

# Budget & Appropriations Meeting Agenda



Committee Chair: Jewel Williams Johnson

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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**Monday, January 6, 2025**

**10:00 AM**

**Committee Room**

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**Joint with PE, HP and PWT**

## 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 St., Suite 1, Peekskill, NY 10566

## MINUTES APPROVAL

### I. ITEMS FOR DISCUSSION

1. [2024-602](#) **BOND ACT-BLA1A-2648-Parkland and Historical Preservation Program**

A BOND ACT authorizing the issuance of FOUR HUNDRED TWENTY-SEVEN THOUSAND (\$427,000) DOLLARS in bonds of Westchester County to finance Capital Project BLA1A - Parkland and Historical Preservation Program.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & ENVIRONMENT AND PUBLIC WORKS & TRANSPORTATION**

Joint with PE and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director for Community Development Len Gruenfeld

**2.     [2024-603](#)     IMA-Rye Town Park Bathhouse-BLA1A-Town of Rye**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement with the Town of Rye in connection with making improvements to the bathhouse located in Rye Town Park.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & ENVIRONMENT AND PUBLIC WORKS & TRANSPORTATION**

Joint with PE and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director for Community Development Len Gruenfeld

**3.     [2024-595](#)     BOND ACT-BPL44-Public Housing Authority Improvements**

A BOND ACT authorizing the issuance of SEVEN MILLION (\$7,000,000) DOLLARS in bonds of Westchester County to finance a component of Capital Project BPL44 - Public Housing Authority Improvements.

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

Joint with HP and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director for Housing Theresa Fleischman

**4.     [2024-596](#)     ACT-Easement Agreements-Housing Authorities**

AN ACT authorizing the County of Westchester to enter into easement agreements with the following Public Housing Authorities: Greenburgh Housing Authority, New Rochelle Municipal Housing Authority, White Plains Housing Authority and the Municipal Housing Authority for the City of Yonkers and if any, its Rental Assistance Demonstration program affiliates, their successors or assigns, to fund capital improvements, and authorize the County to accept necessary property rights that will remain affordable for a period of not less than fifty (50) years.

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

Joint with HP and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director for Housing Theresa Fleischman



5.     [2024-597](#)     **ENV RES-99 Church Street & 6 Cottage Place, White Plains**

AN ENVIRONMENTAL RESOLUTION determining that Capital Project BPL30 - New Homes Land Acquisition II - 99 Church Street & 6 Cottage Place, White Plains, will have no significant effect on the environment.

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

Joint with HP and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director for Community Development Len Gruenfeld

6.     [2024-598](#)     **BOND ACT-BPL30-99 Church Street & 6 Cottage Place, White Plains**

A BOND ACT authorizing the issuance of TEN MILLION (\$10,000,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL30 - 99 Church Street and 6 Cottage Place, White Plains.

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

Joint with HP and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director for Community Development Len Gruenfeld

7.     [2024-599](#)     **BOND ACT-BPL1A-99 Church Street & 6 Cottage Place, White Plains**

A BOND ACT authorizing the issuance of FOUR MILLION, FOUR HUNDRED TWENTY THOUSAND (\$4,420,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL1A - 99 Church Street & 6 Cottage Place, White Plains.

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

Joint with HP and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director for Community Development Len Gruenfeld

8.     [2024-600](#)     **ACT-Land Acquisition-99 Church Street & 6 Cottage Place, White Plains**

AN ACT authorizing the County of Westchester to purchase approximately +/- 0.93 acres of real property located at 99 Church Street and 6 Cottage Place in the City of White Plains and to subsequently convey said property for the purpose of creating 108 affordable condominium ownership housing 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, HOUSING & PLANNING AND PUBLIC WORKS & TRANSPORTATION**

Joint with HP and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director for Community Development Len Gruenfeld

9.     [2024-601](#)     **ACT-IMDA-White Plains & WBP Development LLC**

AN ACT authorizing the County of Westchester (the "County") to enter into an inter-municipal developer agreement with the City of White Plains, WBP Development LLC, its successors or assigns, to fund certain infrastructure improvements as well as authorize the County to grant and accept any property rights necessary in furtherance thereof, all for the purpose of constructing 68 affordable condominium ownership units at 99 Church Street in the City of White Plains, that will affirmatively further fair housing and remain affordable for a period of not less than 50 years.

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

Joint with HP and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Program Director for Community Development Len Gruenfeld

10.    [2024-609](#)     **ENV RES-BPL26-2441-Flood Mitigation**

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant adverse impact on the environment from Capital Project BPL26-2441 Flood Mitigation.

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

Joint with HP and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Director of Flood Mitigation and Stability Dean Tarulli

**11. [2024-610](#) BOND ACT-BPL26-2441-Flood Mitigation**

A BOND ACT authorizing the issuance of ONE MILLION, TWO HUNDRED THOUSAND (\$1,200,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL-26-2441 Flood Mitigation.

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

Joint with HP and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Director of Flood Mitigation and Stability Dean Tarulli

**12. [2024-611](#) IMA-BPL26-Flood Mitigation-Village of Briarcliff Manor**

AN ACT authorizing the County of Westchester to enter into an intermunicipal agreement the Village of Briarcliff Manor in connection with a flood mitigation project (Capital Project BPL26 - Unique ID#2441).

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

Joint with HP and PWT.

Guests: Planning Department

Commissioner Blanca Lopez

Director of Flood Mitigation and Stability Dean Tarulli

**II. OTHER BUSINESS****III. RECEIVE & FILE****ADJOURNMENT**

# Westchester County

November 22, 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 is a bond act (the "Bond Act") which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to issue up to \$427,000 in bonds of the County to finance a component of capital project BLA1A - Parkland and Historical Preservation Program ("BLA1A"). Also attached is an Act authorizing an inter-municipal agreement ("IMA") with the Town of Rye (the "Town").

The Bond Act, in the amount of \$427,000, would finance improvements required to be made to the bathhouse located at the Rye Town Park in the City of Rye, including making such bathhouse compliant with the Americans with Disabilities Act, as well as restoring and renovating the deteriorated bathhouse interiors. This project is being funded through the Westchester Legacy Program.

The IMA, will set forth the responsibilities of the County and the Town in connection with the project. Under the proposed IMA, the Town will lease the bathhouse structure to the County in order to facilitate the issuance of County bonds to finance the capital project's design and construction. In accordance with the IMA, the County will contribute an amount not to exceed \$427,000 toward the aforementioned improvements at the Rye Town Park, in exchange for Rye Town Park being open to all County residents. Should the project costs exceed the amount contributed by the County, the Town shall be solely responsible for any additional amount. Following construction, the Town will be responsible for the operation, maintenance, scheduling and security of the Rye Town Park at its expense. The Rye Town Park will continue to be operated by the Town, but will be available to all Westchester County residents. The term of the IMA will commence upon execution, and will continue for a period at least equal to the life of any County bonds issued to fund the project, which is estimated to be fifteen (15) years.

Following bonding authorization, design will be scheduled and is anticipated to take 6 to 12 months to complete. It is anticipated that the design work will be completed by a consultant to be engaged by the Town. It is also estimated that construction will take 12 to 18 months to complete and will begin after award and execution of the construction contracts.

As your Honorable Board is aware, the Westchester Legacy Program is a County initiative to acquire, protect and enhance open space lands in Westchester County. To date, the Legacy Program is credited with preserving over 2,000 acres of open space in Westchester County. The acquired properties include linear parks, urban parks, active recreation facilities, as well as large tracts of open space forever preserved in their natural state.

The Legacy Program was established to aggressively pursue land acquisition with three major priorities: 1) to preserve green space, protect our county's natural habitats and protect rivers, streams and lakes and to provide passive recreation areas; 2) to purchase park land for active recreation such as baseball and soccer fields, trailways and bike paths; and 3) to acquire land for historic preservation and protection of our cultural heritage.

It should be noted that your Honorable Board has previously authorized the County to issue bonds which have financed prior components of BLA1A as set forth in the attached fact sheet.

It should be noted that as BLA1A is a "general fund" project, specific components are subject to a capital budget amendment. Section 1 of the Bond Act authorizes an amendment to the County's capital budget to the extent the project scope is inconsistent with any details set forth in the current capital budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the 2024 capital budget to reflect the specific location of this project component.

In addition, section 167.131 of the Laws of Westchester County 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 to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BLA1A is annexed.

Based upon the foregoing, I recommend the adoption of the aforementioned Bond Act, as well as the Act authorizing the County to enter into the IMA.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Latimer", written in a cursive style.

George Latimer  
Westchester County Executive

Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”), which if adopted, would authorize the County of Westchester (the “County”) to issue up to \$427,000 in bonds to finance a component of capital project BLA1A - Parkland and Historical Preservation Program (“BLA1A”). Also attached is an Act authorizing an inter-municipal agreement (“IMA”) with the Town of Rye (the “Town”).

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield & Wood LLP, would finance improvements required to be made to the bathhouse located at the Rye Town Park in the City of Rye, including making such bathhouse fully compliant with the Americans with Disabilities Act, as well as restoring and renovating the deteriorated bathhouse interiors. This project is being funded through the Westchester Legacy Program.

The IMA, will set forth the responsibilities of the County and the Town in connection with the project. Under the proposed IMA, the Town will lease the bathhouse structure to the County in order to facilitate the issuance of County bonds to finance the capital project’s design and construction. In accordance with the IMA, the County will contribute an amount not to exceed \$427,000 toward the aforementioned improvements at the Rye Town Park, in exchange for Rye Town Park being open to all County residents. Should the project costs exceed the amount contributed by the County, the Town shall be solely responsible for any additional amount. Following construction, the Town will be responsible for the operation, maintenance, scheduling and security of the Rye Town Park at its expense. The Rye Town Park will continue to be operated by the Town, but will be available to all Westchester County residents. The term of the IMA will commence upon execution and will continue for a period equal to the life of any County bonds issued to fund the project, which is estimated to be fifteen (15) years.

Following bonding authorization, design will be scheduled and is anticipated to take 6 to 12 months to complete. It is anticipated that the design work will be completed by a consultant to be engaged by the Town. It is also estimated that construction will take 12 to 18 months to complete and will begin after award and execution of the construction contracts.

As your Honorable Board is aware, the Westchester Legacy Program is a County initiative to acquire, protect and enhance open space lands in Westchester County. To date, the Legacy Program is credited with preserving over 2,000 acres of open space in Westchester County. The acquired properties include linear parks, urban parks, active recreation facilities as well as large tracts of open space forever preserved in their natural state.

The Legacy Program was established to aggressively pursue land acquisition with three major priorities: 1) to preserve green space, protect our county's natural habitats and protect rivers, streams and lakes and to provide passive recreation areas; 2) to purchase park land for active recreation such as baseball and soccer fields, trailways and bike paths; and 3) to acquire land for historic preservation and protection of our cultural heritage.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds which have financed prior components of BLA1A as set forth in the attached fact sheet.

Your Committee is further advised that as BLA1A is a "general fund" project, specific components are subject to a capital budget amendment. Section 1 of the Bond Act authorizes an amendment to the County's capital budget to the extent the project scope is inconsistent with any details set forth in the current capital budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the current year capital budget to reflect the specific location of this project component.

In addition, section 167.131 of the Laws of Westchester County 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 to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BLA1A is annexed.

Furthermore, the Planning Department has advised your Committee that based on its review, the above referenced capital project may be classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQRA documentation and concurs with this recommendation.

Please note that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act, while an affirmative vote of a majority of the voting strength of your Honorable Board is required to adopt the Act authorizing the IMA.

Based on the importance of this project to the County, your Committee recommends favorable action on the annexed Bond Act and Act authorizing the IMA.

Dated: \_\_\_\_\_, 2024

White Plains, New York

**COMMITTEE ON**

s/CMC/10-17-2024



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BLA1A

☐ 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

**RYE TOWN PARK BATHHOUSE**

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal    \$                    427,000        PPU    15        Anticipated Interest Rate    3.05%

Anticipated Annual Cost (Principal and Interest):                    \$        35,851

Total Debt Service (Annual Cost x Term):                    \$        537,764

Finance Department:        maab 11-14-24

## 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:                    5

Prepared by:                    Michael Lipkin

Title:                              Associate Planner

Department:                    Planning

Date:                              11/15/24

Reviewed By: 


11/15/24

Budget Director

Date:

11/15/24

TO: Michelle Greenbaum, Senior Assistant County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney  
Carla Chaves, Senior Assistant County Attorney

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

DATE: September 17, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BLA1A PARKLAND AND HISTORICAL PRESERVATION PROGRAM**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
08-28-2024 (Unique ID: 2648)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.

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**COMMENTS:** None.

DSK/dvw

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Associate Budget Director  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

## BLA1A Parkland and Historical Preservation Program

### FIVE YEAR CAPITAL PROGRAM

(in thousands)

Funding Type	Estimated Total Project Cost	Appropriated	Expended or Obligated	2024	2025	2026	2027	2028	Under Review
Gross Amount	32,227	23,300	1,302	3,927	0	0	0	0	5,000
Net County Amount	32,227	23,300	1,302	3,927	0	0	0	0	5,000

### Project Description

This project is designed to aggressively pursue land acquisition for three major objectives. One major objective is to purchase parkland for active recreation such as baseball and soccer fields, trailways and bike paths. A key component of the ball field initiative is to partner with municipalities on the acquisition and/or development of ball fields to maximize available funding. The development of RiverWalk, the proposed promenade along the Hudson River, is a key component of the Legacy Program. A second major objective is to preserve green space, protect our County's natural habitats and protect rivers, streams and lakes. The third objective is to preserve land for historic preservation and protection of our cultural heritage.

This is a general fund, specific projects are subject to a Capital Budget Amendment.

2024: The add on request by the BOL in the amount of \$427,000 will go towards the construction of the interior upgrades to the Bathhouse located in Rye Town Park in Rye, in order to make this public facility fully ADA-compliant.

### Appropriation History

Year	Amount	Purpose
2020	1,000,000	Funds this project
2021	17,000,000	Ludlow Park (Water Access Park), Yonkers, \$10,000,000; 4th Street Playground, Mt. Vernon, \$2,000,000 and Riverwalk Improvements, Yonkers, \$5,000,000
2022	-700,000	Design of Riverwalk improvements in Tarrytown \$1,300,000; 4th Street Playground Mt. Vernon appropriation reduction (\$2,000,000)
2023	6,000,000	A turf field at Flint Park in Larchmont \$1,000,000; a linear park extending north from the Yonkers Joint Water Resource Recovery Facility in the Ludlow section of Yonkers \$5,000,000.
2024	3,927,000	Funds the rehabilitation of the existing Riverwalk in Tarrytown (\$1M) and provides additional funds to the project (\$500,000), as well as funding for Silliman Park upgrades in Ardsley (\$2M) and Rye Town Park Bathhouse upgrades (\$427,000)

### Justification

Under the predecessor project BLA01, funding at varying amounts was provided to meet the project's goals. These amounts, when leveraged with funding from the state and local governments or private sources, is intended to enable the County to play a very meaningful role in open space preservation and to take advantage of opportunities to purchase or otherwise protect critical resources.

The Westchester County park and open space system has contributed greatly to the quality of life in this County. Municipal officials and residents throughout Westchester have indicated that open space preservation remains a top priority. The acquisition and protection of lands for environmental protection helps to build on this legacy. The County in recent years played an important role in expanding opportunities for active recreation. Traditionally, it was the municipalities and school districts that developed athletic fields.

The 1999 Open Space Policies were adopted by both the Planning Board and the Parks Board. These policies have goals for a continued County park and open space acquisition program that includes: 1) provision of opportunities for active and passive

recreation, with emphasis on locations close to concentrations of the County's population; 2) establishment of a series of open space linkages to provide a connected system of parklands; 3) preservation of significant amounts of the Hudson River waterfront; 4) protection of environmentally significant properties; and 5) preservation of properties considered to be of historic significance.

#### **Consistency with Programs or Plans**

The project is consistent with the policies of "Westchester 2025", the County's long-range land use policies, and the 1999 Open Space Policies in that it supports open space preservation, provides opportunities for active and passive recreation, promotes open space linkages, preserves environmentally significant properties and helps preserve properties considered to be of historic value.

#### **Planning Board Analysis**

**PL2** The Planning Board strongly supports the continuation of this program to acquire land for open space preservation and for needed active recreation for Westchester residents. The Planning Board notes that it is important that the Planning Board supports the development of a new Open Space Plan to assist in evaluating potential land acquisitions and development of existing County open space. The Planning Department staff will need to review potential sites for acquisition to assure that each site will fit within the County's overall land preservation needs will help define and shape surrounding land use and that each acquisition will maximize the use of County funds. The Planning Board advises that new parkland should be acquired only if sufficient funding is available for the proper maintenance of existing County parkland and/or if the responsibility for the operation and maintenance of such parkland is taken on by a municipality or other non-County entity. The Planning Board also cautions against any acquisition of open space that contains existing structures unless there are pre-determined uses for them and that a proper maintenance protocol factoring in cost for upkeep is created, because these costs can be excessive.

**RESOLUTION 24- 28**

**WESTCHESTER COUNTY PLANNING BOARD**

**BLA1A Parkland and Historical Preservation Program  
Rye Town Park Interior Bathhouse Improvements**

**WHEREAS**, BLA1A Parkland and Historical Preservation Program funds will be used for the interior improvements to the **Rye Town Park Bathhouse in the Town of Rye**, in the amount of \$427,000; and

**WHEREAS**, the park will be open and accessible to all Westchester County residents; and

**WHEREAS**, the requested funding will provide for design, construction and construction management of approximately half the total project cost; and

**WHEREAS**, this resolution is contingent on the park, parking and permit fees charged to residents be the same for non-residents; and

**WHEREAS**, the project is consistent with the policies of *Westchester 2025*, in that it will enhance the quality of Westchester's parks and recreation facilities; be it

**RESOLVED**, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its report on the 2024 Capital Budget to add \$427,000 to this project from **BLA1A Parkland and Historical Preservation Program** for the improvements.

Adopted conditionally on 2<sup>nd</sup> day of July, 2024



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Richard Hyman, Chair

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$427,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO THE BATHHOUSES LOCATED AT RYE TOWN PARK IN THE CITY OF RYE UNDER THE WESTCHESTER LEGACY PROGRAM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$427,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$427,000 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, to the provisions of other laws applicable thereto, \$427,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the construction of improvements to the bathhouses located at Rye Town Park in the City of Rye, including design, construction management and construction to make the bathhouses fully ADA compliant, as well as restore and renovate the deteriorated bathhouse interior, all as 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, such Budget shall be deemed



and is hereby amended. The estimated maximum cost of said specific object of purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$427,000. The plan of financing includes the issuance of \$427,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 19 (c) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements 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 Act, in the maximum amount of \$427,000. 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 \$427,000 as the estimated total cost of the aforesaid specific 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 §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§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, or 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 respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or 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 §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 or 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\_\_\_.

(SEAL)

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

## 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 \$427,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO THE BATHHOUSES LOCATED AT RYE TOWN PARK IN THE CITY OF RYE UNDER THE WESTCHESTER LEGACY PROGRAM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$427,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$427,000 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 construction of improvements to the bathhouses located at Rye Town Park in the City of Rye, including design, construction management and construction to make the bathhouses fully ADA compliant, as well as restore and renovate the deteriorated bathhouse interior, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:  
and period of probable usefulness:       \$427,000; fifteen (15) years

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

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> BLA1A	<input checked="" type="checkbox"/> CBA	<b>Fact Sheet Date:*</b> 08-23-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> PARKLAND AND HISTORICAL PRESERVATION PROGRAM	<b>Legislative District ID:</b> 7
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PLANNING	<b>CP Unique ID:</b> 2648

### Overall Project Description

The Legacy Program is designed to aggressively pursue land acquisition for three major objectives. One major objective is to purchase parkland for active recreation such as baseball and soccer fields, trailways and bike paths. A key component of the ball field initiative is to partner with municipalities on the acquisition and/or development of ball fields to maximize available funding. The development of RiverWalk, the proposed promenade along the Hudson River, is a key component of the Legacy Program. A second major objective is to protect our County's natural habitats and protect rivers, streams and lakes. The third objective is to preserve land for historic preservation and protection of our cultural heritage. This project continues Capital Project BLA01 Parkland Acquisition/ Westchester Legacy Program. This is a general fund, specific projects are subject to a Capital Budget Amendment.

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

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

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	32,227	23,300	3,927	0	0	0	0	5,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	32,227	23,300	3,927	0	0	0	0	5,000

**Expended/Obligated Amount (in thousands) as of :** 1,300

**Current Bond Description:** Funding is requested is to improve the bathhouses located at Rye Town Park in the City Rye. The requested funding is to be used toward design, construction management and construction to make the bathhouses fully ADA-compliant as well as restore and renovate the deteriorated bathhouse interior.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	427,000
Cash:	0
<b>Total:</b>	<b>\$ 427,000</b>

#### SEQR Classification:

TYPE II

#### Amount Requested:

427,000

#### Expected Design Work Provider:

- |                                       |                                     |                                                    |
|---------------------------------------|-------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input checked="" type="checkbox"/> Not Applicable |
|---------------------------------------|-------------------------------------|----------------------------------------------------|

#### Comments:

#### Energy Efficiencies:

**Appropriation History:**

Year	Amount	Description
2020	1,000,000	FUNDS THIS PROJECT
2021	17,000,000	LUDLOW PARK (WATER ACCESS PARK), YONKERS, \$10,000,000; 4TH STREET PLAYGROUND, MT. VERNON, \$2,000,000 AND RIVERWALKIMPROVEMENTS, YONKERS, \$5,000,000
2022	-700,000	DESIGN OF RIVERWALK IMPROVEMENTS IN TARRYTOWN \$1,300,000; 4TH STREET PLAYGROUND MT. VERNON APPROPRIATION REDUCTION (\$2,000,000)
2023	6,000,000	A TURF FIELD AT FLINT PARK IN LARCHMONT \$1,000,000; A LINEAR PARK EXTENDING NORTH FROM THE YONKERS JOINT WATER RESOURCE RECOVERY FACILITY IN THE LUDLOW SECTION OF YONKERS \$5,000,000.
2024	3,927,000	FUNDS THE REHABILITATION OF THE EXISTING RIVERWALK IN TARRYTOWN (\$1M) AND PROVIDES ADDITIONAL FUNDS TO THE PROJECT (\$500,000), AS WELL AS FUNDING FOR SILLIMAN PARK UPGRADES IN ARDSLEY (\$2M) AND RYE TOWN PARK BATHHOUSE UPGRADES (\$427,000)

**Total Appropriation History:**

27,227,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
23	227	200,000		0 PARKLAND AND HISTORICAL PRESERVATION PROGRAM
24	73	1,000,000		0 PARKLAND AND HISTORICAL PRESERVATION PROGRAM - ID # 2434

**Total Financing History:**

1,200,000

**Recommended By:**

Department of Planning  
MLLL

Date  
08-28-2024

Department of Public Works  
RJB4

Date  
08-28-2024

Budget Department  
DEV9

Date  
08-29-2024

Requesting Department  
MLLL

Date  
08-29-2024

## PARKLAND AND HISTORICAL PRESERVATION PROGRAM ( BLA1A )

**User Department :** Planning

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	<b>32,227</b>	<b>23,300</b>	<b>1,300</b>	<b>3,927</b>					<b>5,000</b>
<b>Non County Share</b>									
<b>Total</b>	<b>32,227</b>	<b>23,300</b>	<b>1,300</b>	<b>3,927</b>					<b>5,000</b>

### **Project Description**

The Legacy Program is designed to aggressively pursue land acquisition for three major objectives. One major objective is to purchase parkland for active recreation such as baseball and soccer fields, trailways and bike paths. A key component of the ball field initiative is to partner with municipalities on the acquisition and/or development of ball fields to maximize available funding. The development of RiverWalk, the proposed promenade along the Hudson River, is a key component of the Legacy Program. A second major objective is to protect our County's natural habitats and protect rivers, streams and lakes. The third objective is to preserve land for historic preservation and protection of our cultural heritage. This project continues Capital Project BLA01 Parkland Acquisition/ Westchester Legacy Program. This is a general fund, specific projects are subject to a Capital Budget Amendment.

### **Current Year Description**

The current year request funds rehabilitation of the existing Riverwalk in Tarrytown (\$1m), and provides additional funds to the project (\$500,000), as well as funding Board of Legislators' additions for Silliman Park upgrades in Ardsley (\$2m) and Rye Town Park Bathhouse upgrades (\$427,000).

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
<b>2024</b>	<b>3,927,000</b>			<b>3,927,000</b>

### **Impact on Operating Budget**

The impact on the Operating Budget is the appropriation of Cash to Capital and the debt service associated with the issuance of bonds.

