



U.S. Department of Housing and Urban Development
New York State Office
Jacob K. Javits Federal Building
26 Federal Plaza
New York, New York 10278-0068
<http://www.hud.gov/local/nyn/nynopen.html>

January 31, 2013

Via email

James E. Johnson, Esq.
Debevoise & Plimpton, LLP
919 Third Avenue
New York, New York 10022

Re: United States ex rel. Anti-Discrimination Center v. Westchester County
06 civ. 2860 (DLC) – Funding Advisory 13, Ellendale Commons, Rye Brook

Dear Mr. Johnson:

Thank you for the opportunity to provide our comments on the proposed Ellendale Commons development in Rye Brook, described in the County's October 10, 2012 Funding Advisory No. 13 and Executive Summary.

HUD shares the concerns expressed in your letter dated October 10, 2012 regarding proposed units located in eligible municipalities that are districted to schools in ineligible municipalities. Like the Bowman Avenue development which was the subject of your letter, Ellendale Commons is to be located in the portion of the eligible municipality of Rye Brook which is districted to the Port Chester-Rye Union Free School District. This school district also serves the entirety of the ineligible Village of Port Chester. The majority of Rye Brook's public school students attend the Blind Brook- Rye Union Free School District. See December 7, 2011 letter from Blanca P. Lopez, President, Board of Education, Port Chester-Rye Union Free School District, to Judge Denise L. Cote (attached).¹

The County's response in its October 22, 2012 letter to your concerns as to whether this project, as currently proposed, is consistent with the specific requirements and broader goals of the Settlement is two-fold: (1) that the eligibility of projects is determined solely by the locational criteria found in paragraph 7 of the Settlement, and; (2) that, since the student population of the Port Chester-Rye Union Free School District is "arguably diverse", the project, therefore, is not contrary to the "intent of the Settlement." HUD disagrees on both accounts.

The County's singular focus on the locational criteria found in paragraph 7 of the Settlement ignores statements of the Settlement's goals, which include fostering the broad and

¹ The proposed units in Ellendale Commons are all one-bedroom, which makes it unlikely that many resident families will have school-aged children. HUD reiterates its objection to the County's continuing failure to support the development under the Settlement of an appropriate number of housing suitable for families with children.

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equitable distribution of affordable housing in a way that affirmatively furthers fair housing – and its intrinsic link to education. Specifically, the parties agreed “the broad and equitable distribution of affordable housing promotes sustainable and integrated residential patterns, increases fair and equal access to economic, *educational* and other opportunities, and advances the health and welfare of the residents.” Settlement, 2nd Whereas Clause (emphasis added). The parties further agreed, at paragraph 22(a) of the Settlement, that the County, in evaluating the suitability of sites, would consider whether the “sites provide or have the potential to provide access to services and facilities that will promote sustainable, inclusive communities, such as employment and *educational* opportunities” (emphasis added). Therefore, educational opportunity is clearly a factor to be considered in determining the suitability of a site for development under the Settlement.

The County’s second argument, that the student population of the Port Chester-Rye Union Free School District is “arguably diverse”, and that the siting of a project within this school district is not contrary to the “intent of the Settlement”, is also flawed on two accounts. First, the student population of the Port Chester-Rye Union Free School District, according to its 2010-2011 New York State Report Card, is 74% Hispanic or Latino, 8% Black or African American, 18% White and 1% Asian. See New York State Report Card, at <https://reportcards.nysed.gov/files/2010-11/AOR-2011-661904030000.pdf>, last accessed Dec. 27, 2012. Those statistics indicate that this district is overwhelmingly Hispanic or Latino.² More significantly, the County’s suggestion that questions regarding the siting of housing units in school districts that are predominantly minority represent a rejection of diverse school districts is disingenuous. One of the main purposes of the Settlement as stated therein is to increase fair and equal access to educational opportunities. The development of affordable housing in eligible communities can only increase access to educational opportunities if it creates an opportunity that did not previously exist. While the opportunity to attend the Blind Brook-Rye Union Free School District would be a new opportunity, since one could not do so without living in the eligible municipality of Rye Brook, the opportunity to attend the Port Chester-Rye Union Free School District could not be considered a new educational opportunity for minorities.

