

☒ Other

Other Details

Five Year Capital Program (in Thousands)

	Estimate d Ultimate Total Cost	Prior Appropri ation	2024	2025	2026	2027	2028	Under Review
Gross	104,500	104,500	0	0	0	0	0	0
Less Non- County Shares	0	0	0	0	0	0	0	0
Net	104,500	104,500	0	0	0	0	0	0

Expended Obligated Amount (in thousands)
54,851

Current Bond Request / Description:

Bonding is requested to finance the acquisition of approximately 0.198 acres of real property located at 60 South Kensico Avenue in the City of White Plains and identified on the tax maps as Section 126.53: Block 6: Lot: 18 (the "Property") in order to construct 12 units of rental housing that will Affirmatively Further Fair Housing (the "Affordable AFFH Units"). The Development will also include 15 parking spaces.

Financing Plan for Current Request:

Bond/Notes:	1,030,000
Cash:	0
Non-county Shares:	0
Total:	1,030,000

SEQR Classification
UNLISTED

Amount Requested
1,030,000

PPU

Description	Amount	Years
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Expected Design Work Provider

☐ County Staff ☐ Consultant ☒ Not Applicable

Comments

A Capital Budget Amendment ("CBA") is requested to add the property to Capital Projects BPL30 and to authorize the County to purchase the vacant land from the current owner for an amount not to exceed \$1,030,000 to support the construction of one residential building of three stories with 12 Affordable AFFH rental units (including one employee unit) and 15 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 60% 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 Regan Development Corporation (the "Developer") its successors or assigns for one dollar (\$1.00).

Energy Efficiencies:

THE BUILDING WILL BE CONSTRUCTED WITH ENERGY EFFICIENT APPLIANCES, LIGHTING, HEATING SYSTEMS AND WATER CONSERVING FIXTURES. THE DEVELOPMENT IS DESIGNED TO MEET THE GREEN BUILDING AND SUSTAINABILITY STANDARDS OF NY STATE HOMES AND COMMUNITY RENEWAL.

Appropriation History

Appropriation Year	Amount	Description
2014	5,000,000	CONTINUATION OF THIS PROJECT
2016	2,500,000	CONTINUATION OF THIS PROJECT
2017	7,200,000	\$2,200,000 LAND ACQUISITION FOR MT HOPE PLAZA FOR MT HOPE COMMUNITY REDEVELOPMENT CORP, LOCATED AT 65 LAKE ST. WHITE PLAINS AND \$5,000,000CONTINUATION 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	16,800,000	CONTINUATION OF THIS PROJECT
2022	25,000,000	CONTINUATION OF THIS PROJECT
2023	25,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History
104,500,000

Financing History

Year	Bond Act #	Amount	Issued Amount	Description
15	204	460,000	460,608	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	240	0	0	
15	267	284,000	284,375	ACQUISITION OF 322 KEAR STREET, YORKTOWN HEIGHTS
16	24	353,000	290,732	104 PINE STREET, CORTLANDT- COST OF ACQUISITION
16	21	197,000	191,659	27 WALDEN COURT, UNIT #M YORKTOWN - COST OF ACQUISITION
16	18	385,000	0	164 PHYLLIS COURT, YORKTOWN - COST OF ACQUISITION
16	56	400,220	388,541	9 WATSON ST-CORTLANDT
16	231	2,009,980	1,999,980	200 READER'S DIGEST ROAD CHAPPAQUA AFFIRMATIVELY FURTHERING AFFORDABLE HOUSING AMEND
16	53	219,050	0	18 MINKEL RD OSSINING
16	59	210,800	211,079	5 STANLEY AVE - OSSINING
16	50	228,800	207,286	112 VILLAGE RD YORKTOWN
17	172	1,250,000	1,250,000	ACQUISITION OF LAND AT 1847 CROMPOND ROAD PEEKSKILL
17	142	2,600,000	2,312,500	ACQUISITION OF LAND LOCATED ON ROUTE 22 IN LEWISBORO
17	209	0	0	PURCHASE OF LAND AT 501 BROADWAY IN VILLAGE OF BUCHANAN
18	155	0	0	PURCHASE PROPERTY TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
18	123	787,500	787,507	PURCHASE PROPERTY AT 5 HUDSON STREET IN YONKERS TO PRESERVE AFFORDABLE AFFH RENTAL UNITS
18	77	2,100,000	2,100,000	PURCHASE OF LAND LOCATED AT 65 LAKE STREET IN WHITE PLAINS FOR FAIR HOUSING
18	159	1,000,000	1,000,000	PURCHASE OF PROPERTY LOCATED AT HALSTEAD AVENUE TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING

Financing History

Year	Bond Act #	Amount	Issued Amount	Description
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	70	5,225,000	5,225,000	PURCHASE PROPERTY TO SUPPORT DEVELOPMENT OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
19	68	1,765,000	1,765,000	PURCHASE AND SUBSEQUENT CONVEYANCE OF PROPERTY LOCATED AT 227 ELM STREET IN YONKERS
19	150	2,340,000	2,419,325	PURCHASE OF REAL PROPERTY LOCATED AT 645 MAIN STREET IN PEEKSKILL, FOR FAIR HOUSING
19	171	306,000	305,325	FINANCE THE PURCHASE OF REAL PROPERTY, INCLUDING THREE UNIT RENTAL BUILDING AT 162 LINCOLN
19	182	1,375,000	0	
20	206	5,000,000	5,000,007	AFFORDABLE HOUSING DEVELOPMENT 62 MAIN STREET, TARRYTOWN
21	84	3,825,000	3,825,063	AFFORDABLE AFFH UNITS - GREENBURGH 1 DROMORE ROAD
21	47	5,000,000	5,000,000	AFFORDABLE HOUSING - POINT ST AND RAVINE AVE YONKERS
21	93	1,400,000	1,399,999	AFFORDABLE AFFH UNITS - 76 LOCUST HILL AVE YONKERS
21	190	5,000,000	4,999,999	500 MAIN STREET NEW ROCHELLE
21	178	5,000,000	4,999,999	AFFH 26 GARDEN ST NEW ROCHELLE
21	166	1,800,000	1,757,604	AFFH 51 MAPLE ST VILLAGE OF CROTON
22	154	1,900,000	1,900,031	32, 36-38 MAIN STREET AND 1-3 RIVERDALE AVENUE CITY OF YONKERS
24	1	2,700,000	0	317, 319, 321 WARBURTON AVE AND 247-255 WOODWORTH AVE AND 32 POINT STREET
24	26	6,125,000	0	1, 7-11, 25,29 & 33 NO MACQUESTEN PARKWAY
24	24	6,000,000	0	2&8 GROVE, 102&106 SOUTH TERRACE, 111&115 SO MACQUESTEN PARKWAY
24	3	3,000,000	0	
24	83	4,360,000	0	LAND ACQUISITION II - 30 WATER ST. OSSINING

Cash History

Year	Amount	Description
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Financing History Total
79,446,350

Recommended By:

Department of Planning
MLLL

Date
07/16/2024

Department of Public Works
RJB4

Date
07/17/2024

Budget Department
DEV9

Date
07/18/2024

Requesting Department
MLLL

Date
07/22/2024

ACT NO. _____ - 2024

AN ACT authorizing the County of Westchester to purchase approximately +/- 0.198 acres (8,625 square feet) of real property located at 60 South Kensico Avenue in the City of White Plains and to subsequently convey said property, and to further authorize the County to grant and accept any property rights necessary in furtherance thereof, for the purpose of creating 12 affordable rental units that will affirmatively further fair housing and remain affordable for a period of not less than fifty (50) years

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

Section 1. The County of Westchester (the “County”) is hereby authorized to purchase from the current owner(s) of record approximately +/- 0.198 acres (8,625 square feet) of real property located at 60 South Kensico Avenue in the City of White Plains (the “Property”) to construct 12 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).

§2. The County is hereby authorized to purchase the Property for an amount not to exceed ONE MILLION THIRTY THOUSAND (\$1,030,000) DOLLARS.

§3. The County is hereby authorized to convey the Property to Regan Development Corp., its successors, assigns or any entity created to carry out the purposes of the proposed transaction, for One (\$1.00) Dollar to construct the Affordable AFFH Units that will be marketed and leased to households earning at or below 50% and up to 60% of the Westchester County area median income, that will remain affordable for a period of not less than fifty (50) years, and will be marketed and leased in accordance with an approved affirmative fair housing marketing plan, noting that the income limits are subject to change based on the median income levels at the time

of initial occupancy and subsequent occupancies, as established by the U.S. Department of Housing and Urban Development.

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

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

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

§7. This Act shall take effect immediately.