### **Appropriation History**

Year	Amount	Description	Status
<b>2020</b>	<b>1,000,000</b>	Funds this project	AWAITING BOND AUTHORIZATION
<b>2021</b>	<b>17,000,000</b>	Ludlow Park (Water Access Park), Yonkers, \$10,000,000; 4th Street Playground, Mt. Vernon, \$2,000,000 and Riverwalk Improvements, Yonkers, \$5,000,000	AWAITING BOND AUTHORIZATION
<b>2022</b>	<b>(700,000)</b>	Design of Riverwalk improvements in Tarrytown \$1,300,000; 4th Street Playground Mt. Vernon appropriation reduction (\$2,000,000)	\$1,300,000 DESIGN; (\$2,000,000) APPROPRIATION REDUCTION
<b>2023</b>	<b>6,000,000</b>	A turf field at Flint Park in Larchmont \$1,000,000; a linear park extending north from the Yonkers Joint Water Resource Recovery Facility in the Ludlow section of Yonkers \$5,000,000.	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>23,300,000</b>		

# PARKLAND AND HISTORICAL PRESERVATION PROGRAM ( BLA1A )

## Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	22,000,000		22,000,000
Funds Revenue	1,300,000	1,300,000	
<b>Total</b>	<b>23,300,000</b>	<b>1,300,000</b>	<b>22,000,000</b>

## Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
227 23	200,000			200,000
<b>Total</b>	<b>200,000</b>			<b>200,000</b>

**AN ACT** authorizing the County of Westchester to enter into an inter-municipal agreement with the Town of Rye in connection with making improvements to the bathhouse located in Rye Town Park.

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

**Section 1.** The County of Westchester ("County") is hereby authorized to enter into an inter-municipal agreement ("IMA") with the Town of Rye ("Town"), in connection with making the required improvements to the bathhouse structure ("Property") located at the Rye Town Park in the City of Rye, including making such bathhouse fully compliant with the Americans with Disabilities Act, as well as restoring and renovating the deteriorated bathhouse interiors ("Project"), pursuant to capital project BLA1A - Parkland and Historical Preservation Program ("BLA1A").

§2. The County will contribute an amount not to exceed \$427,000 for the design, construction management and construction of the Project payable following submission by the Town of properly executed payment vouchers, along with supporting documentation. Should the Project costs exceed the amount contributed by the County, the Town shall be solely responsible for any additional amount. In exchange for the County's contribution towards such improvements, the Town shall grant access to all county residents on the same terms as any Town resident.

§3. In order to give the County, the necessary interest in real property to be able to issue bonds towards the Project, the Town will lease the Property where the Project is located to the County for a term commencing upon execution and continuing for a period at least equal to the life of any County bonds issued to fund the Project, which is estimated to be fifteen (15) years.

§4. The County Executive or his authorized designee is empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

§5. This Act shall take effect immediately.



## **INTER-MUNICIPAL AGREEMENT**

**THIS AGREEMENT**, made the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between:

**THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the "County")

and

**THE TOWN OF RYE**, a municipal corporation of the State of New York, having an office and place of business at 222 Grace Church Street, 3<sup>rd</sup> Floor, Port Chester, NY 10573 (hereinafter referred to as the "Municipality" or the "Town")

### **RECITALS**

**WHEREAS**, the Municipality is the owner of certain real property commonly known as the Rye Town Park ("Park" or "Rye Town Park"), as indicated in the attached Schedule "A"; and

**WHEREAS**, the County desires to assist the Municipality by providing funding towards needed improvements to the bathhouse structure (the "Property") located at the Park, including making such bathhouse fully compliant with the Americans with Disabilities Act, as well as restoring and renovating the deteriorated bathhouse interiors (the "Project"); and

**NOW, THEREFORE**, in consideration of the mutual representations, covenants and agreements herein set forth, the County and the Municipality, each binding itself, its successors and assigns, do mutually promise, covenant and agree as follows:

### **ARTICLE I**

#### **TERM**

**Section 1.0.** The recitals are hereby incorporated by reference into the body of this Agreement.

**Section 1.1.** Except as provided for in this Agreement, the term of this Agreement shall be for a period commencing upon execution of this Agreement and continuing for a period at least

equal to the life of any County bonds issued to fund the Project, unless terminated sooner in accordance with the provisions of this Agreement ("Term").

## **ARTICLE II**

### **IMPROVEMENTS TO THE PROPERTY**

**Section 2.0.** The Municipality shall complete the Project in accordance with all applicable laws including, but not limited to, those governing public bidding. All work on the Project shall be in conformance with the plans and specifications prepared by the Municipality, which plans shall be subject to review and approval by the County Commissioner of Planning or his/her authorized designee ("Planning Commissioner" or the "Commissioner"). The Municipality shall not deviate from the approved plans and specifications without the prior written consent of the Commissioner. It is recognized and understood that the Municipality's compliance with those plans and specifications is a critical element of this Agreement. However, the County will not be obliged to incur any additional expense beyond the amount set forth in Section 2.1 below. After design of the site preparation plans and specifications is complete, they shall be delivered to the Commissioner for approval. The County shall, at all times, have the right to inspect the work. If the County believes that the work is not in compliance with the plans and specifications, it shall notify the Municipality in writing within twenty (20) days after such inspection.

**Section 2.1.** The County will contribute an amount not to exceed Four Hundred and Twenty-Seven Thousand and 00/100 (\$427,000.00) Dollars for the design, construction management and construction of the Project, payable following submission by the Town of properly executed payment vouchers, along with supporting documentation as may be requested by the Commissioner. Should the Project costs exceed the amount contributed by the County, the Municipality shall be solely responsible for any additional amount. In exchange for the County's contribution towards such improvements, the Town shall grant access to all county residents as more particularly set forth in Section 4.1 below. It is also recognized and understood that the County's sole responsibility shall be to provide an amount not to exceed \$427,000 towards the Project and the Municipality shall assume all other responsibilities for all other costs and expenses relating to the Park and the Project.

The Municipality shall maintain accurate records and books of account in which shall be entered all matters relating to this Agreement, including all income, expenditures, assets, and liabilities thereof and all income, expenditures, and payments to any and all contractors or subcontractors involved in the operation, management, maintenance, supervision, development, repair, and security of the Park. Such books and records shall be maintained in accordance with generally accepted accounting principles, consistently applied and shall be kept at a location within Westchester County. The County shall have the right to inspect, examine, and copy such books and records of the Municipality at all reasonable times during normal business hours at the office of the Municipality.

### **ARTICLE III**

#### **LEASE OF PROPERTY**

**Section 3.0.** Subject to the terms and conditions of Section 2.0, the Municipality hereby leases to the County the exclusive right to use and occupy the Property that the Municipality owns for the purposes of issuing bonds for the Municipality to construct the improvements thereon, it being understood and recognized that this lease shall be for a period of the term of the bonds issued for the Project, which term is anticipated to be fifteen (15) years.

**Section 3.1.** It is recognized and understood that the aforementioned lease is solely to give the County the necessary interest in real property to be able to issue bonds for the Project and the County shall have no responsibilities or duties under the Agreement other than to provide the funding set forth in Section 2.1 above.

### **ARTICLE IV**

#### **RIGHTS AND RESPONSIBILITIES OF THE MUNICIPALITY**

**Section 4.0.** In addition to, and not in limitation of the insurance requirements contained in Schedule "B" entitled "Standard Insurance Provisions", attached hereto and made a part hereof, the Municipality agrees that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence or intentional or willful misconduct of the County, its elected officials, officers, employees and agents during a County sponsored event:

(a) the Municipality shall indemnify and hold harmless the County, its elected officials, officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the maintenance, operation, security and/or repair of the Property and this Agreement and of the acts or omissions hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action brought against the Indemnities (defined in Section 4.0(c) below) directly or indirectly arising out of the Project, the maintenance, operation, security and/or repair of this Property and this Agreement and to bear all other costs and expenses related thereto; and

(c) the Municipality shall defend, indemnify and hold harmless the County, its officials, officers, employees and agents (the "Indemnitees") from and against, any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss, that may be imposed upon or incurred by or asserted against any of the Indemnities by reason of any of the following:

- (i) Work. Any construction, repair, alteration, addition, replacement, restoration or improvement work done by or on behalf of Municipality in, on or about the Property or any part thereof;
- (ii) Use. The use, occupation, condition, operation, maintenance, management, supervision or development of or providing security for all or any portion of the Property, or the affected portion thereof, by or on behalf of the Municipality, including without limitation, any liability with respect to the maintenance of streets or sidewalks adjoining the Property and any violations imposed by any governmental authorities in respect of any of the foregoing;
- (iii) Act or Failure to Act of Municipality. Any act performed by, or any failure to perform any act required to be performed by the Municipality, a third party under its direction or control, or any of the Municipality's officers, agents, contractors, servants, employees, lessees or invitees in connection with this Agreement or the Property;
- (iv) Accidents, Injury to Person or Property. Any accident, injury, (including death at any time resulting therefrom) or damage to any person, including, without limitation, employees of the Municipality or any Indemnatee unless arising from the negligent, intentional or willful conduct of an Indemnatee, or property occurring in, on, or about the Property or any part thereof, or in,

on or about any street, alley, sidewalk, curb, vault, passageway or space comprising a part thereof or adjacent thereto; or

- (v) Breach of Municipality's Obligation. Any failure or refusal on the part of the Municipality to perform its obligations pursuant to this Agreement; or
- (vi) Municipality's Obligations. The Municipality's failure, within any applicable grace period, to perform or comply with any of the covenants, terms or conditions contained in this Agreement on the Municipality's part to be kept, observed, performed or complied with within any applicable grace period.

The Municipality shall promptly notify the County in writing of any claims made or any suits instituted against the Municipality of which it has knowledge arising from its performances hereunder or in connection with this Agreement or in connection with the Property.

**Section 4.1.** The Municipality shall have sole authority and control over the development, operation, management, maintenance, and security of the Property, including the Project, at the Municipality's sole cost and expense. Subject to Section 4.9, the Municipality shall have sole authority and control over the scheduling in the Property. The Property shall be operated as a town park, but shall be available to all Westchester County residents in accordance with the terms and conditions of Schedule "D". To the extent any fees are charged for the use of Park, the fees charged to non-residents of the Municipality who are County residents will not exceed double the amount of fees charged to the Municipality's residents.

**Section 4.2.** The Municipality shall, at its sole cost and expense, continuously throughout the term of this Agreement, provide reasonable and adequate security and safety at the Property, including the Project, through the Municipality's police department or other agency designated to provide such police services.

**Section 4.3.** The Municipality shall, at its sole cost and expense, operate, manage, maintain, repair and properly supervise the Property, including the Project, it being understood and agreed that such operation, management, maintenance, supervision, development, and repair shall be performed by the Municipality to the satisfaction of the Planning Commissioner. The Municipality shall defend and indemnify the County from any liability that may arise from any failure of the Municipality to perform its obligations under this Paragraph. The Municipality shall,

at its own cost and expense, keep any and all refuse in containers and remove and dispose of same as required by the Planning Commissioner.

**Section 4.4.** Following construction of improvements on the Property, those improvements shall be available to the public as required by this Agreement although the Municipality shall have sole discretion to schedule the use of same as appropriate.

**Section 4.5.** The Municipality shall, at its own cost and expense, promptly comply with all statutes, ordinances, rules, orders, regulations, codes and requirements of the Federal, State, County and local governments and all insurance requirements applicable to the Property or any part thereof or applicable to this Agreement. After construction is completed, the Commissioner shall be entitled to enter the Property, or any part thereof, at any and all times for any and all purposes related to the Project, without the need to obtain the consent or permission of the Municipality.

**Section 4.6.** All advertising and signage, excluding hours of operation and other similar informational signage, to be utilized by the Municipality in connection with the operation of the Property shall be subject to the prior written approval of the Planning Commissioner and shall be provided to the County in advance for review. The Municipality shall acknowledge the County's contribution toward improvement of the Property on any signs erected at the Property and on any other publications, documents, etc. mentioning the Property.

**Section 4.7.** In the event the Municipality does not comply with a provision in this Article IV, the County shall have the right to cure such noncompliance upon thirty (30) days' notice from the County to the Municipality, except in emergencies when such notice period in the County's sole and unreviewable judgment shall be shorter. The cost to cure such noncompliance shall be borne by the Municipality. The failure of the Municipality to reimburse the County for the cost to cure such compliance within thirty (30) days of a written notice demanding such reimbursement shall be deemed a material breach of this Agreement.

**Section 4.8.** After completion of the Project, the Municipality shall not install any fixtures or make any additions, development, improvements or alterations to the Property, other than routine maintenance or repair, without the prior written consent of the Commissioner, which



shall not be unreasonably withheld. Any such additions, development, improvements or alterations shall be made at the Municipality's sole cost and expense unless otherwise agreed to by the County and the Municipality. The Municipality shall submit all plans and specifications for all such additions, development, improvements and alteration to the County for approval. All such additions, development, improvements and alteration shall be completed in a thoroughly workmanlike manner and shall immediately become annexed to and be made a part of the Property.

**Section 4.9.** Notwithstanding Section 4.1 herein, the County within normal operating hours, subject to capacity and availability, shall have the right to schedule events at or use the Property (which events or use otherwise being permitted pursuant to the terms of this Agreement) with the written consent of the Municipality, which consent shall be provided in good faith and not unreasonably withheld, so long as the County provides for the payment of all costs and provision of adequate insurance in regard to the proposed use.

**Section 4.10.** It is understood and agreed between the parties that the Property is for the use and benefit of the public as part of a public park as set forth in this Agreement. Reservations for the use of the Property, or any portion thereof, shall be made through the Municipality. All residents of the County, subject to capacity and availability, shall have access to the Property, subject to the provisions of Section 4.1 hereof.

**Section 4.11.** Except for the amount of funding to be provided by the County under Section 2.1 above, the Municipality shall be responsible for all costs in relation to the Property and this entire Agreement, and, under no circumstances or conditions, whether now existing or hereafter arising, or whether beyond the present contemplation of the parties, shall the County be expected or required to make any payment of any kind whatsoever or be under any other obligation or liability hereunder except as herein otherwise expressly set forth.

**Section 4.12.** The Municipality shall pay any and all taxes, assessments, special assessments, personal property and intangible taxes, gross receipts, sales, use or occupancy taxes, water and sewer charges, rates and rents, charges for public utilities, excises, levies, license and permit fees, and other charges, general and special, ordinary and extraordinary, foreseen and unforeseen, of any kind and nature whatsoever, arising from the use or ownership of the Property

which shall or may be assessed levied, charged, confirmed, or imposed upon or become payable out of or become a lien on the Property or any part thereof.

**Section 4.13.** (i) The Project shall be subject to the generally-applicable ordinances, rules and regulations of the Planning Commissioner, as may be amended from time to time by the Commissioner (the "County rules"). The Municipality may develop new ordinances, rules and regulations for the Property, which shall be subject to the approval of the Planning Commissioner (the "Municipality rules"), which shall not be unreasonably withheld or delayed. To the extent the Municipality rules regulate the same subject matter as the County rules and are at least as strict as the County rules, the Municipality rules shall supersede the County rules. Otherwise, the County rules shall apply to the Property.

(ii) The Property shall be subject to the Laws of Westchester County including, but not limited to, sections 765.351 through 765.358. The Municipality may not enact laws, acts, rules, regulations or ordinances affecting the Property that supersede the Laws of Westchester County.

(iii) The Municipality acknowledges and agrees that there shall be no activity referred to in section 765.354 of the Laws of Westchester County, to wit: no tree clearing, tree removal or the removal of a specimen tree, a protected tree, the excavation or alteration of the existing grade within the dripline of a tree or the removal(s) of any tree(s) on slopes of 25% or more, unless the Municipality complies with the applicable provisions of section 765.355 of the Laws of Westchester County. If the Municipality undertakes an activity referred to in section 765.354 pursuant to section 765.355, it shall replace said trees at the direction of and to the satisfaction of the Planning Commissioner.

(iv) The provisions of this Section 4.13 of this Agreement shall remain in full force and effect during the Term of this Agreement unless modified by the mutual agreement of the parties hereto.

**Section 4.14.** The Municipality shall act as the lead agency for meeting the requirements of the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617 for any activity which requires SEQR compliance, that is undertaken pursuant to this Agreement, unless otherwise directed by the County.



**ARTICLE V**  
**FAIR AND AFFORDABLE HOUSING CONDITIONS**

**Section 5.0.** The Municipality hereby commits to the County that it is in compliance with the terms and conditions set forth in the County's Discretionary Funding Policy annexed hereto and forming a part hereof as Schedule "C". The County acknowledges that the Municipality is currently in compliance with the Policy.

**Section 5.1.** As further consideration for the County's financial contribution toward the Project, the Municipality certifies that it has adopted municipal zoning code provisions and/or policies which reflect the guidance provided in the Model Ordinance Provisions and the Municipality is committed to affirmatively further fair housing, including a ban on local residency requirements and preferences and other selection preferences that do not affirmatively further fair housing, except to the extent provided in the Model Ordinance Provisions which the Town has adopted.

**Section 5.2.** The Municipality agrees to offer to the County a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that affirmatively furthers fair housing ("AFFH").

**Section 5.3.** The Municipality agrees to continue to be in compliance with above mentioned County Discretionary Funding Policy during the term of this Agreement.

**Section 5.4.** The Municipality further agrees to market housing units that affirmatively further fair housing in accordance with Westchester County's Affirmative Fair Housing Marketing Plan throughout the period of affordability.

**Section 5.5.** Nothing in this Agreement is intended to affect the County's interest in the Project or release the Municipality from its obligations under the law with respect to affordable AFFH units.

**Section 5.6.** Should the Municipality fail to abide by any of the above conditions, the Municipality shall, upon thirty (30) days written notice by the County, refund any funds paid to the Municipality under this Agreement.

## **ARTICLE VI**

### **INSURANCE**

**Section 6.0.** The Municipality shall procure and maintain insurance coverage naming the County as additional insured for so long as the County has a lease of the Property in the amounts specified in Schedule "B" attached hereto.

## **ARTICLE VII**

### **RESPONSIBILITIES OF THE COUNTY**

**Section 7.0.** The County shall have no responsibility for the Property other than that set forth above.

## **ARTICLE VIII**

### **NOTICES**

**Section 8.0.** All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, to the respective addresses set forth below (except where this Agreement designates notice to a particular County Commissioner and then only to that Commissioner and a copy to the County Attorney) or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County: Commissioner of Planning  
County of Westchester  
148 Martine Avenue, Room \_\_\_\_  
White Plains, New York 10601

with a copy to: County Attorney  
148 Martine Avenue, Room 600  
White Plains, New York 10601

To the Municipality: Town of Rye  
222 Grace Church Street, 3<sup>rd</sup> Floor  
Port Chester, NY 10573

**ARTICLE IX**  
**MISCELLANEOUS**

**Section 9.0.** Any purported delegation of duties or assignment of rights by either party to this Agreement without the prior express written consent of the other party is void.

**Section 9.1.** In the event that the Municipality materially defaults in the performance of any term, condition, or covenant herein contained, the County, at its option and in addition to any other remedy it may have to seek damages, judicial enforcement or any other lawful remedy, may terminate this Agreement upon ninety (90) days' notice to the Municipality; provided, however, that the Municipality may defeat such notice by curing the default complained of within such notice period, or, if any such default is not curable within such notice period by promptly commencing to cure the default and diligently pursuing all necessary and appropriate action to effect such cure. In the event this Agreement is terminated, the Municipality shall have one hundred eighty (180) days from the effective termination date to pay the County, as liquidated damages, the full amount paid by the County pursuant to this Agreement.

**Section 9.2.** It is mutually understood and agreed that the terms, covenants, conditions and agreements herein contained shall be binding upon the parties hereto and upon their respective successors, legal representatives and assigns. Nothing in this Agreement shall act to confer third-party beneficiary rights on any person or entity not a party to this Agreement.

**Section 9.3.** This Agreement and its attachments constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. This Agreement shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties, and approved by the Office of the County Attorney.

**Section 9.4** It is recognized and understood that the Municipality is not an agent of the County and in accordance with such status, the Municipality, its consultant(s), its subcontractor(s), and their respective officers, agents, employees, representatives and servants shall at all times during the term of this Agreement neither hold themselves out as, nor claim to be acting in the

capacity of officers, employees, agents, representatives or servants of the County, nor make any claim, demand or application for any right or privilege applicable to the County, including without limitation, rights or privileges derived from workers compensation coverage, unemployment insurance benefits, social security coverage and retirement membership or credit.

**Section 9.5.** This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

**Section 9.6.** In the event that any one or more provisions, sections, subsections, clauses or words of this Agreement are for any reason held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, but this Agreement shall be construed and enforced as if such illegal or invalid section, subsection, clause or word has not been contained herein.

**Section 9.7.** The Municipality agrees to observe and obey any and all Federal, State and local laws, rules and regulations, and to require its officers, agents, employees, contractors, and suppliers to observe and obey the same.

**Section 9.8.** This Agreement shall be deemed executory only to the extent of funds appropriated and made available for the purpose of this Agreement and no liability on account thereof shall be incurred by the County beyond the amount of such appropriated funds.

**Section 9.9.** All covenants, stipulations, promises, agreements and obligations of the Municipality and the County contained herein shall be deemed to be stipulations, promises, agreements and obligations of the Municipality and the County and not of any member, officer or employee of the Municipality or the County in his individual capacity and no recourse shall be had for any obligation or liability herein or any claim based thereon against any member, officer or employee of the Municipality or the County or any natural person executing this Agreement.

**Section 9.10.** The parties each agrees to execute and deliver such further instruments and to obtain such additional authority as may be required to carry out the intent and purpose of this Agreement.

**Section 9.11.** This Agreement may be executed in two or more counterparts and all counterparts so executed shall for all purposes constitute one agreement binding upon all the parties hereto.

**Section 9.12.** Failure of any party to insist upon strict performance of any term, condition or covenant of this Agreement shall not be deemed to constitute a waiver or relinquishment of such term, condition or covenant for the future right to insist upon and to enforce by injunction or by other legal or appropriate remedy strict compliance by any other party with such term, condition or covenant.

**Section 9.13.** Pursuant to Section 308.01 of the Laws of Westchester County, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by persons of color or women in contracts and projects funded by all departments of the County. Under this Agreement it is recognized and understood that the County encourages the Municipality to do similarly.

**Section 9.14.** In the event that all or any part of the Property shall be taken in a condemnation proceeding, or by right of eminent domain, or by agreement by any governmental authority authorized to exercise such rights, then, and in any such event, any such condemnation proceeds payable to the County for its interest in the Property shall be distributed to the County.

**Section 9.15.** The Municipality represents that it has all requisite power and authority to execute, deliver and perform this Agreement, and this Agreement has been duly authorized by all necessary parties. The County represents that this Agreement has been approved by the Board of Legislators of the County of Westchester on the \_\_\_\_\_, 2024 by Act No. \_\_\_\_\_-2024. These authorities are both attached hereto and made a part hereof as Schedule "E".

**Section 9.16.** The headings in this Agreement are for reference purposes only and shall not be used in construing the terms of this Agreement.

[NO FURTHER TEXT/SIGNATURE PAGE FOLLOWS]

**IN WITNESS WHEREOF**, the County and the Municipality have caused this Agreement to be executed.

**THE COUNTY OF WESTCHESTER**

By \_\_\_\_\_

Blanca P. Lopez, MS  
Commissioner of Planning

**THE TOWN OF RYE**

By \_\_\_\_\_

(Name and Title)

Approved by the Board of Legislators of the County of Westchester pursuant to Act No. \_\_\_\_ - 2024.

Approved by Resolution of the Town Board of the Town of Rye on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Approved:

\_\_\_\_\_  
Sr. Assistant County Attorney  
County of Westchester  
IMA BLA1A (2648) Rye Town Park Bathhouses Turf Field FIN 11.14.2024

**MUNICIPALITY'S ACKNOWLEDGMENT**

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she is the \_\_\_\_\_ of \_\_\_\_\_, the municipal corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she executed the same in his/her capacity, and that by his/her signature(s) on the instrument, the municipal corporation executed the instrument.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
County



**CERTIFICATE OF AUTHORITY  
(Municipality)**

I, \_\_\_\_\_,  
*(Officer other than officer signing contract)*

certify that I am the \_\_\_\_\_ of the  
*(Title)*

\_\_\_\_\_  
*(Name of Municipality)*

(the "Municipality"), a corporation duly organized and in good standing under the  
\_\_\_\_\_  
*(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)*

named in the foregoing agreement; that \_\_\_\_\_,  
*(Person executing agreement)*

who signed said agreement on behalf of the Municipality was, at the time of execution  
\_\_\_\_\_ of the Municipality, and that said  
*(Title of such person),*

agreement was duly signed for and on behalf of said Municipality by authority of its  
\_\_\_\_\_, thereunto duly authorized and  
*(Town Board, Village Board, City Council)*

that such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
*(Signature)*

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally  
appeared \_\_\_\_\_, personally known to me or proved to me on the  
basis of satisfactory evidence to be the individual whose name is subscribed to the above  
certificate and acknowledged to me that he/she executed the above certificate in his/her capacity  
as \_\_\_\_\_ of \_\_\_\_\_,  
*(Title) (Municipality)*

the municipal corporation described in and which executed the within instrument.