Finally, HUD remains concerned about the County’s failure to develop and follow a site selection strategy. The Ellendale Commons development is closer geographically to the center of an ineligible municipality than it is to Rye Brook’s. As the Director of Planning and Development for the Village of Port Chester observed, the Ellendale Commons site is located just over the Rye Brook-Port Chester border and within an area of Rye Brook that “encompasses far less land area, more diversity, lower assessments/housing values, and a lower median income” than the rest of the village. Letter from Christopher Gomez, Director of Planning and Development, Village of Port Chester, to Joan Feinstein, Mayor, Village of Rye Brook, July 23, 2012 (attached). The previously-approved Cottage Landing development in the City of Rye and

² In contrast, according to its 2010-2011 New York State Report Card, 92% of Blind Brook-Rye Union Free School District’s 1,522 students are White, 5% Asian, 2% Hispanic or Latino. Zero students are Black or African American. Furthermore, only 1% of students are eligible for free- or reduced-price lunch. See New York State Report Card, <https://reportcards.nysed.gov/files/2010-11/AOR-2011-661905020000.pdf>, last accessed Dec. 27, 2012.

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a proposed development being discussed at Bowman Avenue are similarly situated. The County's lack of a site selection strategy is yielding a troubling pattern. HUD encourages the County to take a more active role in helping eligible municipalities and developers identify locations that better comply with the Settlement's letter and intent to develop affordable housing in a manner that affirmatively furthers fair housing within the County.

Sincerely,



Mirza Orriols

Deputy Regional Administrator

cc: Via email

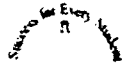
Kevin J. Plunkett, Deputy County Executive

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Lara K. Eshkenazi, Assistant U.S. Attorney (S.D.N.Y.)

Benjamin H. Torrance, Assistant U.S. Attorney (S.D.N.Y.)



2011-E-HQ-00058

ALS

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**Port Chester-Rye Union Free School District
Board of Education**

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School Attorney
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December 7, 2011

Hon. Denise L. Cote
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

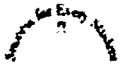
Re: U.S. ex rel. Anti-Discrimination Center v. Westchester County

Dear Judge Cote:

By means of this letter, the Board of Education for the Port Chester-Rye Union Free School District, a separate municipality encompassing the entire Village of Port Chester and a portion of the Village of Rye Brook, would like to share with you its concerns regarding the implementation of the Consent Decree in the above referenced matter concerning Fair and Affordable Housing Units within our school zone.

Under the settlement, the Village of Rye Brook is one of 31 eligible municipalities which must comply with building fair and affordable housing units throughout its community by 2016. The Village of Port Chester is not. One third of Rye Brook's school-age children depicted on the enclosed school district map attend the Port Chester Public School District, formerly known as District 4. The majority of Rye Brook's students, however, attend the Blind Brook School District which was formerly known as District 5.

Both school districts enjoy an amicable relationship. Board representatives from both districts meet several times a year, fostering good working relationships with one another. However, it is fair to say that both school districts are vastly different socially and economically. The attached document entitled "*Westchester County School District Revenue and Spending, Fall 2009*," demonstrates that the student district enrollment in Port Chester is twice as many as in Blind Brook. Similarly, the per pupil total current student spending in Blind Brook is substantially greater than it is in Port Chester. The student ethnic and racial composition of both districts is also different. Below is a breakdown of demographic factors for both districts from the 2009-2010 school year:



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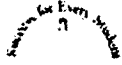
	Port Chester-Rye Union Free School District		Blind Brook-Rye Union Free School District	
	#	%	#	%
Total Student Population	4057	100	1524	100
Eligible for Free Lunch	2000	49	4	0
Limited English Proficient	1070	26	20	1
Racial/Ethnic Origin				
Black or African American	292	7	8	1
Hispanic or Latino	2985	74	31	2

Source: New York State District Report Card: Port Chester-Rye Union Free School District & Blind Brook-Rye Union Free School District, 2009-2010. www.reportcards.nysed.gov.

The demographic information listed reflects a difference in student composition with regards to ethnicity and race in both school districts. It is clear in the Consent Decree, that one of the desired outcomes of this settlement is the promotion of "sustainable and integrated residential patterns." (Consent Decree, page 1) Surely, it is our opinion that building fair and affordable housing within the Blind Brook School District would achieve this goal and follow the true spirit of the law. However, including the property within for the development of fair and affordable housing within the Village of Rye Brook that happens to be coterminous with the Port Chester-Rye Union Free School District appears to be contrary to the intent of the consent decree.