\_\_\_\_\_  
*Notary Public                      County*

**SCHEDULE "A"**  
**(PROPERTY DESCRIPTION)**

DRAFT

**SCHEDULE "B"**  
**STANDARD INSURANCE PROVISIONS**  
**(Municipality)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any

available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.l) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- i. Premises - Operations.
- ii. Broad Form Contractual.
- iii. Independent Contractor and Sub-Contractor.
- iv. Products and Completed Operations.

- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- (i) Owned automobiles.

- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

## **SCHEDULE "C"**

### **WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING IMPLEMENTATION PLAN August 9, 2010**

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**Appendix (1-2)(f): Discretionary Funding Allocation Policy  
as approved January 10, 2012**

## **DISCRETIONARY FUNDING POLICY**

In August 2009, Westchester County entered into a Stipulation and Order of Settlement and Dismissal in *U.S. ex rel. Anti-Discrimination Center of Metro New York v. Westchester County, New York* (the "Settlement Agreement"). Beginning on March 1, 2012, the grant of discretionary intermunicipal funding, including but not limited to County Open Space funds and CDBG funding, ("Discretionary Funding") to municipalities eligible under the Settlement Agreement ("Recipient Eligible Municipalities") shall be conditioned, as appropriate, upon the Recipient Eligible Municipality's commitment to affirmatively further fair housing within its borders. This policy does not apply to municipalities in Westchester County other than the Recipient Eligible Municipalities.

Each Recipient Eligible Municipality shall be required to commit to the County, in writing, that it is in compliance with the following terms and conditions in connection with its commitment to affirmatively further fair housing:

- (a) Recipient Eligible Municipality has adopted municipal zoning code provisions and/or policies which reflect the guidance provided in the Model Ordinance Provisions approved pursuant to the Settlement Agreement and demonstrate a commitment by the Recipient Eligible Municipality to affirmatively further fair housing, including a ban on local residency requirements and preferences and other selection preferences that do not affirmatively further fair housing, except to the extent provided in the Model Ordinance Provisions;
- (b) Recipient Eligible Municipality will offer the County a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that affirmatively furthers fair housing; and
- (c) Recipient Eligible Municipality will actively further implementation of the Settlement Agreement through its land use regulations and other affirmative measures to assist the development of affordable housing.

Such commitments by Recipient Eligible Municipality shall be stated in the funding agreement between the County and the Recipient Eligible Municipality.

The funding agreement will also provide that housing units that affirmatively further fair housing must be marketed in accordance with Westchester County's Affirmative Fair Housing Marketing Plan approved pursuant to the Settlement Agreement, throughout the period of affordability.

Applications for Discretionary Funding submitted by non-municipal entities will be reviewed to determine whether or not such entity is acting as an agent of a municipality for purposes of the project for which funding is sought. If such entity is deemed to be acting in the capacity of agent for a municipality, the application will be subject to a review of the agent-municipality's compliance with the policy of affirmatively furthering fair housing stated above. The determination as to whether an agency relationship exists will be based on the principles of law relating to agency relationships in New York State, and the fact that the non-municipal entity/applicant may be required by local municipal codes to obtain municipal approvals or abide by municipal processes for such approvals in connection with such application will not be determinative of the agency relationship. Westchester County will provide notice of all non-municipal applications for funding to the local municipality in which the funding is proposed to be spent.



The County's audit rights under any grant of or funding agreement for Discretionary Funding will extend to all documents, reports, and records which relate to the Recipient Eligible Municipality's commitment to affirmatively further fair housing as described herein. Should Recipient Eligible Municipality fail to abide by any of the above conditions, Recipient Eligible Municipality will be obliged, upon thirty (30) days written notice by the County, to refund any Discretionary Funding paid to the Recipient Eligible Municipality.

**SCHEDULE "D"**  
**TERMS OF PARK OPERATION**

**SCHEDULE "E"**  
**COPIES OF COUNTY AUTHORIZATION (ACT)**

DRAFT

November 18, 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~~ *Kenneth Jenkins* KP  
*Acting* Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Act – BPL44 –  
Public Housing Authority Improvements.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 18, 2024 Agenda.

Transmitted herewith for your review and approval, is a bond act (the “Bond Act”), which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to issue up to Seven Million (\$7,000,000) Dollars in bonds of the County to finance a component of Capital Project BPL44.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 18, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

November 18, 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, is a bond act (the "Bond Act"), which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to issue up to Seven Million (\$7,000,000) Dollars in bonds of the County to finance a component of Capital Project BPL44 ("Program"). Also attached is an act (the "Act") which, if adopted, would authorize the County to enter into separate easement agreements with the following Public Housing Authorities: Greenburgh Housing Authority ("GHA"), New Rochelle Municipal Housing Authority ("NRMHA"), White Plains Housing Authority ("WPHA") and the Municipal Housing Authority for the City of Yonkers ("MHACY") and, if any, their RAD affiliates, successors or assigns, (collectively "PHAs") whereby the County will finance capital improvements related to interior, exterior, and building systems and construction management costs (the "Improvements"). In consideration for the financial support by the County to make the Improvements, PHAs will continue to provide affordable housing and continue in the efforts to provide access to affordable housing. The term of each easement agreement will be ten (10) years (commensurate with the period of probable usefulness of any bonds issued). These easement agreements will require the PHAs to be responsible for all costs of operation and maintenance of the Improvements. Additionally, each easement agreement will require, as a condition of the County's financing of the Improvements, the recording of a Declaration of Restrictive Covenant and a Note and Mortgage approved by and enforceable by the County, which will run with the land and bind the property and any successor(s) in interest, and will require that the units be maintained as affordable for a period of not less than fifty (50) years.

The Department of Planning ("Planning") has advised that pursuant to the Program, the PHAs submitted applications, and after careful review, Planning proposes to enter into separate easement agreements with the above named PHAs. The Improvements will encompass approximately 1,016 PHA units and preserve them for households whose incomes is at or below 80% of the Westchester County Area Median Income ("AMI"), for a period of fifty (50) years.

The Improvements will be made at the following properties ("Properties"):

Office of the County Executive

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

Telephone: (914)995-2900

GHA properties:

1,2,3 Oak Street, Town of Greenburgh  
1,2,4 Beech Street, Town of Greenburgh  
1,3,5,7 Maple Street, Town of Greenburgh

NRMHA properties:

50 Sickles Avenue, City of New Rochelle  
111 Lockwood Avenue, City of New Rochelle

WPHA properties:

86 Dekalb Avenue, City of White Plains  
120 Lake Street, City of White Plains

MHACY property:

1-8 Schroeder Street, City of Yonkers

I have been advised that GHA is a State funded PHA. Historically, the State has not provided adequate capital and operating funding to state assisted public housing authorities. As a result, the County will provide GHA an amount not to exceed \$582,080, for replacement of roofs at the GHA properties consisting of ten (10) buildings with 131 units. The units are currently accessible to households with incomes at 30% to 80% of the AMI.

I have been advised that the remaining PHAs are requesting funding for units that are owned by affiliates of the PHA and managed by the PHA under the Rental Assistance Demonstration program ("RAD"). RAD is an initiative of the U.S. Department of Housing and Urban Development ("HUD") that seeks to preserve and improve affordable public housing subsidized by HUD. RAD was created to give public housing authorities a tool to access capital to preserve and improve the PHA sites and address the large backlog of capital needs. RAD allows public housing authorities to leverage public and private debt and equity in order to reinvest in the public housing stock. In RAD, units move to a Section 8 platform with a long-term contract that, by law, must be renewed in perpetuity. A Use Agreement is also recorded under RAD further enforcing HUD's Long-term interest. This ensures that the units remain permanently affordable to low-income households. When the properties convert to RAD, RAD maintains the ongoing public stewardship of the converted property through clear rules requiring ongoing ownership or control by a public or non-profit entity.

I have been advised that funding to the NRMHA will be in an amount not to exceed \$319,800, in order to make Americans with Disabilities Act ("ADA") related improvements to the NRMHA properties which consist of 203 units for senior citizens aged 62 and over, and individuals with disabilities. Improvements will include installing automatic door openers, handrails, accessible counters, support bars and other rehabilitation improvements. Rents are affordable to households from 30% to 80% of the AMI.

I have been advised that funding to the WPHA will be in an amount not to exceed \$1,450,912, for the WPHA properties consisting of 267 units and will be used for improvements including elevator modernization, kitchen replacement (about 10% of overall kitchens in buildings),



replacement of fire alarm control panels and all related peripherals and hardware, replacement of direct drive roof fans. Households served by the WPHA properties have incomes at or below 30% and up to 80% of the AMI.

I have been advised that funding to MHACY will be in an amount not to exceed \$4,647,208, for the MHACY property consisting of 415 units and will be used for improvements including: upgrades to the electrical systems, conversion of water heater systems from gas to electric, apartment risers and the installation of heat pump domestic water heaters. All 415 units are available to households that have incomes at or below 60% of the AMI.


Planning has advised that the authorization of your Honorable Board is required to accept all necessary property rights required to make the Improvements. The County will have an easement interest in the Improvements through an easement agreement with each named PHA until the expiration of the term of the bonds. The County will not be responsible for any costs related to the operation and maintenance of the Improvements.

As a condition of the County's financing of the Improvements, the County will require a Note and Mortgage with each PHA for each property and a Declaration of Restrictive Covenant for each property which will be enforceable by the County and run with the land and bind the Properties and any successor(s) in interest to adhere to the County requirements. The Note and Mortgage will be subordinate to State and/or HUD, existing lenders and investors and the PHAs will be responsible for obtaining any approvals from those entities prior to execution of agreements. The units will remain affordable for a period of not less than 50 years (the "Period of Affordability").

On November 8, 2023, the Westchester County Planning Board (the "Planning Board") by its Resolution 23-20 recommended that the 2024 Capital Budget include BPL44 Housing Authority Improvements. Thereafter, on October 1, 2024, the Planning Board by its Resolution No. 24-39 recommended the Amendment of the Planning Board Report on the 2024 Capital Projects with BPL44 Public Housing Authority Improvements – Identification of Sites. Both Planning Board Resolutions are annexed hereto.

Based on the importance of preserving affordable housing in the County, your favorable action on the annexed Acts is respectfully requested.

Sincerely,

  
~~George Latimer~~ Kenneth Jenkins  
~~County Executive~~ Acting County Executive

GL/BL/TSA/MB

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

Your Committee is in receipt of a communication from the County Executive recommending the adoption of two Acts in connection with “Capital Project BPL44 – Public Housing Authority Improvements”. The first act is a bond act (the “Bond Act”), prepared by the law firm of Hawkins Delafield & Wood LLP, which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to issue up to Seven Million (\$7,000,000) Dollars in bonds of the County to finance a component of Capital Project BPL44 (“Program”). The second act is an act (the “Act”) which, if adopted, would authorize the County to enter into separate easement agreements with the following Public Housing Authorities: Greenburgh Housing Authority (“GHA”), New Rochelle Municipal Housing Authority (“NRMHA”), White Plains Housing Authority (“WPHA”) and the Municipal Housing Authority for the City of Yonkers (“MHACY”) and, if any, their RAD affiliates, successors or assigns, (collectively “PHAs”) whereby the County will finance capital improvements related to interior, exterior, and building systems and construction management costs (the “Improvements”).

In consideration for the financial support by the County to make the Improvements, PHAs will continue to provide affordable housing and continue in the efforts to provide access to affordable housing. The term of each easement agreement will be ten (10) years (commensurate with the period of probable usefulness of any bonds issued). These easement agreements will require the PHAs to be responsible for all costs of operation and maintenance of the Improvements. Additionally, each easement agreement will require, as a condition of the County’s financing of the Improvements, the recording of a Declaration of Restrictive Covenant and a Note and Mortgage approved by and enforceable by the County, which will run with the land and bind the property and any successor(s) in interest, and will require that the units be maintained as affordable for a period of not less than fifty (50) years.

The Department of Planning (“Planning”) has advised that pursuant to the Program, the PHAs submitted applications, and after careful review, Planning proposes to enter into separate easement agreements with the above named PHAs. The Improvements will encompass approximately 1,016 PHA units and preserve them for households whose incomes is at or below 80% of the Westchester County Area Median Income (“AMI”), for a period of fifty (50) years.



The Improvements will be made at the following properties (“Properties”):

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1,2,3 Oak Street, Town of Greenburgh  
1,2,4 Beech Street, Town of Greenburgh  
1,3,5,7 Maple Street, Town of Greenburgh

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50 Sickles Avenue, City of New Rochelle  
111 Lockwood Avenue, City of New Rochelle

WPHA properties:

86 Dekalb Avenue, City of White Plains  
120 Lake Street, City of White Plains

MHACY property:

1-8 Schroeder Street, City of Yonkers

Your Committee has been advised that GHA is a State funded PHA. Historically, the State has not provided adequate capital and operating funding to state assisted public housing authorities. As a result, the County will provide GHA an amount not to exceed \$582,080, for replacement of roofs at the GHA properties consisting of ten (10) buildings with 131 units. The units are currently accessible to households with incomes at 30% to 80% of the AMI.

Your Committee has been advised that the remaining PHAs are requesting funding for units that are owned by affiliates of the PHA and managed by the PHA under the Rental Assistance Demonstration program (“RAD”). RAD is an initiative of the U.S. Department of Housing and Urban Development (“HUD”) that seeks to preserve and improve affordable public housing subsidized by HUD. RAD was created to give public housing authorities a tool to access capital to preserve and improve the PHA sites and address the large backlog of capital needs. RAD allows public housing authorities to leverage public and private debt and equity in order to reinvest in the public housing stock. In RAD, units move to a Section 8 platform with a long-term contract that, by law, must be renewed in perpetuity. A Use Agreement is also recorded under RAD further enforcing HUD’s Long-term interest. This ensures that the units remain permanently affordable to low-income households. When the properties convert to RAD, RAD maintains the ongoing public stewardship of the converted property through clear rules requiring ongoing ownership or control by a public or non-profit entity.

Your Committee has been advised that funding to the NRMHA will be in an amount not to exceed \$319,800, in order to make Americans with Disabilities Act (“ADA”) related improvements to the NRMHA properties which consist of 203 units for senior citizens aged 62 and over, and individuals with disabilities. Improvements will include installing automatic door openers, handrails, accessible counters, support bars and other rehabilitation improvements. Rents are affordable to households from 30% to 80% of the AMI.

Your Committee has been advised that funding to the WPHA will be in an amount not to exceed \$1,450,912, for the WPHA properties consisting of 267 units and will be used for improvements including elevator modernization, kitchen replacement (about 10% of overall kitchens in buildings), replacement of fire alarm control panels and all related peripherals and hardware, replacement of direct drive roof fans. Households served by the WPHA properties have incomes at or below 30% and up to 80% of the AMI.

Your Committee has been advised that funding to MHACY will be in an amount not to exceed \$4,647,208, for the MHACY property consisting of 415 units and will be used for improvements including upgrades to the electrical systems including conversion of water heater systems from gas to electric, apartment risers and the installation of heat pump domestic water heaters. All 415 units are available to households that have incomes at or below 60% of the AMI.

Planning has further advised that the authorization of your Honorable Board is required to accept all necessary property rights required to make the Improvements. The County will have an easement interest in the Improvements through an easement agreement with each named PHA until the expiration of the term of the bonds. The County will not be responsible for any costs related to the operation and maintenance of the Improvements.

As a condition of the County’s financing of the Improvements, the County will require a Note and Mortgage with each PHA for each property and a Declaration of Restrictive Covenant for each property which will be enforceable by the County and run with the land and bind the Properties and any successor(s) in interest to adhere to the County requirements. The Note and Mortgage will be subordinate to State and/or HUD, existing lenders and investors and the PHAs will be responsible for obtaining any approvals from those entities prior to execution of agreements. The units will remain affordable for a period of not less than 50 years (the “Period of Affordability”).

On November 8, 2023, the Westchester County Planning Board (the “Planning Board”) by its Resolution 23-20 recommended that the 2024 Capital Budget include BPL44 Housing Authority Improvements. Thereafter, on October 1, 2024, the Planning Board by its Resolution No. 24-39 recommended the Amendment of the Planning Board Report on the 2024 Capital Projects with BPL44 Public Housing Authority Improvements – Identification of Sites. Both Planning Board Resolutions are annexed hereto.

Planning has advised your Committee that based on its review, the proposed action constitutes a “Type II action” pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Based on the foregoing, your Committee believes that both Acts are in the best interest of the County and therefore recommends their adoption, noting that the Bond Act requires an affirmative vote of two-thirds of your Honorable Board, while the second Act requires the affirmative vote of the majority of your Honorable Board.

Dated: \_\_\_\_\_, 2024  
White Plains, New York

**COMMITTEE ON:**

c/tsa/ 11.14.24

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL44

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 7,000,000 PPU 10 Anticipated Interest Rate 2.85%

Anticipated Annual Cost (Principal and Interest): \$ 819,807

Total Debt Service (Annual Cost x Term): \$ 8,198,070

Finance Department: maab 11-15-24

## 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: 76

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 11/15/24


Reviewed By: 

Budget Director

Date: 11/15/24

11/15/25

TO: Theresa Fleischman  
Program Director

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

DATE: October 11, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BPL44 PUBLIC HOUSING AUTHORITY IMPROVEMENTS**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 09-09-2024 (Unique ID: 2495)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.

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**COMMENTS:** The current request will fund the rehabilitation of several existing municipal public housing buildings located in Greenburgh, Yonkers, White Plains and New Rochelle. Scope of work will include: roof and elevator replacements; HVAC, utility and fire safety improvements; kitchen renovations; and renovations for ADA compliance.

DSK/cnm

cc: Blanca P. Lopez, Commissioner of Planning  
Lynne Colavita, Senior Assistant County Attorney  
Susan Darling, Chief Planner  
Leonard Gruenfeld, Program Director  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner



**RESOLUTION 23-20**  
**WESTCHESTER COUNTY PLANNING BOARD**

**2024 Capital Project Requests  
Amendment of Planning Board Report**

**WHEREAS**, pursuant to Section 167.31 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of the proposed 2024 Capital Projects to the County Executive, Budget Director and Capital Projects Committee; and

**WHEREAS**, the Planning Board by its Resolution 23-08, adopted the Planning Board Report of the 2024 Capital Projects dated July 11, 2023; and

**WHEREAS**, on October 16, the County Executive has recommended the 2024 Capital Budget with three additional capital projects:

1. B0127 Interior Renovations, 143 Grand Street, White Plains
2. BEL04 Purchase of Voting Equipment
3. BPL44 Housing Authority Improvements

**WHEREAS**, the Planning Board has reviewed the Planning Department staff reports prepared for these three additional projects; and

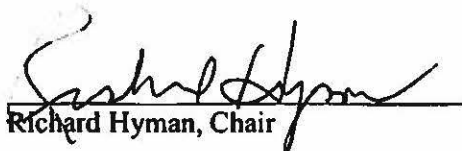
**WHEREAS**, the recommendations, comments and changes suggested by the Planning Board have been incorporated into the three Planning Board Reports; and

**WHEREAS**, the Planning Board finds that the proposed three additional recommended projects in the 2024 Capital Budget have been reviewed with respect to *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*; and

**WHEREAS**, the Planning Board amends its Resolution 23-08 to include in its Planning Board Report of the 2024 Capital Projects the above-listed additional capital projects recommended by the Capital Projects Committee; now therefore, be it

**RESOLVED**, that the County Planning Board, pursuant to Section 167.13 of the County Charter, amends its Planning Board Report adopted on July 11, 2023 to include the above listed projects.

Adopted this 8th day of November 2023.

  
Richard Hyman, Chair

RESOLUTION 2024-<sup>39</sup>  
WESTCHESTER COUNTY PLANNING BOARD

2024 Capital Budget Amendment  
Amendment of Planning Board Report on the 2024 Capital Projects  
**BPL44 Public Housing Authority Improvements – Identification of Sites**

**WHEREAS**, pursuant to Section 167.131 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of proposed capital projects not included in the county budget or change in the location of a capital project; and

**WHEREAS**, on October 16, 2023, the County Executive recommended the 2024 Capital Budget with Capital Project BPL44 Public Housing Authority Improvements; and

**WHEREAS**, the Planning Department reviewed applications from municipal housing authorities and their affiliates for funding to this non-site specific capital funding project; and


**WHEREAS**, various sites (see table below) within four municipal housing authorities have been determined to meet the application criteria. Improvements will include interior and exterior repair and improvements of buildings owned or operated by the following public housing authorities or their affiliated entities: Municipal Housing Authority for the City of Yonkers; New Rochelle Municipal Housing Authority; White Plains Housing Authority; and the Greenburgh Housing Authority. Applications were received from these municipal housing authorities and their affiliated entities detailing project scope, budget, justification; and

Housing Authority/Location	Project Costs	# of Units
Greenburgh Housing Authority (1,2,3 Oak St.; 1,2,4 Beech St.; 1,3,5,7 Maple St.)	\$582,080	131
New Rochelle Municipal Housing Authority (50 Sickles Ave & 111 Lockwood Ave.)	\$319,800	203
White Plains Housing Authority (88 DeKalb Ave & 120 Lake St.)	\$1,450,912	267
Municipal Housing Authority for the City of Yonkers (1-8 Schroeder St; 10-80 Western Ave; 10 Brook St; 55 & 80 School St)	\$4,647,208	753
<b>Total</b>	<b>\$7,000,000</b>	<b>1,354</b>

**WHEREAS**, the Planning Board finds that the above sites and projects have been reviewed with respect to *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning* adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995; now therefore, be it

**RESOLVED**, that the County Planning Board, pursuant to Section 167.131 of the County Charter, recommends the inclusion of the above listed sites to be funded using 2024 Capital Budget appropriations from Capital Project **BPL44 Public Housing Authority Improvements**.

Adopted this 1<sup>st</sup> day of October 2024.

  
Richard Hyman, Chair



ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$7,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO BUILDINGS OWNED OR OPERATED BY PUBLIC HOUSING AUTHORITIES IN THE COUNTY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$7,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$7,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Adopted , 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$7,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of improvements to buildings owned or operated by Public Housing Authorities ("PHAs") in the County, as set forth in the County's Current Year Capital Budget, as amended, consisting of the Greenburgh Housing Authority ("GHA") in the maximum amount of \$582,080, the New Rochelle Municipal Housing Authority ("NRMHA") in the maximum amount of \$319,800, the White Plains Housing Authority

(“WPHA”) in the maximum amount of \$1,450,912 and the Municipal Housing Authority for the City of Yonkers (“MHACY”) in the maximum amount of 4,647,208. The \$7,000,000 of funding will assist approximately 1,016 PHA units and preserve them for households whose income is at or below 80% of the Westchester County Area Median Income (“AMI”) for a period of not less than fifty (50) years. The funds will be used for capital improvements related to interior, exterior, building systems and construction management costs ( the “Improvements”) at the following locations: 1,2,3 Oak Street, Town of Greenburgh; 1,2,4 Beech Street, Town of Greenburgh; 1,3,5,7 Maple Street, Town of Greenburgh; 50 Sickles Avenue, City of New Rochelle; 111 Lockwood Avenue, City of New Rochelle; 86 Dekalb Avenue, City of White Plains; 120 Lake Street, City of White Plains; and 1-8 Schroeder Street, City of Yonkers (the “Properties”).

Said Improvements shall be constructed pursuant to separate easement agreements between the County and each of the PHAs. Each easement agreement will require, as a condition of the County’s financing of the Improvements, a recorded Declaration of Restrictive Covenants and a Note and Mortgage approved by and enforceable by the County which will run with the land and bind the Properties and any successor(s) in interest and will require that the units be maintained as affordable for a period of not less than fifty (50) years. The County will have an ownership interest in the PHA building Improvements through an easement until the expiration of the term of the bonds. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$7,000,000. The plan of financing includes the issuance of \$7,000,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the object or purpose for which said \$7,000,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a. 12 and 90 of the Law, is ten (10) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements 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 Act, in the maximum amount of \$7,000,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$7,000,000 as the estimated total 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 §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§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, or 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 respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or 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 §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 or 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 NEW YORK                )

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\_\_.

(SEAL)                                       The Clerk and Chief Administrative Office of the  
County Board of Legislators County of Westchester,  
New York

## 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 \$7,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF IMPROVEMENTS TO BUILDINGS OWNED OR OPERATED BY PUBLIC HOUSING AUTHORITIES IN THE COUNTY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$7,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$7,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.**  
(adopted on \_\_\_\_\_, 20\_\_)

object or purpose:      to finance the cost of improvements to buildings owned or operated by Public Housing Authorities ("PHAs") in the County, as set forth in the County's Current Year Capital Budget, as amended, consisting of the Greenburgh Housing Authority ("GHA") in the maximum amount of \$582,080, the New Rochelle Municipal Housing Authority ("NRMHA") in the maximum amount of \$319,800, the White Plains Housing Authority ("WPHA") in the maximum amount of \$1,450,912 and the Municipal Housing Authority for the City of Yonkers ("MHACY") in the maximum amount of 4,647,208. The \$7,000,000 of funding will assist approximately 1,016 PHA units and preserve them for households whose income is at or below 80% of the Westchester County Area Median Income ("AMI") for a period of not less than fifty (50) years. The funds will be used for capital improvements related to interior, exterior, building systems and construction management costs (the "Improvements") at the following locations: 1,2,3 Oak Street, Town of Greenburgh; 1,2,4 Beech Street, Town of Greenburgh; 1,3,5,7 Maple Street, Town of Greenburgh; 50 Sickles Avenue, City of New Rochelle; 111 Lockwood Avenue, City of New Rochelle; 86 Dekalb Avenue, City of White Plains; 120 Lake Street, City of White Plains; and 1-8 Schroeder Street, City of Yonkers (the "Properties"). Said Improvements shall be constructed pursuant to separate easement agreements between the County and each of the aforementioned PHAs. The easement agreement will require, as a condition of the County's financing of the Improvements, a recorded Declaration of Restrictive Covenants and a Note and Mortgage approved by and enforceable by the

County which will run with the land and bind the Properties and any successor(s) in interest and will require that the units be maintained as affordable for a period of not less than fifty (50) years.

amount of obligations to be issued:

and period of probable usefulness:

\$7,000,000; ten (10) 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

**ACT NO. 2024 \_\_\_\_**

AN ACT authorizing the County of Westchester to enter into easement agreements with the following Public Housing Authorities: Greenburgh Housing Authority, New Rochelle Municipal Housing Authority, White Plains Housing Authority and the Municipal Housing Authority for the City of Yonkers and if any, its Rental Assistance Demonstration program affiliates, their successors or assigns, to fund capital improvements, and authorize the County to accept necessary property rights that will remain affordable for a period of not less than fifty (50) years.

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

**SECTION 1.** The County of Westchester (the "County") is hereby authorized to enter into an easement agreement with each of the following Public Housing Authorities ("PHA"): Greenburgh Housing Authority ("GHA"), New Rochelle Municipal Housing Authority ("NRMHA"), White Plains Housing Authority ("WPHA") and the Municipal Housing Authority for the City of Yonkers ("MHACY") and if any, its Rental Assistance Demonstration program ("RAD") affiliates, its successors or assigns, whereby the County will finance capital improvements related to interior, exterior, and building systems and construction management costs (the "Improvements") in support of the preservation of approximately 1,016 units of the available housing stock for affordable housing tenancy located at the following properties:

**GHA properties:**

1,2,3 Oak Street, Town of Greenburgh  
1,2,4 Beech Street, Town of Greenburgh  
1,3,5,7 Maple Street, Town of Greenburgh

**NRMHA properties:**

50 Sickles Avenue, City of New Rochelle  
111 Lockwood Avenue, City of New Rochelle

**WPHA properties:**

86 Dekalb Avenue, City of White Plains  
120 Lake Street, City of White Plains

**MHACY property:**

1-8 Schroeder Street, City of Yonkers



**§2.** The County will fund an amount not to exceed Seven Million (\$7,000,000) Dollars as follows: GHA in an amount not to exceed \$582,080; NRMHA in an amount not to exceed \$319,800; WPHA in an amount not to exceed \$1,450,912, and MHACY in an amount not to exceed \$4,647,208. The term of each easement agreement will be ten years. The easement will require that each PHA and/or RAD affiliates, its successors or assigns, will be responsible for all costs of operation and maintenance of the Improvements.

**§3.** The Easement Agreement will require each PHA and its RAD affiliates, its successors or assigns, as a condition of the County's financing of the Improvements, to execute a Mortgage and Note approved by, and enforceable by the County and to record a Declaration of Restrictive Covenant which will run with the land and bind the Properties and any successor(s) in interest and will require that the units be maintained as affordable for a period of not less than fifty (50) years. The County requirements will be subordinate to State and/or HUD, existing lenders and investors and the PHAs will be responsible for obtaining any approvals from those entities prior to execution of agreements. The Improvements will encompass approximately 1,016 PHA units and preserve them for households whose incomes is at or below 80% of the Westchester County Area Median Income ("AMI").

**§4.** The period of affordability of the Properties shall be a minimum of fifty (50) years.

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

**§6.** This Act shall take effect immediately.

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>BPL44</b>	<input checked="" type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 08-21-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> PUBLIC HOUSING AUTHORITY IMPROVEMENTS	<b>Legislative District ID:</b> 8,10,11,14,15,16,17
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PLANNING	<b>CP Unique ID:</b> 2495

### Overall Project Description

This project will fund critical improvements within the ten public housing authorities located in Westchester County. The improvements will prioritize units that have been taken off-line due to sub-standard conditions. Other improvements may include, but not limited to building exteriors common areas, and site work.

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

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

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	7,000	0	7,000	0	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	7,000	0	7,000	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 0

**Current Bond Description:** This bond request will fund the interior and exterior repair and improvements of buildings owned or operated by the following public housing authorities or their affiliated entities: Municipal Housing Authority for the City of Yonkers; New Rochelle Municipal Housing Authority; White Plains Housing Authority; and the Greenburgh Housing Authority.

### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	7,000,000
Cash:	0
<b>Total:</b>	<b>\$ 7,000,000</b>

### SEQR Classification:

TYPE II

### Amount Requested:

7,000,000

### Expected Design Work Provider:

- |                                       |                                     |                                                    |
|---------------------------------------|-------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input checked="" type="checkbox"/> Not Applicable |
|---------------------------------------|-------------------------------------|----------------------------------------------------|

**Comments:**

Greenburgh Housing Authority (\$582,080)  
 1,2,5,7 Maple St, White Plains, NY 10603  
 1,2,4 Beech St, White Plains, NY 10603  
 1,2,3 Oak St, White Plains, NY 10603  
 Roof Replacement (10 roofs)

Municipal Housing for the City of Yonkers (8 buildings, \$4,647,208)  
 1-8 Schoeder St, Yonkers, NY 10701  
 Electrical service work, conversion from gas to electric stoves, apartment risers, install heat pump domestic water heaters

White Plains Housing Authority (\$1,450,912)  
 86 Dekalb Ave, White Plains, NY 10605  
 Fire alarm control panel, direct drive roof fans, elevator modernization, replace kitchens

120 Lake St, White Plains, NY 10604  
 Direct drive roof fans, fire alarm control panel, elevator modernization, replace kitchens, fire rated door replacement

New Rochelle Municipal Housing Authority (\$319,800)  
 50 Sickles Ave, New Rochelle, NY 10801 & 111 Lockwood Ave, New Rochelle, NY 10801  
 Make buildings and units ADA compliant, including, but not limited to adding automatic door openers, handrails, accessible counters, support bars, and additional interior rehabilitation

**Energy Efficiencies:****Appropriation History:**

Year	Amount	Description
2024	7,000,000	\$7M FOR IMPROVEMENTS TO WESTCHESTER COUNTY LOCAL PUBLIC HOUSING AUTHORITIES

**Total Appropriation History:**  
 7,000,000

**Total Financing History:**  
 0

**Recommended By:**

**Department of Planning**  
 MLLL  
**Date**  
 09-09-2024

**Department of Public Works**  
 RJB4  
**Date**  
 09-11-2024

**Budget Department**  
 DEV9  
**Date**  
 09-11-2024

**Requesting Department**  
 MLLL  
**Date**  
 10-15-2024

## PUBLIC HOUSING AUTHORITY IMPROVEMENTS ( BPL44 )

**User Department :** Planning  
**Managing Department(s) :** Planning ;  
**Estimated Completion Date:** TBD  
**Planning Board Recommendation:**

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

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	7,000			7,000					
Non County Share									
Total	7,000			7,000					

### **Project Description**

This project will fund critical improvements within the ten housing authorities in Westchester County. The improvements will prioritize units that have been taken off-line due to sub-standard conditions. Other improvements may include improvements to building exteriors, common areas, and site work.

### **Current Year Description**

The current year request funds this project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2024	7,000,000			7,000,000

### **Impact on Operating Budget**

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

**ACT NO. 2024 \_**

AN ACT authorizing the County of Westchester to enter into easement agreements with the following Public Housing Authorities: Greenburgh Housing Authority, New Rochelle Municipal Housing Authority, White Plains Housing Authority and the Municipal Housing Authority for the City of Yonkers and if any, its Rental Assistance Demonstration program affiliates, their successors or assigns, to fund capital improvements, and authorize the County to accept necessary property rights that will remain affordable for a period of not less than fifty (50) years.

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

**SECTION 1.** The County of Westchester (the "County") is hereby authorized to enter into an easement agreement with each of the following Public Housing Authorities ("PHA"): Greenburgh Housing Authority ("GHA"), New Rochelle Municipal Housing Authority ("NRMHA"), White Plains Housing Authority ("WPHA") and the Municipal Housing Authority for the City of Yonkers ("MHACY") and if any, its Rental Assistance Demonstration program ("RAD") affiliates, its successors or assigns, whereby the County will finance capital improvements related to interior, exterior, and building systems and construction management costs (the "Improvements") in support of the preservation of approximately 1,016 units of the available housing stock for affordable housing tenancy located at the following properties:

**GHA properties:**

1,2,3 Oak Street, Town of Greenburgh  
1,2,4 Beech Street, Town of Greenburgh  
1,3,5,7 Maple Street, Town of Greenburgh

**NRMHA properties:**

50 Sickles Avenue, City of New Rochelle  
111 Lockwood Avenue, City of New Rochelle

**WPHA properties:**

86 Dekalb Avenue, City of White Plains  
120 Lake Street, City of White Plains

**MHACY property:**

1-8 Schroeder Street, City of Yonkers

§2. The County will fund an amount not to exceed Seven Million (\$7,000,000) Dollars as follows: GHA in an amount not to exceed \$582,080; NRMHA in an amount not to exceed \$319,800; WPHA in an amount not to exceed \$1,450,912, and MHACY in an amount not to exceed \$4,647,208. The term of each easement agreement will be ten years. The easement will require that each PHA and/or RAD affiliates, its successors or assigns, will be responsible for all costs of operation and maintenance of the Improvements.

§3. The Easement Agreement will require each PHA and its RAD affiliates, its successors or assigns, as a condition of the County's financing of the Improvements, to execute a Mortgage and Note approved by, and enforceable by the County and to record a Declaration of Restrictive Covenant which will run with the land and bind the Properties and any successor(s) in interest and will require that the units be maintained as affordable for a period of not less than fifty (50) years. The County requirements will be subordinate to State and/or HUD, existing lenders and investors and the PHAs will be responsible for obtaining any approvals from those entities prior to execution of agreements. The Improvements will encompass approximately 1,016 PHA units and preserve them for households whose incomes is at or below 80% of the Westchester County Area Median Income ("AMI").

§4. The period of affordability of the Properties shall be a minimum of fifty (50) years.

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

§6. This Act shall take effect immediately.

November 18, 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~~ *Kenneth Jenkins*  
*Acting* Westchester County Executive

RE: Message Requesting Immediate Consideration: **Bond Acts – BPL30 & BPL1A, and 2 Acts re: 99 Church Street & 6 Cottage Place, White Plains.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 18, 2024 Agenda.

Transmitted herewith for your review and approval is the legislation, 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 November 18, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

November 18, 2024

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

Dear Honorable Members of the Board of Legislators:

As your Honorable Board is aware, to encourage the development of affordable housing that will affirmatively further fair housing ("AFFH") in Westchester County (the "County"), the County has established New Homes Land Acquisition Fund II ("NHLA" or "Capital Project BPL30") and Housing Implementation Fund II ("HIF" or "Capital Project BPL1A") to provide funds to assist in the acquisition of property and construction of infrastructure improvements.

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 +/- 0.93 acres (40,511 square feet) of real property located at 99 Church Street and 6 Cottage Place, (the "Property") in the City of White Plains (the "City") to WBP Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction (the "Developer"), as part of the County's program to support the construction of affordable housing units that will affirmatively further fair housing. 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 \$10,000,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning ("Planning") has advised that subject to the approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$10,000,000 to purchase the Property from the current owner to create one hundred-eight (108) affordable condominium ownership housing units that will affirmatively further fair housing (the "Affordable AFFH Units") (the "Development").

**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 of White Plains (the "City") and the Developer, its successors or assigns, to finance the construction of the infrastructure improvements including, but not limited to, the construction of a new parking level and reconstruction of the existing below grade parking level at 99 Church Street. This will include new ramps and repairs to existing ramps, concrete flooring, drainage, lighting, signage,

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

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Website: [westchestercountyny.gov](http://westchestercountyny.gov)





fire suppression, 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 fifteen 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, its successors or assigns, will be responsible for all costs of operation and maintenance of the Infrastructure Improvements. The IMDA will require the Developer, as a condition of the County’s financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the Property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty years.

Planning has advised that the 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.

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 \$4,420,000 as a part of Capital Project BPL1A to finance the Infrastructure Improvements for the Development. Planning has advised that subject to the approval of your Honorable Board, the HIF Bond Act will authorize an amount not to exceed \$4,420,000 (the “County Funds”) for the Infrastructure Improvements, which includes costs to cover the County’s legal fees and staff costs.

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed in accordance with an approved affordable fair housing marketing plan to eligible households with income at or below 100% of the Westchester County area median income (“AMI”), and sold at a sales price set at 80% of AMI. The Affordable AFFH 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.

Historically, County policy has been to assist affordable homeownership developments serving households earning up to 80% of AMI. However, with the release of a new subsidy program known as the Affordable Homeownership Opportunity Program (“AHOP”) by the State of New York Homes and Community Renewal (“HCR”), HCR is now permitting their subsidy to assist homeowners with incomes of up to 100% of AMI. In order to match this program and to be able to utilize this funding source to develop affordable homeownership units in the County, the County policy will be modified only for AHOP developments to a maximum of 100% of AMI.

Planning has further advised that additional funds for the Development are anticipated to be provided from AHOP (committed), HCR Affordable Housing Corporation subsidy (committed), City of White Plains Affordable Housing Fund subsidy (committed), sale proceeds and deferred


developer fee (committed), for an estimated total Development cost of approximately \$78.37 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 and November 6, 2024, the Planning Board adopted Resolution No. 24-26 and 24-40 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.

On July 2, 2024, the Planning Board adopted Resolution No. 24-27 to recommend funding to finance the Infrastructure Improvements on the Property. The Planning Board Resolution has been annexed hereto.

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~~ Kenneth Jenkins  
~~County Executive~~ Acting County Executive

GL/BPL/DV/JPI  
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 +/- 0.93 acres of real property located at 99 Church Street and 6 Cottage Place (the “Property”) in the City of White Plains (the “City”) to WBP Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction (the “Developer”), as part of the County’s program to support the creation of affordable housing units that affirmatively further fair housing). The 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 \$10,000,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. The Department of Planning (“Planning”) has advised that subject to the receipt of approval of your Honorable Board, the proposed NHLA Bond Act will authorize an amount not to exceed \$10,000,000 to purchase the Property from the current owner to create one hundred-eight (108) affordable condominium ownership housing units that will affirmatively further fair housing (the “Affordable AFFH Units”).

Upon acquisition, the County will file a Declaration of Restrictive Covenants against the Property, to require that the proposed Affordable AFFH Units be marketed in accordance with an approved affordable fair housing marketing plan to eligible households with income at or below 100% of the Westchester County area median income (“AMI”) and sold at a sales price set at 80% of AMI. The Affordable AFFH 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.

Your Committee has been advised that, historically, County policy has been to assist affordable homeownership developments serving households earning up to 80% of AMI. However, with the release of a new subsidy program known as the Affordable Homeownership Opportunity Program (“AHOP”) by the State of New York Homes and Community Renewal (“HCR”), HCR is now permitting their subsidy to assist homeowners with incomes of up to 100% of AMI. In order to match this program and to be able to utilize this funding source to develop affordable homeownership units in the County, the County policy will be modified only for AHOP developments to a maximum of 100% of AMI.

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

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 of White Plains (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 off-site 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 fifteen 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, its successors, or assigns, will be responsible for all costs of operation and maintenance of the Infrastructure Improvements. The IMDA will require the Developer, as a condition of the County’s financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the Property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty.

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 \$4,420,000 as a part of Capital Project BPL1A to finance the Infrastructure Improvements for the Development. Planning has advised that subject to the approval of your Honorable Board, the HIF Bond Act will authorize an amount not to exceed \$4,420,000 (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 your Honorable Board’s authorization 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 easements 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.

Your Committee has been advised that additional funds for the Development are anticipated to be provided from the Affordable Homeownership Opportunity Program (“AHOP”) from HCR (committed), New York State Affordable Housing Corporation from HCR (committed), City of White Plains Affordable Housing Fund (“WPAHF”) subsidy (committed), sale proceeds and deferred developer fee (committed), for an estimated total Development cost of approximately \$78.37 Million.

Your Committee has been advised by Planning that the proposed Development was classified as an Unlisted Action by the City of White Plains Common Council, 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 the City Common Council issued a determination that this project would not have a significant impact on the environment, but 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 and November 6, 2024, the Planning Board adopted Resolution No. 24-26 and 24-40 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.

Your Committee has been advised that on June 4, 2024, the Planning Board adopted Resolution No. 24-27 to recommend funding to finance the Infrastructure Improvements on the Property. The Planning Board Resolution has been annexed hereto.

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 Land Acquisition Act, NHLA Bond Act and HIF 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/dlv/jpi 11-18-24





**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:** November 18, 2024

**SUBJECT:** Acquisition of Real Property – 99 Church Street and 6 Cottage Place  
- 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 +/- 0.99 acres of real property located at 99 Church Street and 6 Cottage Place in the City of White Plains, identified on the City tax maps as Section: 125.67 Block 4: Lot: 4.1 (the "Property") for the purpose of creating 108 affordable housing units (the "Affordable AFFH Units"), that will affirmatively further fair housing ("AFFH").

The County of Westchester ("the County") intends to finance the purchase of the Property from the current owner in an amount not to exceed \$10,000,000 as a part of Capital Project BPL30 New Homes Land Acquisition II. Upon acquisition of the Property, the County will file a Declaration of Restrictive Covenants to require that the Affordable AFFH Units are marketed and sold 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 WBP Development LLC (the "Developer"), its successors or assigns, for One (\$1.00) Dollar.

The Developer proposes to adaptively reuse / construct the 108 units in an existing five story and six story building on the Property that will include a mix of affordable studio, one, two and three-bedroom condominium ownership housing units that will be sold to households who earn at or below 100% with the sales price set at 80% of the area median income ("AMI") (collectively the "Development").

Historically, County policy has been to assist affordable homeownership developments serving households earning up to 80% of the AMI. However, with the release of a new subsidy program known as the Affordable Homeownership Opportunity Program ("AHOP") by the State of New York Homes and Community Renewal ("HCR"), HCR is now permitting their subsidy to assist homeowners with incomes of up to 100% of the AMI. In order to match this program and to be able to utilize this funding source to develop affordable homeownership units in the County, the County policy will be modified only for AHOP developments to a maximum of

100% of AMI.

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

1. The acquisition of this Property will advance the County's efforts to provide fair and affordable housing;
2. The acquisition and subsequent conveyance of the Property to develop fair and affordable housing is consistent with development policies adopted by the County Planning Board as set forth in *Westchester 2025 - Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*, adopted May 6, 2008, and amended January 5, 2010, and the recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995;
3. The Development is proposed to include green technology, such as energy efficient appliances, lighting and heating systems and water-conserving fixtures to reduce operating and maintenance costs, minimize energy consumption and conserve natural resources. The Development will provide all electric, high-performance heating/cooling/domestic hot water equipment. It will also follow HCR Sustainability Guidelines for New Construction and will seek Energy Star Multi-Family Certification.;
4. The Development is consistent with the land use policies and regulations of the City of White Plains; and
5. On July 2, 2024 and November 6, 2024, the County Planning Board adopted a resolution to recommend County financing towards the purchase 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- 26

WESTCHESTER COUNTY PLANNING BOARD

New Homes Land Acquisition II  
Capital Project Funding Request  
99 Church Street,  
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**, WBP Development LLC (the "Developer"), its successors or assigns, desires to develop the real property located at 99 Church Street in the City of White Plains (the "City"), identified on the tax maps as Section 125.67 Block 4; Lot: 4.1 (the "Property") to create 68 affordable residential ownership units that will affirmatively further fair housing ("AFFH"; collectively the "Affordable AFFH Units") and 101 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 \$3,400,000 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**, in 1992, the Board of Legislators ("BOL") approved the creation of the NHLA Program to support the development of affordable housing in the County. The NHLA program was set up with income requirements based on the adopted *Westchester County Affordable Housing Plan Statement of Need* ("Statement of Need") dated June 4, 1992, which identified housing needs in the County, and stated that "middle income households will require further support...hence the need for the County to target this population group as well." Middle income was defined in the Statement of Need as households earning between 80% and 120% of the AMI. However, the NHLA Program has historically served households earning up to 80% of AMI for homeownership developments. Therefore, in accordance with State of New York funding programs and to promote affordable homeownership development, the County will permit NHLA funding for households with income of up to 100% of the AMI. These Developments must receive a funding award from the State of New York Homes and Community Renewal program known as Affordable Homeownership Opportunity Program ("AHOP"). Furthermore, the future homeowners must be first time homeowners; 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 purchased at a sales price set at 80% of the Westchester County Area Median Income ("AMI") by households who earn at or below 100% of the AMI; and

**WHEREAS**, the County will transfer ownership of the Property to the Developer to construct a mix of one, two and three-bedroom apartments to be purchased by eligible first time

home buyer 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, 99 Church Street; City of White Plains, and authorize bonding in a not to exceed amount of \$3,400,000 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, including an appraisal, recommends that the County provide financial assistance in a not-to-exceed amount of \$3,400,000 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 99 Church Street 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 2<sup>nd</sup> day of July 2024.

  
Richard Hyman, Chair

RESOLUTION 24- 27

**WESTCHESTER COUNTY PLANNING BOARD**

**Housing Implementation Fund II  
Capital Project Funding Request  
99 Church Street, City of White Plains**

**WHEREAS**, the County has established Capital Project BPL1A Housing Implementation Fund II ("HIF") to assist municipalities with the cost of construction of public infrastructure improvements associated with the development of fair and affordable housing; and

**WHEREAS**, WBP Development LLC (the "Developer"), its successors or assigns, desires to develop the real property located at 99 Church Street in the City of White Plains (the "City"), identified on the tax maps as Section 125.67 Block 4: Lot: 4.1 (the "Property") to create 68 affordable residential ownership units that will affirmatively further fair housing ("AFFH"; collectively the "Affordable AFFH Units") and 101 parking spaces (collectively the "Development"); and

**WHEREAS**, the Developer desires the County to fund infrastructure improvements to support the construction/adaptive reuse of one four story building into one five-story building, with 68 affordable residential homeownership units and 101 parking spaces (the "Development"); and

**WHEREAS**, to support the development of affordable homeownership housing in the County and since 1992, the Housing Implementation Fund ("HIF") program has been relying on income requirements based on the adopted *Westchester County Affordable Housing Plan Statement of Need* ("Statement of Need") dated June 4, 1992, which identified housing needs in the County, and stated that "middle income households will require further support...hence the need for the County to target this population group as well." Middle income was defined in the Statement of Need as households earning between 80% and 120% of the AMI. However, the HIF Program has historically served households earning up to 80% of AMI for homeownership developments. Therefore, in accordance with State of New York funding programs and to promote affordable homeownership development, the County will permit HIF funding for households with income of up to 100% of the AMI. These Developments must receive a funding award from the State of New York Homes and Community Renewal program known as Affordable Homeownership Opportunity Program ("AHOP"). Furthermore, the future homeowners must be first time homeowners; 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 purchased at a sales price set at 80% of the Westchester County Area Median Income ("AMI") by households who earn at or below 100% of the AMI; and

**WHEREAS**, a not to exceed amount of \$4,420,000 is requested from Capital Project BPL1A Housing Implementation Fund II to fund eligible expenses that include, but will not

be limited to, construction of a new parking level and reconstruction of the existing below grade parking level. This will include new ramps and repairs to existing ramps, concrete flooring, drainage, lighting, signage, fire suppression, 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 White Plains; and

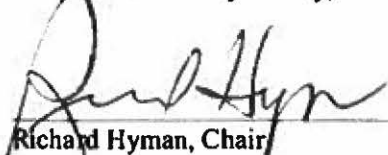
**WHEREAS**, the funding to support the development of the Affordable AFFH Units is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board's adopted long-range land use and development policies, by contributing to the development of "a range of 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 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 \$4,420,000 for infrastructure improvements for the Development under the terms of the HIF Program, which will support the creation of 68 Affordable AFFH Homeownership Units which will be available to households who have an income of up to 100% of the AMI and 101 parking spaces, located at 99 Church Street in the City of White Plains; and

**RESOLVED**, that the Westchester County Planning Board amends its report on the 2024 Capital Project Requests to include 99 Church Street in the City of White Plains, as a new component project in Capital Project BPL1A under the heading of Buildings, Land and Miscellaneous.

Adopted this 2<sup>nd</sup> day of July, 2024.