It is not our intent to oppose the development of fair and affordable housing. We pride ourselves in the diversity of our school community and of providing our students with a real-world environment. We are also cognizant of the need to have a wide variety of housing in our district to address the different economic and social needs of our residents. The implementation of the property tax cap for next year's school budget and the growing list of unfunded federal and state mandates have put a burden on our school district financially and physically. We are limited to what we can ask from our hard working taxpayers in order to educate over 4,000 students, while federal and state aid have either decreased or remained the same in the last couple of years. Our schools are already challenged by limited space and high class sizes. The grim economic reality is that we will soon be forced to cut essential programs and services for our children.

In our view, the Village of Rye Brook is using loopholes in the settlement agreement to avoid taking affirmative action to reduce residential segregation in areas of their community that the settlement is supposed to change. First, the agreement fails to recognize that there are differences between municipal and school district boundaries. This failure allows the Village of Rye Brook to implement fair and affordable housing policies that minimize the impact on the majority of the people in the Village of Rye Brook while maximizing the impact on their adjoining neighbor. Second, the eligibility criterion in the agreement fails to account for the dramatic racial segregation of school districts in Westchester County. Is a neighborhood truly integrated if the school systems continue to be segregated? Third, the settlement appears to rely solely on 2000 Census data instead of the more recent 2010 Census data to define eligibility. Because minority populations are growing in count and expanding in geographic



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location faster than non-minority populations, using older data means several blocks that are now racially diverse continue to be eligible for the program (e.g. Ellendale Ave). Finally, the eligibility criteria outlined in the settlement talks about the percentage of minorities in an area. However, these percentages can be misleading for blocks with very small populations. For example, a block currently under consideration is surrounded by large minority populations but is considered eligible because it has a minority population of zero. In this case, it is important to realize that this particular block has a total population of seven. Allowing blocks with tiny populations to be eligible for the program will exacerbate segregation because these blocks tend to be in or near commercial/industrial neighborhoods which also tend to have higher minority populations. From a statistical perspective, percentages are misleading when the total population is below 25. The census tract for the Port Chester-Rye Union Free School District is numbered 83.01. Attached is an Excel spreadsheet with population data on the individual census blocks that comprise census tract 83.01.

The current laissez-faire policy promoted by the Village of Rye Brook does nothing to promote fair and affordable housing in the most segregated areas of Rye Brook. To the contrary, this policy will combine with prevailing market forces to encourage fair and affordable housing in the poorest and most diverse neighborhoods and schools.

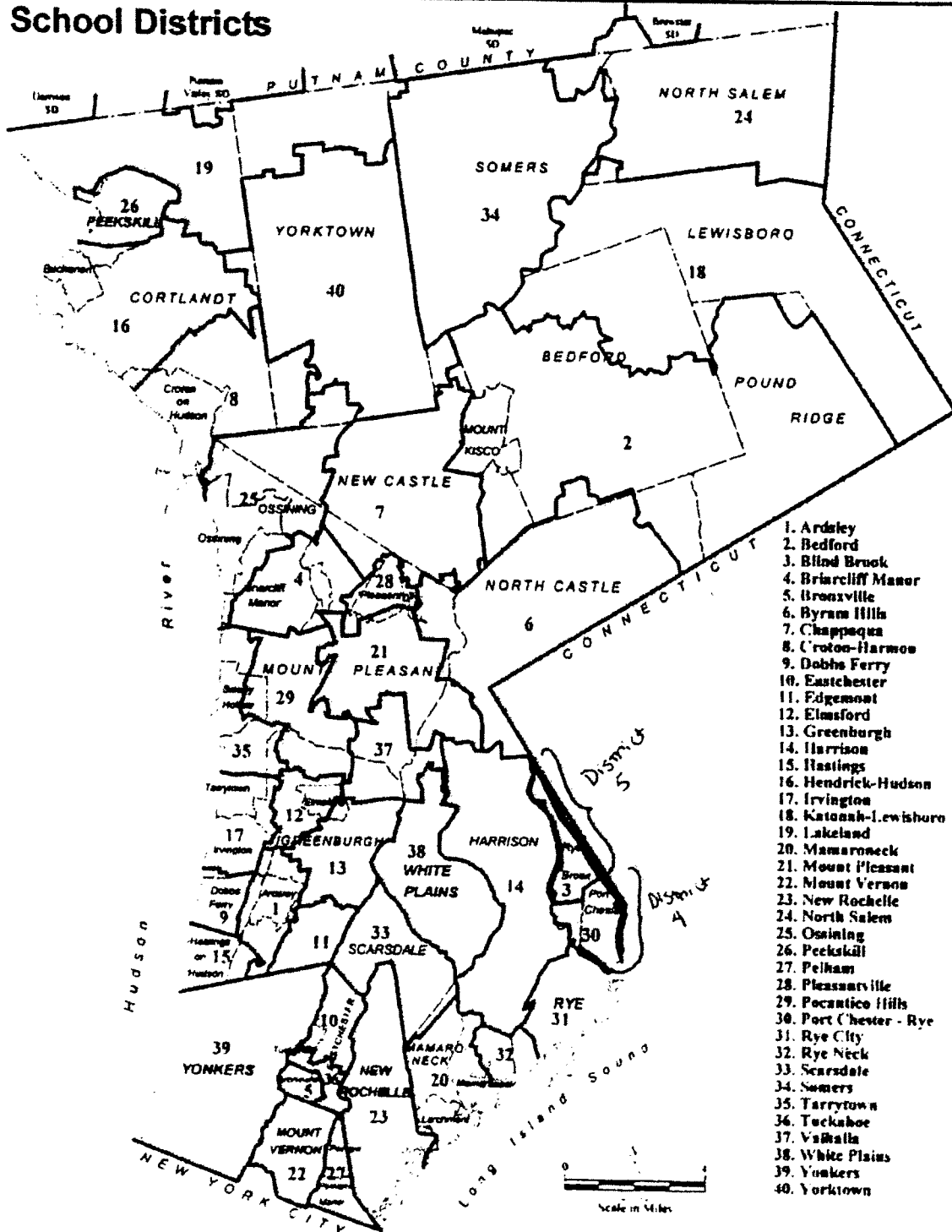
We thank you in advance for reading our letter and giving us an opportunity to express our concerns. By means of this letter, we wanted to provide to you supporting documentation which highlights the fact that Westchester County is not fully complying with its consent decree obligation to end residential segregation in eligible municipalities such as that found in the Village of Rye Brook.