Richard Hyman, Chair

RESOLUTION 24- 40

**WESTCHESTER COUNTY PLANNING BOARD**

**Capital Budget Amendment to the 2024 Capital Project Requests  
BPL30 - New Homes Land Acquisition II  
6 Cottage Place,  
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**, WBP Development LLC (the "Developer"), its successors or assigns, desires to develop the real property located at 6 Cottage Place in the City of White Plains (the "City"), identified on the tax maps as Section 125.67 Block 4: Lot: 4.1 (the "Property") to create 40 affordable residential ownership units that will affirmatively further fair housing ("AFFH"; collectively the "Affordable AFFH Units") (collectively the "Development"); and

**WHEREAS**, the County proposes to purchase the Property from the owner of record, for a not to exceed amount of \$6,600,000 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**, in 1992, the Board of Legislators ("BOL") approved the creation of the NHLA Program to support the development of affordable housing in the County. The NHLA program was set up with income requirements based on the adopted *Westchester County Affordable Housing Plan Statement of Need* ("Statement of Need") dated June 4, 1992, which identified housing needs in the County, and stated that "middle income households will require further support...hence the need for the County to target this population group as well." Middle income was defined in the Statement of Need as households earning between 80% and 120% of the AMI. However, the NHLA Program has historically served households earning up to 80% of AMI for homeownership developments. Therefore, in accordance with State of New York funding programs and to promote affordable homeownership development, the County will permit NHLA funding for households with income of up to 100% of the AMI. These Developments must receive a funding award from the State of New York Homes and Community Renewal program known as Affordable Homeownership Opportunity Program ("AHOP"). Furthermore, the future homeowners must be first time homeowners; 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 purchased at a sales price set at 80% of the Westchester County Area Median Income ("AMI") by households who earn at or below 100% of the AMI; and

**WHEREAS**, the County will transfer ownership of the Property to the Developer to construct a mix of studio, one and three-bedroom affordable homeownership apartments to be purchased by eligible first time home buyer 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, 6 Cottage Place; City of White Plains, and authorize bonding in a not to exceed amount of \$6,600,000 to develop the Property; and

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

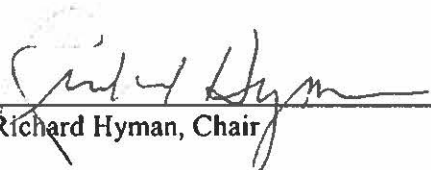
**WHEREAS**, the funding to support the development of the Affordable AFFH Units is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board’s adopted long-range land use and development policies, by contributing to the development of “a range of 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, including an appraisal, recommends that the County provide financial assistance in a not-to-exceed amount of \$6,600,000 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 6 Cottage Place 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 6<sup>th</sup> day of November 2024.

  
Richard Hyman, Chair

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

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

DATE: November 13, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR  
BPL1A HOUSING IMPLEMENTATION FUND  
BPL30 NEW HOMES LAND ACQUISITION II  
99 CHURCH STREET & 6 COTTAGE PLACE, WHITE PLAINS**

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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 projects BPL1A – Housing Implementation Fund II and BPL30 – New Homes Land Acquisition II to facilitate the adaptive reuse of commercial property, that was last used by a college for educational and dormitory purposes, into 108 units of affordable housing. The property consists of two buildings on a 0.93-acre parcel, located at 99 Church Street and 6 Cottage Place in the City of White Plains.

Funds from BPL1A will be used to cover a portion of the costs of infrastructure improvements, including parking-related improvements to provide a total of 89 parking spaces. BPL30 funds will be applied towards the purchase of the property, upon which the County will file a restrictive covenant that will require all of the proposed condominium units to be marketed and leased to households meeting certain income thresholds that will affirmatively further fair housing for a period of not less than 50 years prior to conveying to the developer.

The proposed redevelopment, which includes building modifications, was reviewed by the City of White Plains Common Council, which classified the project as an Unlisted action under SEQR and on October 7, 2024, issued a determination that the proposed project would not have a significant effect on the environment.

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 prior to approving County funding towards this project. Consequently, a Short Environmental Assessment Form (EAF) 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: Blanca Lopez, Commissioner, Department of Planning  
David Vutera, Associate County Attorney  
John Paul Iannace, Senior Assistant County Attorney  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner

## **RESOLUTION**

**WHEREAS**, there is pending before this Honorable Board an Act to authorize the County of Westchester to acquire and convey real property at 99 Church Street and 6 Cottage Place in the City of White Plains, along with the provision of funds to assist with related infrastructure improvements, for the purpose of adaptive reuse of existing development to create 108 affordable condominium ownership housing units , that will affirmatively further fair housing and remain affordable for a period of not less than 50 years (the “Project”); and

**WHEREAS**, this Honorable Board has determined that the Project 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 City of White Plains Common Council conducted an environmental review and made a determination that the proposed action would not have a significant effect on the environment, but did not include the County in a coordinated review; 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 99 Church Street and 6 Cottage Place in the City of White Plains and funding of related infrastructure improvements in support of the adaptive reuse and construction of 108 affordable condominium homeownership 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.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

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

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

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: 99 Church Street & 6 Cottage Place			
Project Location (describe, and attach a location map): 97-109 Church Street, White Plains			
Brief Description of Proposed Action: The Applicant is proposing to renovate the existing buildings at 99 Church Street and 6 Cottage Place and adaptively reuse them as multi-family dwelling units. The Applicant proposes a total of 108 dwelling units, including 68 dwelling units at 99 Church Street and 40 dwelling units at 6 Cottage Place, together with 89 parking spaces in the two (2) buildings. The Applicant is also proposing to add one (1) story onto the building at 99 Church Street. The project required an area variance from the Zoning Board of Appeals pursuant to Section 5.5.3.1 to permit a reduction in the front yard setback from 15 feet (required) to 0 feet (existing and proposed), which was granted in February, 2024. The project also required site plan approval and a special permit from the Common Council which were granted in June, 2024. Since the approvals were granted, the Applicant has reduced the proposed number of dwelling units at 6 Cottage Place to 40 units and increased the proposed number of parking spaces at the property. These modifications require amended site plan approval from the Common Council.			
Name of Applicant or Sponsor: WBP Development LLC		Telephone: 914-263-0079 E-Mail: jwendling@wbpdev.com	
Address: c/o Wilder Balter Partners, Inc., 480 Bedford Road			
City/PO: Chappaqua	State: NY	Zip Code: 10514	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" 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: Common Council; Building Department; WC BOL			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.93 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.93 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 type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			



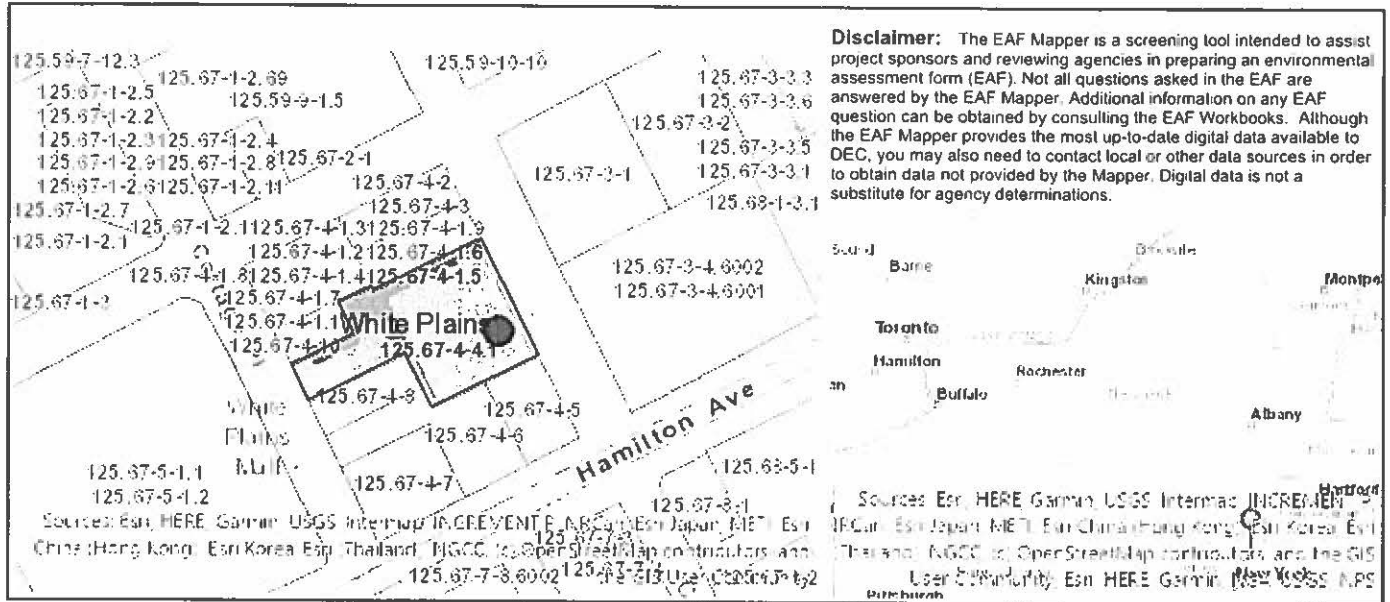
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <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? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <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? Consultation with SHPO closed and both buildings at the property were determined to be not eligible for listing.	NO <input type="checkbox"/>	YES <input checked="" 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input 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 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? Peregrine Falcon	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
No new impervious surfaces proposed as part of the project. Buildings discharge into existing conveyance systems.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
White Plains Mall/Hamilton Green Project was in the Brownfield Cleanup Program and located across Cottage Place from property.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: WBP Development LLC by its attorneys DDWWW      Date: 11/12/24		
Signature: <u>[Signature]</u> Title: <u>president</u>		

**PRINT FORM**

# EAF Mapper Summary Report

Monday, August 19, 2024 3:33 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
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 no significant environmental impacts as the project involves adaptive reuse of property that is already fully developed with a 4-story building, a 6-story building and paved parking areas within an urban setting,

The increase in square footage by adding one story to the existing 4-story building will not change the footprint nor significantly alter the visual environment, which consists of buildings that are taller.

The change in use from institutional (educational) to residential will also not have an impact on the neighborhood as the area contains mixed uses, including commercial and multifamily residential buildings.

Adaptive reuse of property provides the environmental benefit of capitalizing on existing infrastructure and avoiding development of undeveloped land.

- ☐ 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 to the Board of Legislators

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$10,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED AT 99 CHURCH STREET AND 6 COTTAGE PLACE, 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 \$10,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted , 20\_\_)

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and other laws applicable thereto, bonds of the County in the aggregate amount of \$10,000,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the purchase of approximately 0.93 acres of real property, including two buildings located at 99 Church Street and 6 Cottage Place, in the City of White Plains (the “AFFH Property”) from the current owner(s) of

record at a cost of \$10,000,000, including acquisition and settlement costs, in order to support the construction of 108 affordable housing units and 89 parking spaces 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 108 affordable AFFH units at the aggregate estimated maximum cost of \$10,000,000 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 WBP Development (the “Developer”), its successors or assigns. The Developer will construct a project which will include 108 affordable AFFH rental units on the AFFH Property. In addition, the County shall provide funding for infrastructure improvements on the AFFH Property under BPL1A in the amount of \$4,420,000 pursuant to a separate authorization and Bond Act. 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 \$10,000,000. The plan of financing includes the issuance of \$10,000,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of a tax on taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness for which said \$10,000,000 bonds are



authorized to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

Section 3. The County intends to finance, on an interim basis, the costs or a portion of the costs of said object or purpose for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Act, in the maximum amount of \$10,000,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$10,000,000 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 1108.00 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 \$10,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE PURCHASE OF REAL PROPERTY LOCATED ON 99 CHURCH STREET, 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 \$10,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted \_\_\_\_\_, 20\_\_\_\_)

Object or purpose: to finance the cost of the purchase of approximately 0.93 acres of real property, including two buildings located at 99 Church Street and 6 Cottage Place, in the City of White Plains (the "AFFH Property") from the current owner(s) of record at a cost of \$10,000,000, including acquisition and settlement costs, in order to support the construction of 108 affordable housing units and 89 parking spaces 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 108 affordable AFFH units at the aggregate estimated maximum cost of \$10,000,000 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 WBP Development (the "Developer"), its successors or assigns. The Developer will construct a project which will include 108 affordable AFFH rental units on the AFFH Property. In addition, the County shall provide funding for infrastructure improvements on the AFFH Property under BPL1A in the amount of \$4,420,000 pursuant to a separate authorization and Bond Act. 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:

\$10,000,000 - thirty (30) years

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

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

# 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

99 CHURCH ST 6 COTTAGE PLACE WHITE PLAINS FS 2585

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 10,000,000 PPU 30 Anticipated Interest Rate 3.62%

Anticipated Annual Cost (Principal and Interest): \$ 526,259

Total Debt Service (Annual Cost x Term): \$ 15,787,761

Finance Department: maab 11-14-24

## 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:

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 11/15/24

Reviewed By: 

Budget Director

Date: 11/15/24

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>BPL30</b>	<input checked="" type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 07-08-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> NEW HOMES LAND ACQUISITION II	<b>Legislative District ID:</b> 5, 8
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PLANNING	<b>CP Unique ID:</b> 2585

### Overall Project Description

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

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

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

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	104,500	104,500	0	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	104,500	104,500	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 54,851

**Current Bond Description:** Bonding is requested to finance the acquisition of approximately 0.99 acres of real property located at 99 Church Street and 6 Cottage Place in the City of White Plains and identified on the tax maps as Section 125.67: Block 4: Lot 4.1 (the "Property") in order to construct 108 units of ownership housing that will Affirmatively Further Fair Housing (the "Affordable AFFH Units"). The Development will also include 89 parking spaces.

#### Financing Plan for Current Request:

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

#### SEQR Classification:

UNLISTED

#### Amount Requested:

10,000,000

#### Expected Design Work Provider:

- |                                       |                                     |                                                    |
|---------------------------------------|-------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input checked="" type="checkbox"/> 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 land and vacant structures from the current owner for an amount not to exceed \$10,000,000 to support the Adaptive-reuse/construction of one 5-story and one 6-story residential buildings with 108 Affordable AFFH ownership units and 89 parking spaces (68 parking spaces will be allocated to the owners of the condominium units in 99 Church Street, the remaining 21 parking spaces will be allocated to the owners of the condominium units in 6 Cottage Place). 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 100% of the County Area Median Income for a period of no less than 50 years, and further that the units will be sold and marketed to eligible households under an approved Affordable Housing Marketing plan. The County will then convey ownership to WBP Development LLC (the "Developer") its successors or assigns for one dollar (\$1.00).

**Energy Efficiencies:**

THE BUILDING WILL BE CONSTRUCTED WITH ENERGY EFFICIENT APPLIANCES, LIGHTING, HEATING AND COOLING SYSTEMS AND WATER-CONSERVING FIXTURES. THE DEVELOPMENT IS DESIGNED TO MEET THE STANDARDS OF ENERGY STAR MULTIFAMILY AND NYS HCR SUSTAINABILITY GUIDELINES

**Appropriation History:**

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	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 DEVLOPMENT 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
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 DEVLOPMENT 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

**Total Financing History:**  
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**  
LNGA

**Date**  
11-12-2024

## NEW HOMES LAND ACQUISITION II ( BPL30 )

**User Department :** Planning

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	<b>104,500</b>	<b>104,500</b>	<b>54,851</b>						
<b>Non County Share</b>			<b>(688)</b>						
<b>Total</b>	<b>104,500</b>	<b>104,500</b>	<b>54,163</b>						

### **Project Description**

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

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2014	5,000,000	Continuation of this project	COMPLETE
2016	2,500,000	Continuation of this project	COMPLETE
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 \$5,000,000 continuation of this project.	COMPLETE
2018	8,000,000	Continuation of this project.	COMPLETE
2019	5,000,000	Continuation of this project	COMPLETE
2020	10,000,000	Continuation of this project	COMPLETE
2021	16,800,000	Continuation of this project	COMPLETE
2022	25,000,000	Continuation of this project	DESIGN / CONSTRUCTION
2023	25,000,000	Continuation of this project	DESIGN / CONSTRUCTION
<b>Total</b>	<b>104,500,000</b>		

## NEW HOMES LAND ACQUISITION II ( BPL30 )

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	104,500,000	54,938,308	49,561,692
Others		688,010	(688,010)
<b>Total</b>	<b>104,500,000</b>	<b>55,626,319</b>	<b>48,873,681</b>

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
204 15	460,000	12/15/17	388,647	(609)
		12/15/17	71,360	
		12/15/17	603	
235 15	1,840,000	12/15/16	1,830,000	10,000
240 15				
267 15	284,000	12/15/17	239,947	(376)
		12/15/17	44,057	
		12/15/17	372	
18 16	385,000			385,000
21 16	197,000	12/15/16	191,659	5,341
24 16	353,000	12/15/16	290,732	62,268
56 16	400,220	12/15/17	327,838	11,679
		12/15/17	60,194	
		12/15/17	509	
59 16	210,800	12/15/17	178,102	(279)
		12/15/17	32,701	
		12/15/17	276	
50 16	228,800	12/15/17	174,902	21,513
		12/15/17	32,114	
		12/15/17	271	
53 16	219,050			219,050
231 16	2,009,980	12/15/16	1,999,980	10,000
142 17	2,600,000	12/01/21	2,312,500	287,500
172 17	1,250,000	12/10/18	1,250,000	
209 17				
77 18	2,100,000	12/10/19	1,205,036	
		12/10/19	237,964	
		12/01/21	657,000	
123 18	787,500	10/28/20	690,728	(8)
		10/28/20	96,780	
		10/28/20	26,688	
		10/28/20	(26,688)	
155 18				

## NEW HOMES LAND ACQUISITION II ( BPL30 )

159	18	1,000,000	12/10/19	835,090	
			12/10/19	164,910	
186	18	3,000,000	12/10/19	2,505,271	
			12/10/19	494,729	
68	19	1,765,000	12/10/19	1,473,935	
			12/10/19	291,065	
70	19	5,225,000	12/10/19	4,363,348	
			12/10/19	861,652	
150	19	2,340,000	10/28/20	2,052,449	(79,325)
			10/28/20	287,575	
			10/28/20	79,302	
171	19	306,000	12/01/21	305,325	675
182	19	1,375,000			1,375,000
206	20	5,000,000	12/01/21	5,000,000	
47	21	5,000,000	12/01/21	5,000,000	
84	21	3,825,000			3,825,000
93	21	1,400,000	12/01/22	1,273,444	
			12/01/22	126,556	
166	21	1,800,000			1,800,000
178	21	5,000,000	12/01/22	4,548,013	
			12/01/22	451,987	
190	21	5,000,000	12/01/22	4,548,013	
			12/01/22	451,987	
154	22	1,900,000			1,900,000
Total		57,261,350		47,428,921	9,832,429

ACT NO. -20\_\_

BOND ACT AUTHORIZING THE ISSUANCE OF \$4,420,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE HOUSING UNITS ON PROPERTY LOCATED AT 99 CHURCH STREET AND 6 COTTAGE PLACE, IN THE CITY OF WHITE PLAINS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING ("AFFH") PURSUANT TO THE COUNTY'S HOUSING IMPLEMENTATION FUND II CAPITAL PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,420,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,420,000 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 \$4,420,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of infrastructure improvements associated with the construction of affordable housing units on property located at 99



Church Street and 6 Cottage Place, in the City of White Plains (the “AFFH Property”) at a cost to the County of \$4,420,000, including related costs incurred by the County, which may include construction management and engineering costs, and staff and legal fees, in order to support the construction of affordable housing units that will affirmatively further fair housing (“AFFH”). The infrastructure improvements may include, but shall not be limited to, construction of a new parking level and reconstruction of the existing below grade parking level, and new ramps, improvements to existing ramps, concrete flooring, lighting, signage, fire suppression, landscaping and construction management and County administrative costs. The funding requested herein, at the aggregate estimated maximum cost of \$4,420,000, is in support of the construction of 108 affordable AFFH units and 89 parking spaces. In addition, the County shall provide funding in the amount of \$10,000,000 for the acquisition of the AFFH Property under BPL30 pursuant to a separate authorization and Bond Act. The County shall enter into an Inter-municipal/Developer Agreement (“IMDA”) with the City of White Plains, White Plains Housing Authority and WBP Development LLC (the “Developer”), its successors or assigns, to finance eligible infrastructure improvements associated with the construction of said affordable AFFH units (the “Development”). A deed restriction will be filed against the AFFH Property to require that the AFFH units will be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years. The cost of said infrastructure improvements for 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 \$4,420,000. The plan of financing includes the issuance of \$4,420,000 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 \$4,420,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 91 of the Law, is fifteen (15) 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 \$4,420,000. 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 \$4,420,000 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\_\_\_.

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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 \$4,420,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE HOUSING UNITS ON PROPERTY LOCATED AT 99 CHURCH STREET, IN THE CITY OF WHITE PLAINS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING ("AFFH") PURSUANT TO THE COUNTY'S HOUSING IMPLEMENTATION FUND II CAPITAL PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,420,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,420,000 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 infrastructure improvements associated with the construction of affordable housing units on property located at 99 Church Street and 6 Cottage Place, in the City of White Plains (the "AFFH Property") at a cost to the County of \$4,420,000, including related costs incurred by the County, which may include construction management and engineering costs, and staff and legal fees, in order to support the construction of affordable housing units that will affirmatively further fair housing ("AFFH"). The infrastructure improvements may include, but shall not be limited to, construction of a new parking level and reconstruction of the existing below grade parking level, and new ramps, improvements to existing ramps, concrete flooring, lighting, signage, fire suppression, landscaping and construction management and County administrative costs. The funding requested herein, at the aggregate estimated maximum cost of \$4,420,000, is in support of the construction of 108 affordable AFFH units and 89 parking spaces. In addition, the County shall provide funding in the amount of \$4,420,000 for the acquisition of the AFFH Property under BPL30 pursuant to a separate authorization and Bond Act. The County shall enter into an Inter-municipal/Developer Agreement ("IMDA") with the City

of White Plains, White Plains Housing Authority and WBP Development LLC (the "Developer"), its successors or assigns, to finance eligible infrastructure improvements associated with the construction of said affordable AFFH units (the "Development"). A deed restriction will be filed against the AFFH Property to require that the AFFH units will be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years. The cost of said infrastructure improvements for 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: \$4,420,000 - fifteen (15) years

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

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



# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL1A

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☒ Current Appropriations

☐ Capital Budget Amendment

99 CHURCH ST 6 COTTAGE PLACE WHITE PLAINS FS 2586

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 4,420,000 PPU 15 Anticipated Interest Rate 3.05%

Anticipated Annual Cost (Principal and Interest): \$ 371,104

Total Debt Service (Annual Cost x Term): \$ 5,566,554

Finance Department: maab 11-14-24

## 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: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 11/15/24

Reviewed By: 

Budget Director

Date: 11/15/24

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> BPL1A	<input checked="" type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 07-08-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> HOUSING IMPLEMENTATION FUND 5 II	<b>Legislative District ID:</b>
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PLANNING	<b>CP Unique ID:</b> 2586

### Overall Project Description

This project continues the funding for the Westchester County Housing Implementation Fund (HIF) previously funded under BPL01. HIF is a unique housing incentive program established to provide municipalities with funds for public infrastructure and improvements such as water, sanitary and storm sewer, road and site improvements needed to facilitate the construction or rehabilitation of fair and affordable housing. This is a general fund, specific projects are subject to a Capital Budget Amendment.

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

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

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	86,060	86,060	0	0	0	0	0	0
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	86,060	86,060	0	0	0	0	0	0

**Expended/Obligated Amount (in thousands) as of :** 30,404

**Current Bond Description:** Bonding is requested to provide funding for certain infrastructure improvements for a 68 unit 100% affordable home-ownership building with a total of 89 parking spaces at 99 Church Street in the City of White Plains.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	4,420,000
Cash:	0
<b>Total:</b>	<b>\$ 4,420,000</b>

#### SEQR Classification:

UNLISTED

#### Amount Requested:

4,420,000

#### Expected Design Work Provider:

- |                                       |                                     |                                                    |
|---------------------------------------|-------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> County Staff | <input type="checkbox"/> Consultant | <input checked="" type="checkbox"/> Not Applicable |
|---------------------------------------|-------------------------------------|----------------------------------------------------|

**Comments:**

The County will enter into an Inter-Municipal/Developer Agreement with the City of White Plains and WBP Development LLC., its successors or assigns (the "Developer") to finance eligible infrastructure improvements associated with multi-family development to be adaptively-reused/constructed at 99 Church Street in the City of White Plains (the "City"), identified on the tax maps as Section 125.67, Block 4, Lot 4.1 (the "Property"). The City will be responsible for operation and maintenance of the infrastructure and the County shall own the infrastructure improvements for the life of the County bonds. The developer will adaptively-reuse a vacant former four-story office building and construct an additional floor making the building a total of 5 stories with 68 apartments all of which will affirmatively further fair housing (the "Affordable AFFH Units") which will be affordable to first time homeowners that earn at or below 100% of the County Area Median Income ("AMI") with the sales price set at 80% of AMI.

The building will have community/conference room, lounge on each residential floor, bike storage, co-working room and a fitness room. Each unit will have their own laundry. The Development will also feature high speed broadband. The building will have 24 one-bedroom, 36 two-bedroom and 8 three-bedroom apartments and 89 parking spaces will be provided on-site in two levels, one level below grade and one level at grade with five of the spaces equipped with electric vehicle charging stations. Each residential condominium unit in 99 Church Street will include one parking space. The additional 21 spaces will be made available to the condominium owners of the adjacent 6 Cottage Place affordable housing development.

A total of \$4,420,000 will finance the construction of infrastructure improvements that may include but will not be limited to: construction of a new parking level and reconstruction of the existing below grade parking level. This will include new ramps and repairs to existing ramps, concrete flooring, drainage, lighting, signage, fire suppression, landscaping, construction management and County administrative costs.

A deed restriction will be filed against the Property to require that the Affordable AFFH Units be marketed and sold in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years.

**Energy Efficiencies:**

THE BUILDING WILL BE CONSTRUCTED WITH ENERGY EFFICIENT APPLIANCES, LIGHTING, HEATING AND COOLING SYSTEMS AND WATER-CONSERVING FIXTURES. THE DEVELOPMENT IS DESIGNED TO MEET THE STANDARDS OF BOTH LEED SILVER AND NYS HCR SUSTAINABILITY GUIDELINES.

**Appropriation History:**

Year	Amount	Description
2014	5,000,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2015	3,000,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2016	2,500,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2017	3,500,000	GREENBURGH MANHATTAN AVE REDEVELOPMENT SENIOR HOUSING - \$1,000,000; CONTINUATION OF THIS PROJECT - \$2,500,000
2018	4,150,000	CONTINUATION OF THIS PROJECT.
2019	5,910,000	CONTINUATION OF THIS PROJECT
2020	10,000,000	CONTINUATION OF THIS PROJECT
2021	12,000,000	CONTINUATION OF THIS PROJECT \$10,000,000 ; INFRASTRUCTURE BROADBAND \$2,000,000
2022	25,000,000	CONTINUATION OF THIS PROJECT
2023	15,000,000	CONTINUATION OF THIS PROJECT

**Total Appropriation History:**

86,060,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
15	164	0	0	INFRASTRUCTURE IMPROVEMENTS AT 16 ROUTE 6 IN TOWN OF SOMERS
15	170	2,400,000	2,399,395	FAH DEVELOPMENT AT 150 NORTH STREET AND THEODORE FREMD AVE IN CITY OF RYE
15	206	500,000	494,506	147, 165 AND 175 RAILROAD AVENUE, BEDFORD HILLS INFRASTRUCTURE IMPROVEMENTS
17	174	2,250,000	2,222,697	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS TO 1847 CROMPOND ROAD PEEKSKILL
17	210	0	0	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS AT 501 BROADWAY IN VILLAGE OF BUCHANAN
18	84	2,400,000	1,962,014	CONSTRUCTION OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN SUPPORT OF HIDDEN MEADOWS DEVELOPMENT
18	156	0	0	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS FOR DEVELOPMENT OF AFFORDABLE HOUSING IN NEW ROCHELLE
18	188	1,300,000	1,155,841	INFRASTRUCTURE ASSOCIATED WITH CONSTRUCTION OF AFFORDABLE UNITS AT 25 SOUT REGENT ST IN PORT CHESTER
18	183	4,400,000	4,000,982	INFRASTRUCTURE ASSOCIATED WITH AFFORDABLE HOUSING AT 135 S. LEXINGTON AVE IN WHITE PLAINS
19	72	0	0	RESCINDING ACT NO. 156-2018, INFRASTRUCTURE IMPROVEMENTS IN NEW ROCHELLE
19	180	0	0	RESCINDS BOND ACT 210-2017
19	179	2,500,000	0	CONSTRUCTION OF AFFORDABLE RENTAL UNITS AT 11 GRADEN STREET, NEW ROCHELLE
19	152	5,760,000	5,760,005	CONSTRUCTION OF AFFORDABLE RENTAL UNITS AT 645 MAIN STREET IN PEEKSKILL
20	51	5,000,000	5,000,009	COST OF INFRASTRUCTURE IMPROVEMENTS OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
20	97	5,000,000	3,358,249	COST OF INFRASTRUCTURE IMPROVEMENTS OF AFFORDABLE HOUSING UNITS IN YONKERS
20	201	2,500,000	0	INFRASTRUCTURE IMPROVEMENTS FOR AFFORDABLE HOUSING UNIT AT 48 MANHATTAN AVE., GREENBURG
22	28	3,500,000	241,204	AFFH AND HIF 23 MULBERRY STREET, YONKERS 60 RENTAL UNITS
23	58	2,750,000	0	HOUSING IMPLEMENTATION FUND II - 65 LAKE STREET WHITE PLAINS
23	147	5,555,000	0	HOUSING IMPLEMENTATION FUND II - 345 MCLEAN AVE YONKERS

**Total Financing History:**

45,815,000

**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**

LNGA

**Date**

10-30-2024

## HOUSING IMPLEMENTATION FUND II ( BPL1A )

**User Department :** Planning

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	<b>86,060</b>	<b>86,060</b>	<b>30,404</b>						
<b>Non County Share</b>			<b>72</b>						
<b>Total</b>	<b>86,060</b>	<b>86,060</b>	<b>30,476</b>						

### **Project Description**

This project continues the funding for the Westchester County Housing Implementation Fund (HIF) previously funded under BPL01. HIF is a unique housing incentive program established to provide municipalities with funds for public infrastructure and improvements such as water, sanitary and storm sewer, road and site improvements needed to facilitate the construction or rehabilitation of fair and affordable housing. This is a general fund, specific projects are subject to a Capital Budget Amendment.

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

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

### **Appropriation History**

Year	Amount	Description	Status
2014	5,000,000	Public infrastructure improvements	COMPLETE
2015	3,000,000	Public infrastructure improvements	COMPLETE
2016	2,500,000	Public infrastructure improvements	COMPLETE
2017	3,500,000	Greenburgh Manhattan Ave Redevelopment Senior Housing - \$1,000,000; continuation of this project -\$2,500,000	COMPLETE
2018	4,150,000	Continuation of this project.	COMPLETE
2019	5,910,000	Continuation of this project	COMPLETE
2020	10,000,000	Continuation of this project	PARTIALLY IN PROGRESS
2021	12,000,000	Continuation of this project \$10,000,000 ; Infrastructure Broadband \$2,000,000	AWAITING BOND AUTHORIZATION
2022	25,000,000	Continuation of this project	AWAITING BOND AUTHORIZATION
2023	15,000,000	Continuation of this project	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>86,060,000</b>		

## HOUSING IMPLEMENTATION FUND II ( BPL1A )

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	86,060,000	26,648,042	59,411,958
Others		(71,958)	71,958
Total	86,060,000	26,576,084	59,483,916

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
164 15				
170 15	2,400,000	12/15/17	1,053,460	605
		12/15/17	193,426	
		12/15/17	1,634	
		12/10/18	551,309	
		12/10/19	271,876	
		12/10/19	53,689	
		12/01/22	249,231	
		12/01/22	24,769	
206 15	500,000	12/15/17	262,311	5,494
		12/15/17	48,163	
		12/15/17	407	
		12/10/18	183,625	
174 17	2,250,000	12/10/18	24,138	27,303
		12/10/19	127,644	
		12/10/19	25,207	
		04/30/20	192,926	
		10/28/20	985,486	
		10/28/20	138,079	
		10/28/20	38,077	
		10/28/20	(38,077)	
		12/01/21	445,116	
		12/01/22	258,419	
		12/01/22	25,682	
210 17				
84 18	2,400,000	12/10/19	270,781	437,986
		12/10/19	53,472	
		04/30/20	560,358	
		10/28/20	389,869	
		10/28/20	54,626	
		10/28/20	15,064	
		10/28/20	(15,064)	
		12/01/21	632,909	



## HOUSING IMPLEMENTATION FUND II ( BPL1A )

156	18				
188	18	1,300,000	04/30/20	27,188	175,290
			10/28/20	487,032	
			10/28/20	68,239	
			10/28/20	18,818	
			12/01/21	294,989	
			12/01/22	207,794	
			12/01/22	20,651	
183	18	4,400,000	12/01/21	1,765,006	1,225,102
			12/01/22	1,282,442	
			12/01/22	127,450	
72	19				
152	19	5,760,000	12/01/21	2,419,574	288,000
			12/01/22	2,776,495	
			12/01/22	275,931	
179	19	2,500,000			2,500,000
180	19				
51	20	5,000,000	12/01/21	148,675	515,682
			12/01/22	3,943,713	
			12/01/22	391,930	
97	20	5,000,000	12/01/21	43,723	3,721,792
			12/01/22	1,122,890	
			12/01/22	111,594	
201	20	2,500,000			2,500,000
28	22	3,500,000			3,500,000
58	23	2,750,000			2,750,000
147	23	5,555,000			5,555,000
Total		45,815,000		22,612,745	23,202,255

**ACT NO. \_\_\_\_\_ - 2024**

**AN ACT** authorizing the County of Westchester to purchase approximately +/- 0.93 acres of real property located at 99 Church Street and 6 Cottage Place in the City of White Plains and to subsequently convey said property for the purpose of creating 108 affordable condominium ownership housing 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 +/- 0.93 acres of real property located at 99 Church Street and 6 Cottage Place in the City of White Plains (the “Property”) for adaptive reuse and construction of one hundred-eight (108) affordable condominium ownership 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 TEN MILLION (\$10,000,000) DOLLARS.

**§3.** The County is hereby authorized to convey the Property to WBP Development LLC, its successors, assigns or any entity created to carry out the purposes of the proposed transaction, for One (\$1.00) Dollar for adaptive reuse and construction of the Affordable AFFH Units that will be marketed to households with an income at or below 100% of Westchester County area median income (“AMI”), and sold at a sales price set at 80% of AMI, that will remain affordable for a period of not less than fifty (50) years, and will be marketed and sold 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.

**ACT NO. - 2024**

AN ACT authorizing the County of Westchester (the "County") to enter into an inter-municipal developer agreement with the City of White Plains, WBP Development LLC, its successors or assigns, to fund certain infrastructure improvements as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, all for the purpose of constructing 68 affordable condominium ownership units at 99 Church Street in the City of White Plains, that will affirmatively further fair housing and remain affordable for a period of not less than 50 years.

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

**SECTION 1.** The County of Westchester (the "County") is hereby authorized to enter into an inter-municipal developer agreement (the "IMDA") with the City of White Plains (the "City"), WBP Development LLC, (the "Developer"), its successors or assigns, to finance the construction of certain infrastructure improvements including, but not limited to, the construction of a new parking level and reconstruction of the existing below grade parking level. This will include new ramps and repairs to existing ramps, concrete flooring, drainage, lighting, signage, fire suppression, landscaping, construction management and County administrative costs (the "Infrastructure Improvements") in support of 68 affordable condominium ownership units which will affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) (the "Affordable AFFH Units") at 99 Church Street in the City as part of the County's program to ensure the development of new affordable housing. The term of the IMDA will be fifteen years (commensurate with the period of probable usefulness of the HIF bonds as described herein) in an amount not to exceed FOUR MILLION FOUR HUNDRED TWENTY THOUSAND (\$4,420,000) DOLLARS to finance the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through an easement for a term of fifteen years. The IMDA will provide that the City, the Developer, its successors or

assigns, will be responsible for any and all costs of operation and maintenance of the Infrastructure Improvements.

§2. The IMDA will require the Developer, its successors or assigns, as a condition of the County's financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty years.

§3. The County is hereby authorized to grant and accept any property rights necessary in furtherance of the IMDA and the Affordable AFFH Units.

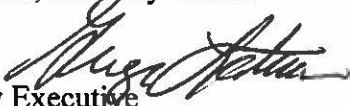
§4. The period of affordability of the Affordable AFFH Units shall be a minimum of 50 years.

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

§6. This Act shall take effect immediately.

December 3, 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 – BPL26 – Flood Mitigation, & IMA with the Village of Briarcliff Manor.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators December 9, 2024 Agenda.

Transmitted herewith for your review and approval is a bond act (the “Bond Act”) which, if adopted by your Honorable Board, would authorize the County of Westchester (the “County”) to issue up to One Million Two Hundred Thousand (\$1,200,000.00) Dollars in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation – Law Memorial Park – Briarcliff Manor (“BPL26”). Also attached is an act (the “Act”) authorizing an intermunicipal agreement (the “IMA”) with the Village of Briarcliff Manor (the “Village”) setting forth the terms of the flood mitigation project.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for December 6, 2024 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



December 3, 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 is a bond act (the "Bond Act") which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County") to issue up to One Million Two Hundred Thousand (\$1,200,000.00) Dollars in bonds of the County to finance a component of capital project BPL26 - Flood Mitigation – Law Memorial Park – Briarcliff Manor ("BPL26"). Also attached is an act (the "Act") authorizing an intermunicipal agreement (the "IMA") with the Village of Briarcliff Manor (the "Village") setting forth the terms of the flood mitigation project.

The Bond Act, in the amount of One Million Two Hundred Thousand (\$1,200,000.00) Dollars, would finance up to 50% of the costs associated with a municipally proposed project to make improvements to two portions of the basin situated at the Law Memorial Park (the "Park" or "Law Memorial Park"), in the Village of Briarcliff Manor, including the installation of drainage infrastructure within Pine Road to prevent overland runoff from damaging private properties and the installation of an outfall from the Pond to alleviate flooding within the Park. Said project will improve current stormwater systems to alleviate flooding in the Law Memorial Park and surrounding areas. The project includes the installation of new stormwater piping sized to meet 50-year, 24-hour storm flows and to redirect overland storm flows to the stormwater system. It is estimated that this project will take approximately twenty-four (24) months to complete.

The IMA, a copy of which is attached, will set forth the responsibilities of the County and the Village in connection with the project. Under the proposed IMA, the Village will grant a non-exclusive easement to the County over the Law Memorial Park in order to facilitate the issuance of County bonds to finance the capital project's final design and construction and such easement shall encumber the property for so long as the bonds of the County are outstanding. The Village shall construct, operate, maintain, repair, replace, inspect or restore the project. In accordance with the IMA, the County and the Village will each provide up to fifty (50%) percent of the total cost of the project which is estimated to be Two Million Four Hundred Thousand (\$2,400,000.00) Dollars. The County will pay to the Village, on a reimbursement basis, an amount not to exceed One Million Two Hundred Thousand (\$1,200,000.00) Dollars. Should the project costs exceed the amount contributed by the County, the Village shall be solely responsible for any additional amount. Following construction, the Village will be responsible for the operation, maintenance, scheduling and security of the Law Memorial Park and the project at its expense. The term of the IMA will commence upon execution, and will continue for a period at least equal to the life of any County bonds issued to fund the project, which is estimated to be thirty (30) years.



In 2011 your Honorable Board enacted the Westchester County Storm Water Management Law ("SWML") to assist municipalities with storm water management (flood mitigation). *See* Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed "reconnaissance plans," and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding.

By Act No. 120 – 2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Saw Mill River - Pocantico River Watershed dated December 2012. The Village is identified as an area of recurring flooding in this plan. Criteria for funding stormwater management (flood mitigation) projects are also described in the plan, including discretionary fund policy requirements to affirmatively further fair housing. The IMA requires the Village to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the Saw Mill River - Pocantico River Watershed.

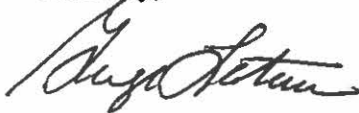
It should be noted that your Honorable Board has previously authorized the County to issue bonds which have financed prior components of this project as set forth in the attached fact sheet.

It should also be noted that since BPL26 is a "general fund" project, specific components are subject to a capital budget amendment. Section 1 of the Bond Act authorizes an amendment to the County's capital budget to the extent the project scope is inconsistent with any details set forth in the current capital budget. Accordingly, the Bond Act, in addition to authorizing the issuance of bonds for this project, will also amend the 2024 capital budget to reflect the specific location of this project component.

In addition, section 167.131 of the Laws of Westchester County 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 to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BPL26 and the resolution approving same are annexed.

Based upon the foregoing, I recommend the adoption of the aforementioned Bond Act as well as the Act authorizing the IMA.

Sincerely,



George Latimer  
County Executive

GL/BL/MLLL/SD/cmc  
Attachments



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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”), which if adopted, would authorize the County of Westchester (the “County”) to issue up to \$1,200,000.00 in bonds to finance a component of capital project BPL26 - Flood Mitigation – Law Memorial Park – Briarcliff Manor (“BPL26”). Also attached is an act (the “Act”) authorizing an intermunicipal agreement (the “IMA”) with the Village of Briarcliff Manor (the “Village”) setting forth the terms of the flood mitigation project.

Your Committee is advised that the Bond Act, in the amount of One Million Two Hundred Thousand (\$1,200,000.00) Dollars, prepared by the law firm of Hawkins Delafield & Wood LLP, would finance up to 50% of the costs associated with a municipally proposed project to make improvements to two portions of the basin situated at the Law Memorial Park (the “Park” or “Law Memorial Park”), in the Village of Briarcliff Manor, including the installation of drainage infrastructure within Pine Road to prevent overland runoff from damaging private properties and the installation of an outfall from the Pond to alleviate flooding within the Park. Said project will improve stormwater systems to alleviate flooding in the Law Memorial Park and surrounding areas. The project includes the installation of new stormwater piping sized to meet 50-year, 24-hour storm flows and to redirect overland storm flows to the stormwater system. It is estimated that this project will take approximately twenty-four (24) months to complete.

Your Committee is advised that the IMA, a copy of which is attached, will set forth the responsibilities of the County and the Village in connection with the project. Under the proposed IMA, the Village will grant a non-exclusive easement to the County over the Law Memorial Park in order to facilitate the issuance of County bonds to finance the capital project’s final design and construction and such easement shall encumber the property for so long as the bonds of the County are outstanding. The Village shall construct, operate, maintain, repair, replace, inspect or restore the project. In accordance with the IMA, the County and the Village will each provide up to fifty (50%) percent of the total cost of the

project which is estimated to be Two Million Four Hundred Thousand (\$2,400,000.00) Dollars. The County will pay to the Village, on a reimbursement basis, an amount not to exceed One Million Two Hundred Thousand (\$1,200,000.00) Dollars. Should the project costs exceed the amount contributed by the County, the Village shall be solely responsible for any additional amount. Following construction, the Village will be responsible for the operation, maintenance, scheduling and security of the Law Memorial Park and the project at its expense. The term of the IMA will commence upon execution, and will continue for a period at least equal to the life of any County bonds issued to fund the project, which is estimated to be thirty (30) years.

Your Honorable Board enacted the Westchester County Storm Water Management Law ("SWML") in 2011 to assist municipalities with storm water management (flood mitigation). *See* Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed "reconnaissance plans," and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding.

By Act No. 120 - 2014, your Honorable Board approved the Stormwater Reconnaissance Plan for the Saw Mill River - Pocantico River Watershed dated December 2012. The Village is identified as an area of recurring flooding in this plan. Criteria for funding stormwater management (flood mitigation) projects are also described in the plan, including discretionary fund policy requirements to affirmatively further fair housing. The IMA requires the Village to adopt regulations and policies consistent with the flood mitigation criteria in the Stormwater Reconnaissance Plan for the Saw Mill River - Pocantico River Watershed.

Your Committee notes that this Honorable Board has previously authorized the County to issue bonds which have financed prior components of this project as set forth on the attached fact sheet.

Your Committee is further advised that since BPL26 is a "general fund" project, specific components are subject to a capital budget amendment. Section 1 of the Bond Act authorizes an amendment to the County's capital budget to the extent the project scope is inconsistent with any details set forth in the current capital budget. Accordingly, the Bond Act, in addition to

authorizing the issuance of bonds for this project, will also amend the 2024 capital budget to reflect the specific location of this project component.

In addition, section 167.131 of the Laws of Westchester County 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 to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the Planning Board Report for BPL26 and the resolution approving same are annexed.

The Department of Planning has advised that pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR), the Village classified this capital project as an Unlisted action. On July 2, 2024, the Village Board of Trustees issued a notice of intent to serve as lead agency and circulated Part 1 of a full Environmental Assessment Form. On August 20, 2024, the Village issued a Negative Declaration for the project. Since the Village 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. Your Committee concurs with this recommendation.

Please note that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act, while a simple majority of the voting strength of your Honorable Board is required to adopt the Act authorizing the IMA.

Based on the importance of this project to the County, your Committee recommends favorable action on the annexed Bond Act and Act authorizing the IMA.

Dated: \_\_\_\_\_, 2024

White Plains, New York

COMMITTEE ON

C:\cmc\11.13.2024

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL26

☐ 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

**LAW MEMORIAL PARK BRIARCLIFF MANOR**

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 1,200,000 PPU 30 Anticipated Interest Rate 3.45%

Anticipated Annual Cost (Principal and Interest): \$ 62,089

Total Debt Service (Annual Cost x Term): \$ 1,862,660

Finance Department: maab 12-2-24

## 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: 13

Prepared by: Michael Lipkin

Title: Associate Planner

Department: Department of Planning

Date: 12/2/24


Reviewed By: 

Date: 12/3/24

Budget Director

12/3/24

TO: Michelle Greenbaum, Senior Assistant County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney  
Carla Chaves, Senior Assistant County Attorney

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

DATE: September 18, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR  
BPL26 FLOOD MITIGATION – BRIARCLIFF MANOR  
LAW PARK & PINE ROAD DRAINAGE IMPROVEMENTS**

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The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 2441) with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

Pursuant to SEQR, the Village of Briarcliff Manor classified this project as an Unlisted action. On July 2, 2024, the Village Board of Trustees issued a notice of intent to serve as lead agency and circulated Part 1 of a full Environmental Assessment Form. On August 20, 2024, the Village Board issued a Negative Declaration for the project. Since the Village undertook coordinated review and the County of Westchester was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

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

DSK/CNM

Att.

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Associate Budget Director  
Blanca Lopez, Commissioner  
Dean Tarulli, Director of Flood Mitigation & Resiliency  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner



**SEQRA  
NOTICE OF INTENT  
LEAD AGENCY DETERMINATION/COORDINATED REVIEW**

**Law Park & Pine Road Drainage Improvements  
Briarcliff Manor, New York  
July 2, 2024**

The Village of Briarcliff Manor Board of Trustees issues this Notice of Intent for the purpose of determining lead agency pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and Part 617 (6NYRR Part 617), the Statewide implementing regulations pertaining to SEQRA. If no written objections are received the Village of Briarcliff Manor Board of Trustees will assume lead agency 30 days after the date of this notice. This notice has been prepared pursuant to Article 8 of the Environmental Conservation Law.

**Project Title:** Law Park & Pine Road Drainage Improvements

**Project Location:** From Law Park Retention Pond 1031 Pleasantville Road, Briarcliff Manor, Westchester County, New York along Pine Road.

**SEQRA Type:** Unlisted Action

**Project Description:** The Village of Briarcliff Manor is proposing the installation of a new drainage line to provide additional relief to the Law Park retention pond and village's park and the reconstruction of pine road to install an adequate drainage system where none currently exists. The new drainage infrastructure proposed within Law Park will provide an increase in conveyance capacity from the pond to the outfall just upstream of the Pocantico River. The reconstructed roadway & new drainage within Pine Road will provide underground conveyance of stormwater and reduce flooding and erosion of the properties on the east side of Pine Road.

**Contact Person:** Christine Dennett, Assistant Village Manager/Village Clerk  
1111 Pleasantville Road  
Briarcliff Manor, New York 10510  
Phone: 914-941-4801  
[cdennett@briarcliffmanor.gov](mailto:cdennett@briarcliffmanor.gov)

**Copies of this notice have been sent to:**

Village of Briarcliff Manor Planning Board  
Village of Briarcliff Manor Fire Department  
Westchester County Board of Legislators  
Westchester County Department of Planning  
New York State Department of Environmental Conservation  
Town of Ossining  
Village of Ossining  
Town of Mt. Pleasant  
Village of Sleepy Hollow

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

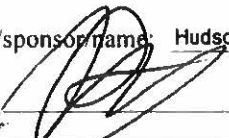
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

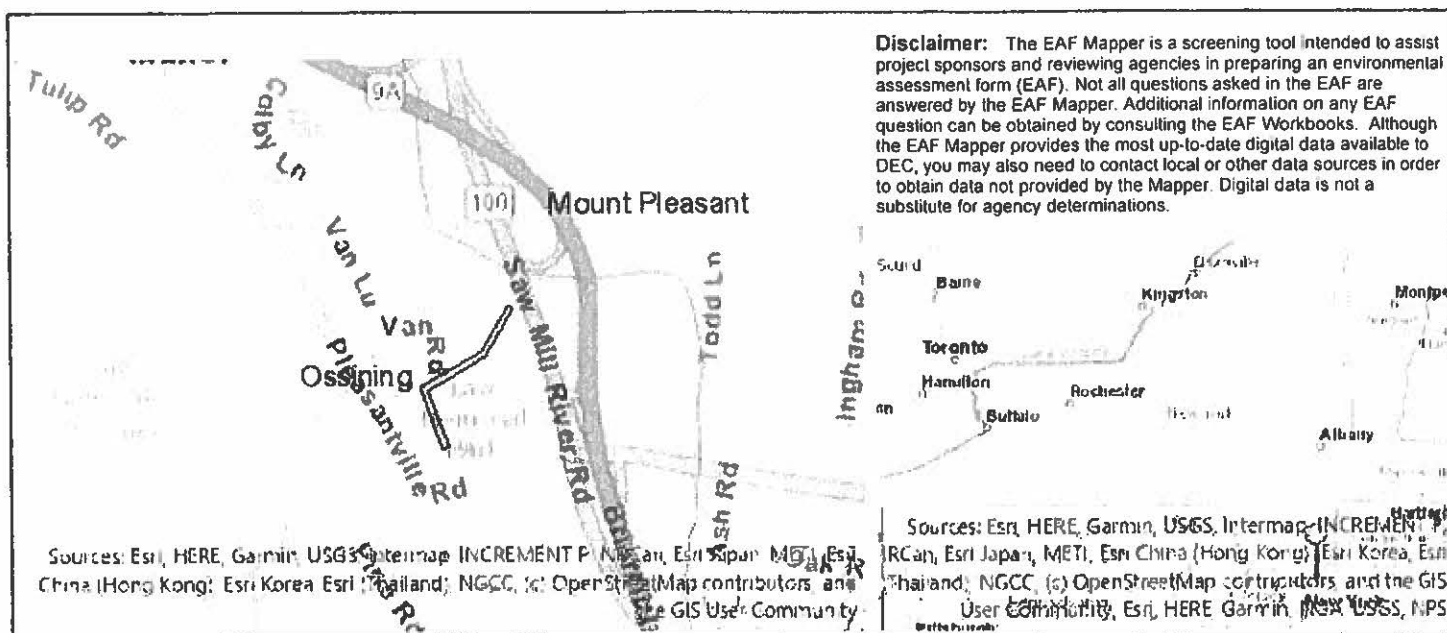
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>							
Name of Action or Project: Law Park Drainage Improvements							
Project Location (describe, and attach a location map): Law Park, 1031 Pleasantville Rd, Briarcliff Manor, NY 10510							
Brief Description of Proposed Action: The proposed action consists of the installation of a new drainage line to provide additional relief to the Law Park retention pond and village's park. The new drainage infrastructure proposed will provide an increase in conveyance capacity from the pond to the outfall just upstream of the Pocantico River.							
Name of Applicant or Sponsor: Hudson Engineering & Consulting, P.C.		Telephone: 914-909-0420 E-Mail: Michael@hudsonec.com					
Address: 45 Knollwood Road - Suite 201							
City/PO: Elmsford		State: New York	Zip Code: 10523				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<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 (Funding)			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3. a. Total acreage of the site of the proposed action?		12.5 acres					
b. Total acreage to be physically disturbed?		.5 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		12.5 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):							
<input checked="" type="checkbox"/> Parkland							



5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	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	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input 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:			
Not Applicable	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
Not Applicable			
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Not Applicable			
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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
The proposed project will include the construction of a new outlet to the pond located within Law Park and reconstruction of the boulder retaining wall at the outfall of the 48" pipe. (approximate disturbance <0.1 ac)			

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 type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
There is no increase in runoff nor change in outfall location associated with this project. The proposed drainage improvements will provide additional relief from flooding for the pond within Law Park. Stormwater piping will convey runoff from Law Park to the outfall prior to the Pocantico River along side the existing pond outfall.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor name: <u>Hudson Engineering &amp; Consulting, P.C. - Michael Stein, P.E</u> Date: <u>06/05/2024</u> Signature:  Title: <u>President</u>		



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

Project: \_\_\_\_\_

Date: \_\_\_\_\_

## *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 type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input 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"/>

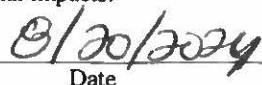
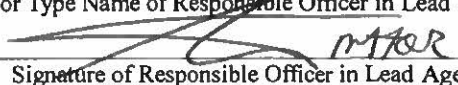
Project: \_\_\_\_\_

Date: \_\_\_\_\_

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

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

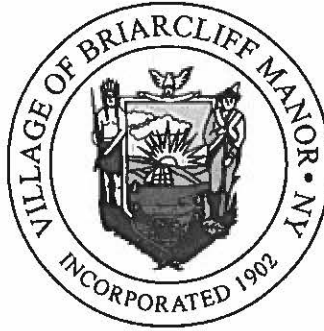
The Short EAF Part 2 indicated no, or small impacts may occur as a result of this project. The EAF discussed impacts associated with the project's work within Law Park. Drainage improvements, as noted in the Notice of Intent, will also occur within Pine Road. Pine road is an existing paved roadway which drains into Law Park. The Pine Road work will be limited to existing impervious areas and is not expected to have an adverse impact on the environment. No previously undisturbed areas within Pine Road right-of-way are anticipated to be disturbed by this project. Moreover, drainage improvements will maintain current drainage patterns and flow into Law Park Basin prior to being routed to an upstream outfall of the Pocantico River. This project, both the Law Park and Pine Road sections, do NOT increase the impervious area or the overall tributary drainage area to Law Park or the upstream outfall of the Pocantico River. Therefore the overall project is determined to have no significant adverse environmental impacts.

<input type="checkbox"/> 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.	
<input checked="" type="checkbox"/> 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.	
Village of Briarcliff Manor _____ Name of Lead Agency	<div style="text-align: center;">           Date       </div>
Steven A. Vescio _____ Print or Type Name of Responsible Officer in Lead Agency	Mayor _____ Title of Responsible Officer
<div style="text-align: center;">           Signature of Responsible Officer in Lead Agency       </div>	_____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM

**FAX: (914) 941-4837**

  
Maria Pascetta, Deputy Village Clerk



Upon motion by Deputy Mayor Chatzky, seconded by Trustee Hunt, the Board voted unanimously to approve the following resolution:

**SEQR NEGATIVE DECLARATION LAW PARK  
& PINE ROAD DRAINAGE IMPROVEMENTS**

WHEREAS, the Board of Trustees of the Village of Briarcliff Manor, Westchester County, New York, is proposing the installation of a new drainage line to provide additional relief to the Law Park retention pond and village's park and the reconstruction of Pine Road to install an adequate drainage system where none currently exists ("Proposed Action");

WHEREAS, the new drainage infrastructure proposed within Law Park, located at Law Park, 1031 Pleasantville Rd, Briarcliff Manor, NY 10510, would provide an increase in conveyance capacity from the pond to the outfall just upstream of the Pocantico River. The reconstructed roadway & new drainage within Pine Road will provide underground conveyance of stormwater and reduce flooding and erosion of the properties on the east side of Pine Road; and

WHEREAS, in support of the Proposed Action, the Village's Consulting Engineer, Hudson Engineering, prepared a Short Environmental Assessment Form Part 1 ("Short EAF"), dated June 5, 2024 pursuant to the State Environmental Quality Review Act ["SEQRA"(6 NYCRR Part 617)]; and

WHEREAS, the Board of Trustees reviewed the Short EAF Part 1 for preliminary assessment of the environmental impacts of the Proposed Action under SEQRA, determined that it is subject to SEQRA, that it does not involve any federal agency, that it will involve other agencies, and that it is classified as an Unlisted Action under SEQRA, and by Resolution adopted July 2, 2024, declared its intent to serve as Lead Agency for the purpose of a coordinated review of the environmental impacts of the Proposed Action under SEQRA, directed the Village Clerk to transmit and file a notice, dated July 2, 2024 of the Board of Trustees' intent to serve as Lead Agency pursuant to 6 N.Y.C.R.R. §617.6(b), and preliminarily classified the Proposed Action as an Unlisted Action under SEQR pursuant to 6 N.Y.C.R.R. §617.6(a).; and

WHEREAS, the Village Clerk transmitted the Board of Trustees' Notice of Intent to serve as the SEQRA Lead Agency to the Village of Briarcliff Manor Planning Board,

Village of Briarcliff Manor Fire Department, Westchester County Board of Legislators, Westchester County Department of Planning, New York State Department of Environmental Conservation, Town of Ossining, Village of Ossining, Town of Mt. Pleasant, and the Village of Sleepy Hollow; and

WHEREAS, the Board of Trustees received and reviewed a Short Environmental Assessment Form, Part 2 ("EAF Part 2") prepared on its behalf by Hudson Engineering for assessment of approval of the Law Park and Pine Road drainage improvements; and

NOW THEREFORE BE IT RESOLVED, that pursuant to 6 NYCRR Part 617, State Environmental Quality Review, the Board of Trustees of the Village of Briarcliff Manor hereby confirms its Lead Agency designation for the SEQR Review of the Proposed Action.

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the Proposed Action will not have a significant adverse effect on the environment for the reasons enumerated in the attached Negative Declaration Form (Short EAF Part 3).

BE IT FINALLY RESOLVED that this SEQR Negative Declaration resolution shall have an effective date of August 20, 2024.

Roll Call:

Trustee Netburn	Aye
Trustee Mallett	Aye
Trustee Hunt	Aye
Deputy Mayor Chatzky	Aye
Mayor Vescio	Aye



RESOLUTION 24- 09  
WESTCHESTER COUNTY PLANNING BOARD

**Amendment of Planning Board Report on 2024 Capital Project Requests  
BPL26 Flood Mitigation  
Law Memorial Park, Village of Briarcliff Manor**

**WHEREAS**, the County of Westchester has established **Capital Project BPL26 Flood Mitigation**, a general fund, to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County; and

**WHEREAS**, the *Law Memorial Park, Village of Briarcliff project* will provide \$1,200,000 in funding for to analyze and mitigate flooding in the Law Park Drainage Basin in the Village of Briarcliff Manor; and

**WHEREAS**, the project will include improvements to the stormwater system to alleviate flooding in Law Park and surrounding areas. Project includes installation of new stormwater piping in areas with no existing system and replacement of undersized existing stormwater piping sized to meet 25-year, 24-hour storm flows and to redirect overland storm flows to the stormwater system; and

**WHEREAS**, and the Village of Briarcliff Manor has received numerous complaints from residents within the watershed of runoff exceeding the capacity of the existing drainage system and flowing over curbs and down driveways causing damage to private properties. Additionally, the Village has been victim to flooding caused by the Law Park Pond overtopping and flooding the Village's pool on multiple occasions. Each incident necessitated the draining, cleaning, and refilling of the entire pool resulting in a significant unexpected maintenance cost as well as an extended periods of loss of service to residents; and

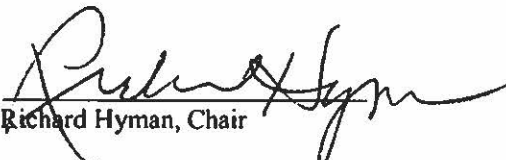
**WHEREAS**, the project has been reviewed and approved by the County Stormwater Advisory Board and will be subject to further detailed review by County staff; and

**WHEREAS**, in furtherance of the above, the County Executive will be submitting legislation to the Board of Legislators to amend the Capital Project BPL26, Flood Mitigation, to add the project to Capital Project BPL26 and authorize bonding to fund up to 50% of eligible costs; and

**WHEREAS**, the project is consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025 - Policies to Guide County Planning*, in that it will help preserve and protect the County's natural resources and environment, both physical and biotic and will help mitigate the impacts of flooding; now therefore, be it

**RESOLVED**, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its Report on the 2024 Capital Project Requests to include the Capital Project BPL26 Law Memorial Park, Village of Briarcliff Manor.

Adopted this 5<sup>th</sup> day of March 2024

  
Richard Hyman, Chair

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

BOND ACT AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF A FLOOD MITIGATION PROJECT AT LAW MEMORIAL PARK, IN THE VILLAGE OF BRIARCLIFF MANOR, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 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, an Intermunicipal Agreement between the County and the Village of Briarcliff Manor, and to the provisions of other laws applicable thereto; \$1,200,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance a flood mitigation project at Law Memorial Park, in the Village of Briarcliff Manor, including improvements to two portions of the basin, as well as the installation of drainage infrastructure within Pine Road to prevent overland runoff from damaging private properties and the installation of an additional outfall

from the Pond to alleviate flooding within the park, all as 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, such Budget shall be deemed and is hereby amended. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$1,200,000. The plan of financing includes the issuance of \$1,200,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the specific object or purpose for which said \$1,200,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.3 of the Law, is thirty (30) years;

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements 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 Act, in the maximum amount of \$1,200,000. 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 \$1,200,000 as the estimated total cost of the aforesaid objects or purposes is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§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, or 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 respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or 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 §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 or 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 NEW YORK                )

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\_\_\_\_\_.

(SEAL)

The Clerk and Chief Administrative Office of the  
County Board of Legislators County of  
Westchester, New York

## 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 \$1,200,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF A FLOOD MITIGATION PROJECT AT LAW MEMORIAL PARK, IN THE VILLAGE OF BRIARCLIFF MANOR, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,200,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on \_\_\_\_\_, 20\_\_\_\_)

object or purpose: to finance a flood mitigation project at Law Memorial Park, in the Village of Briarcliff Manor, including improvements to two portions of the basin, as well as the installation of drainage infrastructure within Pine Road to prevent overland runoff from damaging private properties and the installation of an additional outfall from the Pond to alleviate flooding within the park, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$1,200,000; thirty (30) years

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

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

## CAPITAL PROJECT FACT SHEET

<b>Project ID:*</b> <b>BPL26</b>	<input checked="" type="checkbox"/> <b>CBA</b>	<b>Fact Sheet Date:*</b> 01-10-2024
<b>Fact Sheet Year:*</b> 2024	<b>Project Title:*</b> FLOOD MITIGATION	<b>Legislative District ID:</b> 1, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2,
<b>Category*</b> BUILDINGS, LAND & MISCELLANEOUS	<b>Department:*</b> PLANNING	<b>CP Unique ID:</b> 2441

### Overall Project Description

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County. This is a general fund, specific projects are subject to a Capital Budget Amendment.

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

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

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
<b>Gross</b>	116,500	49,250	27,250	5,000	5,000	5,000	5,000	20,000
<b>Less Non-County Shares</b>	0	0	0	0	0	0	0	0
<b>Net</b>	116,500	49,250	27,250	5,000	5,000	5,000	5,000	20,000

**Expended/Obligated Amount (in thousands) as of :** 12,826

**Current Bond Description:** This project, the Law Memorial Park Flood Mitigation, Village of Briarcliff Manor, will include improvements to two portions of the basin. These include the installation of drainage infrastructure within Pine Road to prevent overland runoff from damaging private properties and the installation of an additional outfall from the Pond to alleviate flooding within the park.

#### Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	1,200,000
Cash:	0
<b>Total:</b>	<b>\$ 1,200,000</b>

### SEQR Classification:

UNLISTED

### Amount Requested:

1,200,000

### Expected Design Work Provider:

- |                                       |                                                |                                         |
|---------------------------------------|------------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|------------------------------------------------|-----------------------------------------|

### Comments:

### Energy Efficiencies:



**Appropriation History:**

Year	Amount	Description
2009	5,400,000	MAMARONECK AND SHELDRAKE RIVERS BASIN FLOOD DAMAGE REDUCTION STUDY; FOUR LOCAL MUNICIPAL FLOOD PROJECTS
2012	5,000,000	FLOOD MITIGATION PROJECTS TO BE DETERMINED
2013	5,000,000	FLOOD RELATED PROJECTS
2015	150,000	DESIGN OF A COUNTYWIDE SYSTEM OF STREAM AND STORM GAUGES
2016	5,000,000	CONTINUATION OF THIS PROJECT
2021	200,000	DESIGN AND INSTALLATION OF A MAINTENANCE GATE AT SPRAIN BROOK, YONKERS
2022	11,000,000	THE US ARMY CORPS OF ENGINEERS' PROJECT IN THE VILLAGE OF MAMARONECK/SHELDRAKE AND MAMARONECK RIVERS
2023	17,500,000	\$10,300,000 CONTINUATION OF THIS PROJECT; \$7,000,000 FOR MAMARONECK/SHELDRAKE RIVERS, AND \$200,000 FOR CITY OF YONKERS SCOTTI FIELD FLOOD PROJECT
2024	27,250,000	1) \$16,000,000 FOR PELHAM FLOOD MITIGATION 2) \$6,000,000 PELHAM MANOR FLOOD MITIGATION

**Total Appropriation History:**

76,500,000

**Financing History:**

Year	Bond Act #	Amount	Issued	Description
09	79	900,000	899,501	FLOOD MITIGATION STUDY: MAM'K & SHELDRAKE RIVERS BASIN
09	140	2,441,625	2,441,625	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY
17	11	2,974,874	2,502,238	COUNTY PORTION OF FLOOD MITIGATION PROJECT IN COUNTY (AMMENDED)
18	171	0	0	FUNDING FOR AN ENGINEERING STUDY TO DEVELOP A SOLUTION FOR FLOODING IN RYE BROOK, AVON CIRCLE AREA
19	107	300,000	123,507	INITIAL DESIGN OF PROJECT TO MITIGATE FLOODING ALONG THE HUTCHINSON RIVER
19	247	0	0	RECONSTRUCT THE HILLSIDE AVENUE BRIDGE IN THE VILLAGE OF MAMARONECK
21	171	350,000	0	FLOOD MITIGATION-TOWN OF NEW CASTLE (UNIQUES ID# 1694)
21	175	270,000	0	FLOOD MITIGATION-YONKERS (UNIQUES ID# 1692)
22	85	130,000	0	FLOOD MITIGATION-DOBBS FERRY (UNIQUES ID# 1948)
22	54	1,200,000	0	FLOOD MITIGATION-PEEKSKILL (UNIQUES ID# 1999)
22	95	220,000	0	FLOOD MITIGATION-BRIARCLIFF MANOR (UNIQUE ID# 1953)
22	92	2,200,000	0	FLOOD MITIGATION-MAMARONECK (UNIQUE ID# 1857)
23	23	2,500,000	0	RECONSTRUCT HILLSIDE AVENUE BRIDGE, VILLAGE OF MAMARONECK (UNIQUE ID#2001)
23	206	121,250	0	FLOOD MITIGATION - HARRISON AVE YONKERS (ID 2324)
23	198	3,870,000	0	FLOODING IN RYE BROOK, AVON CIRCLE AREA - (ID 2236)
23	196	150,000	0	FLOOD MITIGATION (ID 2235)
23	208	128,750	0	FLOOD MITIGATION - CLUNIE AVE YONKERS (ID 2326)

**Total Financing History:**

17,756,499

**Recommended By:****Department of Planning**

MLLL

**Date**

04-01-2024

**Department of Public Works**

YMSI

**Date**

04-02-2024

**Budget Department**

DEV9

**Date**

04-04-2024

**Requesting Department**

MLLL

**Date**

04-04-2024

## FLOOD MITIGATION ( BPL26 )

**User Department :** Planning

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

**Estimated Completion Date:** TBD

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

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

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	116,500	49,250	12,826	27,250	5,000	5,000	5,000	5,000	20,000
Non County Share									
Total	116,500	49,250	12,826	27,250	5,000	5,000	5,000	5,000	20,000

### **Project Description**

This project is intended to provide a share of the cost of funding flood mitigation projects that are proposed by local municipalities and approved by the County, as well as provide funding for watershed analyses and project development plans prepared by the County or in partnership with state and federal agencies. This is a general fund, specific projects are subject to a Capital Budget Amendment.

### **Current Year Description**

The current year request funds a continuation of the project.

### **Current Year Financing Plan**

Year	Bonds	Cash	Non County Shares	Total
2024	27,250,000			27,250,000

### **Impact on Operating Budget**

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

## FLOOD MITIGATION ( BPL26 )

### Appropriation History

Year	Amount	Description	Status
2009	5,400,000	Mamaroneck and Sheldrake Rivers basin flood damage reduction study; Four local municipal flood projects	COMPLETE
2012	5,000,000	Flood Mitigation Projects to be Determined	\$2,256,500 COMPLETE; \$2,743,500 DESIGN/CONSTRUCTION
2013	5,000,000	Flood related projects	\$1,500,000 COMPLETE; \$1,436,500 CONSTRUCTION; \$2,063,500 AWAITING BOND AUTHORIZATION
2015	150,000	Design of a countywide system of stream and storm gauges	AWAITING BOND AUTHORIZATION
2016	5,000,000	Continuation of this project	AWAITING BOND AUTHORIZATION
2021	200,000	Design and installation of a maintenance gate at Sprain Brook, Yonkers	AWAITING BOND AUTHORIZATION
2022	11,000,000	The US Army Corps of Engineers' project in the Village of Mamaroneck/Sheldrake and Mamaroneck rivers	AWAITING BOND AUTHORIZATION
2023	17,500,000	\$10,300,000 continuation of this project; \$7,000,000 for Mamaroneck/Sheldrake Rivers, and \$200,000 for City of Yonkers Scotti Field flood project	AWAITING BOND AUTHORIZATION
<b>Total</b>	<b>49,250,000</b>		

### Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	49,250,000	6,891,825	42,358,175
<b>Total</b>	<b>49,250,000</b>	<b>6,891,825</b>	<b>42,358,175</b>

## FLOOD MITIGATION ( BPL26 )

### Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
79 09	900,000	12/02/10	358,000	499
		12/02/10	(358,000)	
		11/30/11	522,141	
		11/30/11	77,859	
		11/19/15	250,434	
		11/19/15	48,566	
		11/19/15	501	
140 09	2,441,625	10/24/12	740,494	
		10/24/12	75,506	
		10/24/12	6,240	
		12/10/13	852,989	
		12/10/13	104,011	
		12/10/13	2,925	
		11/19/15	334,212	
		11/19/15	64,813	
		11/19/15	669	
		12/15/16	259,766	
11 17	2,974,875	12/15/17	31,948	472,636
		12/15/17	5,866	
		12/15/17	50	
		12/15/17	29,606	
		12/15/17	5,436	
		12/15/17	46	
		12/10/18	660,625	
		12/10/19	959,846	
		12/10/19	189,546	
		12/10/19	117,641	
		12/10/19	23,231	
		04/30/20	478,398	
171 18				
107 19	300,000	12/01/21	123,508	176,493
247 19				
171 21	350,000			350,000
175 21	270,000			270,000

## FLOOD MITIGATION ( BPL26 )

85	22	130,000		130,000
92	22	2,200,000		2,200,000
95	22	220,000		220,000
54	22	1,200,000		1,200,000
23	23	2,500,000		2,500,000
196	23	150,000		150,000
198	23	3,870,000		3,870,000
206	23	121,250		121,250
208	23	128,750		128,750
Total		17,756,500	5,966,873	11,789,627

**ACT NO. 2024 - \_\_\_\_\_**

**AN ACT** authorizing the County of Westchester to enter into an intermunicipal agreement with the Village of Briarcliff Manor in connection with a flood mitigation project (Capital Project BPL26, Unique ID# 2441).

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

**Section 1.** The County of Westchester (the “County”) is hereby authorized to enter into an intermunicipal agreement (the “IMA”) with the Village of Briarcliff Manor (the “Village”), in connection with a flood mitigation project to be conducted in the Village to mitigate flooding and flood damage which includes improvements to two portions of a basin situated at the Law Memorial Park, Village of Briarcliff Manor (the “Project”), pursuant to capital project BPL26 – Flood Mitigation.

**§2.** The County will contribute in the amount of One Million Two Hundred Thousand (\$1,200,000.00) Dollars, to finance up to 50% of the costs associated with the Project.

**§3.** In order to give the County the necessary interest in real property to be able to issue bonds towards the Project, the Village shall grant a non-exclusive easement in, on, over, under and through the Property where the Project is located to the County, for a term commencing upon execution and continuing for a period at least equal to the life of any County bonds issued by the County for the construction of the Project, estimated to be thirty (30) years.

**§4.** The term of the IMA shall commence upon execution thereof by both parties and approval of same by the Office of the County Attorney, and shall continue for the life of the bonds issued by the County for the construction of the Project, estimated to be thirty (30) years.

**§5.** The County Executive or his authorized designee is empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

**§5.** This Act shall take effect immediately.



**AGREEMENT** (“Agreement”), made the                      day of                      , 2024, by and between:

**THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the “County”)

and

**VILLAGE OF BRIARCLIFF MANOR**, a municipal corporation of the State of New York, having an office and place of business at 1111 Pleasantville Road, Briarcliff Manor, New York 10510 (hereinafter referred to as the “Municipality”).

### **RECITALS**

**WHEREAS**, in response to serious flooding issues throughout Westchester County, in 2011 the County enacted the Westchester County Storm Water Management Law (“SWML”) to assist municipalities with storm water management (flood mitigation). See Laws of Westchester County Chapter 241, Article III-A, Sections 241.252-241.260. The SWML provides for the evaluation of flooding within the County through preparation of watershed “reconnaissance plans”, and the SWML authorizes County cooperation with municipalities, including funding assistance, to improve storm water management and reduce flooding. The SWML authorizes the creation of a Storm Water Advisory Board (the “SWAB”) to assist County municipalities in addressing flooding; and

**WHEREAS**, the SWML enables the County to partner with municipalities in Westchester County to provide funding for flood mitigation and/or flood damage reduction projects; and

**WHEREAS**, the SWML funding program is divided into “Phase I” funding and “Phase II” funding; and

**WHEREAS**, Phase I funding is up to fifty (50) percent toward the costs for the preparation of detailed engineering analysis, design, specification and construction documents for flood mitigation and/or flood damage reduction projects; and

**WHEREAS**, Phase II funding is up to fifty (50) percent toward the costs for the implementation and construction of flood mitigation and/or flood damage reduction projects; and

**WHEREAS**, approval by the Board of Legislators for Phase I funding does not guarantee approval for Phase II funding; and

**WHEREAS**, the Municipality wishes to participate in the SWML funding program and has submitted an application to the County for Phase II financial assistance to address flooding problems within the Municipality; and

**WHEREAS**, a Storm Water Reconnaissance Plan has been prepared by the County departments of Planning and Public Works and Transportation pursuant to the SWML entitled Saw Mill River – Pocantico River Watershed (the “Reconnaissance Plan”); and

**WHEREAS**, the Reconnaissance Plan was recommended by the SWAB to the County Executive and the Board of Legislators; and

**WHEREAS**, the Board of Legislators approved the Reconnaissance Plan by Act No. 120 - 2014; and

**WHEREAS**, the area of flooding for which the Municipality wishes to participate in the SWML funding program is identified in a study or as a flood problem area in the Reconnaissance Plan; and

**WHEREAS**, pursuant to the SWML funding program and in an effort to protect County-owned and/or managed infrastructure, assets and property, including the protection of County bridges, sanitary sewer and/or storm water pipes, and County parkland and other municipal and private property, the County desires to contribute Phase II funding to the costs of a flood mitigation and/or flood damage reduction project involving improvements to two portions of a basin situated at the Law Memorial Park (“Park”), in the Village of Briarcliff Manor, including the installation of drainage infrastructure within Pine Road to prevent overland runoff from damaging private properties and the installation of an outfall from the Pond to alleviate flooding within the Park, as further described herein, to be undertaken by the Municipality (the “Project”); and

**WHEREAS**, the Municipality has prepared designs, specifications and construction documents for the Project and the Project has been presented to and received support from the County Stormwater Advisory Board.

**NOW, THEREFORE**, in consideration of the mutual representations, covenants and agreements herein set forth, the County and the Municipality, each binding itself, its successors and assigns, do mutually promise, covenant and agree as follows:

**ARTICLE I**  
**TERM**

**Section 1.0.** The recitals are hereby incorporated by reference into the body of this Agreement.

**Section 1.1.** Except as provided for in this Agreement, the term of this Agreement shall be for a period commencing upon execution of this Agreement and continuing for a period at least equal to the life of any County bonds issued to fund the Project, unless terminated sooner in accordance with the provisions of this Agreement (“Term”), which is estimated to be thirty (30) years.

**ARTICLE II**  
**TERMS OF PAYMENT, EASEMENT AND MUNICIPALITY REPRESENTATIONS**

**Section 2.0.** Pursuant to the County’s SWML funding program and in an effort to protect County-owned and/or managed infrastructure, assets and property, including the protection of County bridges, sanitary sewer and/or storm water pipes, and County parkland and other municipal and private property, the County desires at this time to contribute Phase II funding toward construction costs of the Project, including any final designs and construction documents. The Project is owned by the Municipality and consists of flood mitigation and/or flood damage reduction work. The scope of work for this Phase II funding agreement is more fully described in Schedule “A”, attached hereto and made a part hereof. In consideration for the County’s aforesaid contribution, the Municipality represents that it shall complete the design, specification, construction documents and construction of the Project in accordance with Schedule “A” and all of the other terms of this Agreement.

The County agrees to finance the design, specification, construction documents and construction for the Project on a reimbursement basis. It is recognized and understood by the Municipality that at the time of execution of this Agreement, the County has obtained appropriations and bonding authority to finance up to \$1,200,000.00 for the construction of the Project. The County share of the construction of the Project shall not exceed that amount. Eligible project construction costs up to \$2,400,000.00 shall be paid up to fifty (50) percent by the County (up to \$1,200,000.00) and fifty (50) percent by the Municipality; provided, however, should the total eligible project construction costs be less than \$1,200,000.00, the County shall only be responsible for fifty (50) percent of the lesser amount. The Municipality shall be responsible for all costs in relation to the Project that exceed the County's contribution set forth herein, and under no circumstances or conditions, whether now existing or hereafter arising, or whether beyond the present contemplation of the parties, shall the County be expected or required to make any payment of any kind whatsoever or be under any other obligation or liability hereunder in connection with this Project except as herein expressly set forth.

The County does not provide or extend any warranty of fitness for a particular purpose or workmanship for any work undertaken in connection with, or paid under, this Agreement. Payment hereunder by the County shall operate as a release to the County from any and all obligations or liabilities in connection herewith to the Municipality, its contractor(s), or subcontractor(s) hereunder.

**Section 2.1.** The Municipality represents that within one (1) year of the date hereof that the "Flood Mitigation Criteria" developed by the SWAB and approved by the Board of Legislators will have been adopted in the Municipality's appropriate land use regulations, guidelines and policies or in stand-alone form, and documentation of the adoption of such policies must be provided to and approved by the Commissioner of the County Department of Planning ("Planning Commissioner"). It is understood and agreed to by the Municipality that the payment of County funds under this Agreement for the Project is contingent upon the Municipality's adoption of the aforesaid policies.

**Section 2.2.** The parties agree that all payments made by the County to the Municipality shall be on a reimbursement basis only. Any and all requests for payment to be made, including any request for partial payment upon completion of a portion of the Project, shall be submitted by the Municipality on properly executed payment vouchers of the County and paid only after approval by the Planning Commissioner and the Commissioner of the Westchester County Department of Public Works and Transportation ("DPWT Commissioner"). The Municipality agrees that it shall submit all documentation that the County may require to substantiate all requests for payment. All payment vouchers must be

accompanied by a numbered invoice and must contain the invoice number where indicated. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating. In no event shall a *final* payment be made to the Municipality prior to completion of the Project and the approval of same by the Planning Commissioner and DPWT Commissioner. If at any time the Municipality shall neglect or fail to perform properly any of its obligations under this Agreement, the County shall have the right to withhold, in whole or in part, any payments otherwise due or to become due to the Municipality hereunder until such neglect or failure shall have been remedied to the reasonable satisfaction of the County.

**Section 2.3.** Prior to the construction of the Project, the Municipality agrees to convey to the County, its successors, and assigns a non-exclusive easement(s) (the “Easement(s)”) in, upon, under and over that portion of the Municipality’s property within which the Project is located (the “Property”), which Easement(s) shall be substantially in the form attached hereto and made a part hereof as Schedule “B”. The Municipality shall be solely responsible for obtaining any and all easements on non-Municipally-owned property needed in connection with the carrying out the Project and shall provide copies of said easements to the Planning Commissioner. Said easements shall name Westchester County as a Grantee solely for the purposes of carrying out the work needed to accomplish the Project and said easements shall be for a term equal to or greater than the life of any bonds issued by the County to fund the County’s portion of the Project.

**Section 2.4.** The Municipality represents warrants and guarantees that:

(a) It is a municipal corporation duly organized, validly existing under the laws of the State of New York; the execution and performance of this Agreement by the Municipality has been duly authorized by its governing body; this Agreement, and any other documents required to be delivered by the Municipality when so delivered, will constitute the legal, valid and binding obligations of the Municipality in accordance with their respective terms; and the Municipality will deliver to the County at the time of execution of this Agreement a resolution adopted by its governing body authorizing the execution of this Agreement, and any other documents required to be delivered by the Municipality, including the aforesaid Easement;

(b) The person signing this Agreement on behalf of the Municipality has full authority to bind the Municipality to all of the terms and conditions of this Agreement pursuant to the resolution granting such authority by the Municipality’s governing body, as noted above;

(c) It is financially and technically qualified to perform its obligations hereunder, including without limitation, full implementation of the Project; and

(d) The Municipality acknowledges that the County is acting in reliance on the above representations.

### **ARTICLE III**

#### **MANAGEMENT OF THE PROJECT**

**Section 3.0.** The Municipality shall be responsible for all construction phases of the Project, including, but not limited to, any additional study or engineering necessary to fully comply with the requirements of the funding program, final engineering, specifications and designs, and all phases of construction and post-construction elements. The Municipality shall submit any required documentation, including additional engineering or progress reports, to the DPWT Commissioner or his duly authorized representative and to the Planning Commissioner or her duly authorized designee for review, and said design plans and specifications shall be mutually approved by all parties. The Municipality shall fully complete the project tasks as set forth in Schedule "A" and submit proof of such completion to the County for its review and approval on or before five (5) years from the date of the execution of this Agreement by all parties. Notwithstanding the foregoing, the parties may agree to a twelve (12) month extension of time for completion, subject to all necessary legal approvals for such extension of time. In the event that the Municipality fails to complete the scope of work set forth in Schedule "A" and submit proof of such completion to the County in a timely manner as set forth herein, including any twelve (12) month extension agreed to between the parties, it shall remit all funds disbursed hereunder to the County within thirty (30) days of receipt of written request from the County unless an extension of time for completion is mutually agreed to between the parties, subject to all necessary legal approvals for said extension of time.

**Section 3.1.** In connection with the Project, the Municipality shall obtain all required approvals and permits and promptly execute and comply with all statutes, ordinances, rules, orders, regulations, codes and requirements of the Federal, State, County and municipal governments of the County. The Municipality shall also comply with any and all sanitary rules and regulations of the State and County Health Departments and with the State Environmental Quality Review Act. The Municipality shall comply with the aforementioned statutes, ordinances, rules, orders, regulations, codes and requirements



in its implementation of the Project including, but not limited to management, operation, maintenance and supervision of same.

#### **ARTICLE IV**

#### **FAIR AND AFFORDABLE HOUSING CONDITIONS**

**Section 4.0.** The Municipality hereby commits to the County that it is in compliance with the terms and conditions set forth in the County's Discretionary Funding Policy annexed hereto and forming a part hereof as Schedule "E" or has submitted documentation to the satisfaction of the County that the Municipality is not considered an eligible municipality under these requirements.

**Section 4.1.** As further consideration for the County's financial contribution toward the Project, the Municipality certifies that it has adopted municipal zoning code provisions and/or policies which reflect the guidance provided in the Model Ordinance Provisions and the Municipality is committed to affirmatively further fair housing, including a ban on local residency requirements and preferences and other selection preferences that do not affirmatively further fair housing, except to the extent provided in the Model Ordinance Provisions.

**Section 4.2.** The Municipality agrees to offer to the County a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that affirmatively furthers fair housing ("AFFH").

**Section 4.3.** The Municipality agrees to actively affirmatively further fair housing through its land use regulations and other affirmative measures to assist the development of affordable housing.

**Section 4.4.** The Municipality further agrees to market housing units that affirmatively further fair housing in accordance with Westchester County's Affirmative Fair Housing Marketing Plan throughout the period of affordability.

**Section 4.5.** Nothing in this Agreement is intended to affect the County's interest in the Project or release the Municipality from its obligations under the law with respect to affordable AFFH units.

**Section 4.6.** Should the Municipality fail to abide by any of the above conditions, the Municipality shall, upon thirty (30) days written notice by the County, refund any funds paid to the Municipality under this Agreement.

**ARTICLE V**  
**ACCOUNTING**

**Section 5.0.** The Municipality shall cause accurate records and books of account to be maintained in which shall be entered all matters relating to this Agreement, including all liabilities thereof and all expenditures, and payments to any and all contractors or subcontractors involved in the Project. Such books and records shall be maintained in accordance with generally accepted accounting principles, consistently applied and shall be kept at a location within Westchester County. The Municipality will provide the County with documentation, upon the County's request, in order to verify same. The County shall have the right to audit, inspect, examine and copy such books and records of the Municipality at all reasonable times during normal business hours at the office of the Municipality. The County's audit rights hereunder extend to all documents, reports, and records which relate to the Municipality's commitment to affirmatively further fair housing as described in Article IV herein.

**ARTICLE VI**  
**NOTICES**

**Section 6.0.** All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight courier, (with acknowledgement received and a copy of the notice sent by registered or certified mail, postage pre-paid), as set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt. Notices shall be sent to the following:

To the County:

Commissioner  
Department of Planning  
County of Westchester  
148 Martine Avenue  
White Plains, New York 1060

Commissioner  
Department of Public Works and Transportation  
County of Westchester  
148 Martine Avenue  
White Plains, New York 10601



with a copy to:

County Attorney  
County of Westchester  
148 Martine Avenue  
Room 600  
White Plains, New York 10601

To the Municipality:

Village of Briarcliff Manor  
1111 Pleasantville Road  
Briarcliff Manor, NY 10510

with a copy to:

## **ARTICLE VII**

### **INDEMNIFICATION**

**Section 7.0.** To the fullest extent permitted by law, the Municipality shall defend, indemnify and hold harmless the County, its elected officials, officers, employees and agents (the "Indemnitees") from and against, any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly from the Project, including any which may arise from a change in applicable laws, rules and regulations, that may be imposed upon or incurred by or asserted against any of the Indemnitees by reason of any of the following:

(a) **Work.** Any construction, repair, alteration, addition, replacement, restoration or improvement work done by or on behalf of the Municipality in, on or about the Project or any part thereof;

(b) **Use.** The use, occupation, condition, operation, maintenance, management, supervision or development of or providing security for all or any portion of the Project, or the affected portion thereof, by or on behalf of the Municipality, including without limitation, any liability with respect to any violations imposed by any governmental authorities in respect of any of the foregoing;

(c) **Act or Failure to Act of Municipality.** Any act performed by, or any failure to perform any act required to be performed by the Municipality, a third party under the direction or control of the Municipality, or any of the Municipality's officers, agents, contractors, servants, employees, lessees or invitees in connection with this Agreement or the Project;

(d) Accidents, Injury to Person or Property. Any accident, injury, (including death at any time resulting therefrom) or damage to any person, including, without limitation, employees of the Municipality or any Indemnitee, or property occurring in, on, or about the Project or any part thereof; or

(e) Breach of Municipality's Obligation. Any failure or refusal on the part of the Municipality to perform its obligations pursuant to this Agreement.

(f) Municipality's Obligations. The Municipality's failure, within any applicable grace period, to perform or comply with any of the covenants, terms or conditions contained in this Agreement on the Municipality's part to be kept, observed, performed or complied with within any applicable grace period.

**Section 7.1.** The Municipality hereby further acknowledges and agrees that it shall defend, indemnify and hold harmless the County for any "Environmental Damages" to the Property. "Environmental Damages" shall mean all claims, damages, demands losses, penalties, fines, fees, liabilities (including strict liability), encumbrances, liens, costs and expenses of investigation and defense of any, whether or not such claim is ultimately defeated, and of any good faith settlement or judgment, of whatever kind or nature, contingent or otherwise, matured or unmatured, foreseeable or unforeseeable, including, without limitation, reasonable attorney's fees and disbursements and consultants' fees, any of which are incurred as the result of the existence of "Hazardous Material" or "Hazardous Waste" upon, beneath, or about the Property or migrating or threatening to migrate to or from the Property, or the existence of a violation of "Environmental Requirements" pertaining to the Property, regardless of whether the existence of such "Hazardous Materials" or "Hazardous Waste" or the violation of "Environmental Requirements" arose prior to the Municipality or County's ownership of the Property, including, without limitation:

(i) damages for personal injury, or injury to Property or natural resources occurring upon or off the Property, foreseeable or unforeseeable, including, without limitation, lost profits, consequential damages, the cost of demolition or rebuilding of any improvements of real property, interest and penalties;

(ii) fees incurred for the service of attorneys, consultants, contractors or experts, laboratories and all other costs incurred in connection with the investigation or remediation of such "Hazardous Materials" or "Hazardous Waste" or violation of "Environmental Requirements" including, but not limited to, the preparation of any feasibility studies or reports or the performance of any cleanup, remediation, removal, response, abatement, containment, closure, restoration or monitoring work required by any federal, state or local governmental agency or political subdivision, or reasonably

necessary to make the full use of the Property or any other property or otherwise expended in connection with such conditions; and

(iii) liability to any third person or governmental agency to indemnify such person or agency for the costs expended in connection with the items referenced in subparagraph (ii) herein;

(iv) diminution in the value of the Property and damages for loss of business and restriction on the use of the Property or any part thereof.

**Section 7.1.a. Definitions.** For the purposes of this Agreement, the following definitions shall apply:

- (1) “Hazardous Materials” or “Hazardous Waste” shall mean any substance:
  - (i) the presence of which requires investigation or remediation under any federal, state, or local statute, regulation, ordinance, order, action, policy or common law; or
  - (ii) which is or becomes defined as a hazardous waste, hazardous substance, pollutant or contaminant under any federal, state or local statute, regulation, rule, or ordinance or amendments thereto including, without limitations, the United States Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 USC §9601 (14) 42 USC §9602 and any “hazardous waste” as defined in or listed under the United States Solid Waste Disposal Act, as amended, 42 USC §6901(5), 42 USC §6921; or
  - (iii) which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous and is or becomes regulated by any governmental authority, agency, department, commission, board or instrumentality of the United States, the State of New York or any political subdivision thereof; or
  - (iv) the presence of which, on the Property, causes or threatens to cause a nuisance on the Property or to nearby properties or poses or threatens to pose a hazard to the health and safety of persons on, about or nearby the Property; or
  - (v) the presence of which on nearby properties would constitute a trespass by the owner of the Property; or
  - (vi) without limitation which contains gasoline, diesel fuel, or other petroleum hydrocarbons; or
  - (vii) without limitation which contains polychlorinated biphenols (PCBs), asbestos, or urea formaldehyde foam insulation.

(2) “Environmental Requirements” shall mean all applicable present and future statutes, regulations, rules, ordinances, codes, licenses, permits, orders, approvals, plans, authorizations, concessions, franchises, and similar items, of all government agencies, departments, commissions, boards, bureaus, or instrumentalities of the United States, the State of New York and the political subdivisions thereof; and all applicable judicial, administrative, and regulatory decrees, judgments, and orders relating to the protection of human health or the environment.

**Section 7.2.** The Municipality shall promptly notify the County in writing of any claims made or any suits instituted against the Municipality of which it has knowledge arising from its performances hereunder or in connection with this Agreement or in connection with the Project.

**Section 7.3.** In the event the Municipality does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of all or part of this Article, then the Municipality shall reimburse the County’s reasonable attorney’s fees incurred in connection with the defense of any action, and in connection with enforcing all or part of this Article of the Agreement.

**Section 7.4.** This Article shall survive termination or expiration of this Agreement.

## **ARTICLE VIII**

### **MISCELLANEOUS**

**Section 8.0.** Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void.

**Section 8.1.** The Municipality shall submit documentation to the County demonstrating compliance with the State Environmental Quality Review Act and its implementing regulations (“SEQR”), including those activities that have been determined not to constitute an action as defined by SEQR or activities determined to be Type II actions as defined by SEQR. The Municipality shall act as the lead agency for meeting the requirements of SEQR for any Unlisted or Type I action that is undertaken pursuant to this Agreement, unless otherwise directed by the Planning Commissioner. The Municipality shall include the County as an Involved Agency (as defined in SEQR) in all matters relating to SEQR and conduct a coordinated review where applicable.

**Section 8.2.** The failure of the County to insist upon strict performance of any term, condition or covenant herein shall not be deemed a waiver of any rights or remedies that the County may have and

shall not be deemed a waiver of any subsequent breach or default in the terms, conditions or covenants herein.

**Section 8.3.** It is mutually understood and agreed that the terms, covenants, conditions and agreements herein contained shall be binding upon the parties hereto and upon their respective successors, legal representatives and assigns.

**Section 8.4.** This Agreement and its attachments constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. This Agreement shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties, and approved by the Office of the County Attorney.

**Section 8.5.** It is recognized and understood that the Municipality is not an agent of the County and in accordance with such status, the Municipality, its consultant(s), its subcontractor(s), and their respective officers, agents, employees, representatives and servants shall at all times during the Term of this Agreement neither hold themselves out as, nor claim to be acting in the capacity of officers, employees, agents, representatives or servants of the County, nor make any claim, demand or application for any right or privilege applicable to the County, including without limitation, rights or privileges derived from workers compensation coverage, unemployment insurance benefits, social security coverage and retirement membership or credit.

**Section 8.6.** The Municipality shall comply with the insurance requirements contained in Schedule "C" entitled "Standard Insurance Provisions," attached hereto and made a part hereof. The Municipality may, in lieu of procuring and maintaining the aforesaid insurance, elect to obtain such coverage through a program of self-insurance, which coverage and program shall be in accordance with generally accepted standards for similarly situated entities. In addition to the foregoing, the Municipality shall contractually ensure that all of its contractors, subcontractors and/or independent contractors (individually a "Contractor" or collectively, the "Contractors") that are engaged to construct the Project shall provide such insurance coverage as described in Schedule "C" naming as additional insured, the Municipality and the County and their respective officials (elected or otherwise), officers, employees and agents (collectively the "Additional Insureds"). The Municipality shall require, before the Project commences that each such insurance policy be endorsed to contain the following clauses: (a) the insurer shall have no right to recovery or subrogation against the Additional Insureds (including their respective officials (elected or otherwise), officers, employees and agents), it being the intention that the insurance

policy shall protect both the insured and the Additional Insureds and be primary coverage for any and all losses covered by such insurance; (b) the clause "other insurance provisions" in any such insurance policy shall not apply to the Additional Insureds or their insurance policies; (c) the insurer issuing the policy shall have no recourse against the Additional Insureds (including their respective officials (elected or otherwise), officers, employees and agents) for payment of any premiums or for assessments under any form of policy; and (d) any and all deductibles in such insurance policy shall be assumed by and be for the account of, and at the sole risk of the Contractor.

**Section 8.7.** This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

**Section 8.8.** In the event that any one or more provisions, sections, subsections, clauses or words of this Agreement are for any reason held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, but this Agreement shall be construed and enforced as if such illegal or invalid section, subsection, clause or word has not been contained herein.

**Section 8.9.** This Agreement shall be deemed executory only to the extent of funds appropriated and made available for the purpose of this Agreement and no liability on account thereof shall be incurred by the County beyond the amount of such appropriated funds.

**Section 8.10.** All covenants, stipulations, promises, agreements and obligations of the Municipality and the County contained herein shall be deemed to be stipulations, promises, agreements and obligations of the Municipality and the County and not of any member, officer or employee of the Municipality or the County in his/her individual capacity and no recourse shall be had for any obligation or liability herein or any claim based thereon against any member, officer or employee of the Municipality or the County or any natural person executing this Agreement.

**Section 8.11.** The parties represent that they have all requisite power and authority to execute, deliver and perform this Agreement, and this Agreement has been duly authorized by all necessary action on the part of the parties. The parties each agree to execute and deliver such further instruments and to seek such additional authority as may be required to carry out the intent and purpose of this Agreement, including providing the County with any necessary property interests in the Project in order for the County to fund the Project.

**Section 8.12.** This Agreement may be executed in two or more counterparts and all counterparts so executed shall for all purposes constitute one agreement binding upon all the parties hereto.



**Section 8.13.** Nothing in this Agreement shall act to confer third-party beneficiary rights on any person or entity not a party to this Agreement.

**Section 8.14.** The headings in this Agreement are for reference purposes only and shall not be used in construing the terms of this Agreement.

**Section 8.15.** The Municipality agrees to comply with the terms set forth in Schedule “D”, attached hereto and made a part hereof, regarding Vendor Direct Payment Terms.

**Section 8.16.** The Municipality hereby acknowledges that any provision of this Agreement which requires consent of the County shall be subject to receipt by the County of any and all necessary legal approvals.

**Section 8.17.** No director, officer, employee, agent or other person authorized to act on behalf of the County shall have any personal liability in connection with this Agreement or any failure of the County to perform its obligations hereunder. No director, officer, employee, agent or other person authorized to act on behalf of the Municipality shall have any personal liability in connection with this Agreement or any failure of the Municipality to perform its obligations hereunder.

**Section 8.18.** The Municipality agrees to allow the County reasonable access to the Project, during normal business hours, to permit inspection and observation of the Project. The Municipality may require the County to provide reasonable notice prior to such inspection and observation.

[NO FURTHER TEXT/SIGNATURE PAGE FOLLOWS]

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the day and year first above written.

**COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Blanca Lopez  
Commissioner of Planning

**VILLAGE OF BRIARCLIFF MANOR**

By: \_\_\_\_\_  
Name:  
Title:

Approved by the Board of Legislators of the County of Westchester by Act No. 2024-\_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

Approved by the Board of the Village of Briarcliff Manor on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Approved:

\_\_\_\_\_  
Sr. Assistant County Attorney  
County of Westchester  
BPL26 - Stormwater IMA PhaseTWO - LawMemorialParkBriarcliffManor.cmc.10.17.2024



## MUNICIPALITY'S ACKNOWLEDGMENT

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

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual taking acknowledgment