Respectfully submitted,

Blanca P. López
President
Board of Education
Port Chester-Rye Union Free School District
113 Bowman Avenue
Rye Brook, NY 10573

cc: Mayor & Trustees, Village of Rye Brook
Mayor & Trustees, Village of Port Chester
James M. Johnson, Esq., Federal Housing Monitor
Robert Astorino, County Executive, Westchester County
John Trasviña, Assistant Secretary for Fair Housing and Equal Opportunity, HUD

School Districts



Block	Total:	Hispanic or La	Not Hispanic or L	% Hispanic or Latino
Block 1003, Block Group 1, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 1008, Block Group 1, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 1011, Block Group 1, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 1013, Block Group 1, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 1014, Block Group 1, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 1016, Block Group 1, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 1020, Block Group 1, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 2000, Block Group 2, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 2008, Block Group 2, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 2009, Block Group 2, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 2010, Block Group 2, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 2011, Block Group 2, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 2016, Block Group 2, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 2017, Block Group 2, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 2020, Block Group 2, Census Tract 83.01, Westchester County, New York	0	0	0	#DIV/0!
Block 2027, Block Group 2, Census Tract 83.01, Westchester County, New York	1	1	0	100%
Block 2030, Block Group 2, Census Tract 83.01, Westchester County, New York	83	52	31	63%
Block 1007, Block Group 1, Census Tract 83.01, Westchester County, New York	134	83	51	62%
Block 1017, Block Group 1, Census Tract 83.01, Westchester County, New York	5	3	2	60%
Block 2023, Block Group 2, Census Tract 83.01, Westchester County, New York	63	35	28	56%
Block 1018, Block Group 1, Census Tract 83.01, Westchester County, New York	77	40	37	52%
Block 1001, Block Group 1, Census Tract 83.01, Westchester County, New York	103	51	52	50%
Block 1009, Block Group 1, Census Tract 83.01, Westchester County, New York	99	43	56	43%
Block 2012, Block Group 2, Census Tract 83.01, Westchester County, New York	7	3	4	43%
Block 1019, Block Group 1, Census Tract 83.01, Westchester County, New York	87	37	50	43%
Block 2024, Block Group 2, Census Tract 83.01, Westchester County, New York	119	48	71	40%
Block 2022, Block Group 2, Census Tract 83.01, Westchester County, New York	30	11	19	37%
Block 1015, Block Group 1, Census Tract 83.01, Westchester County, New York	129	47	82	36%
Block 2028, Block Group 2, Census Tract 83.01, Westchester County, New York	82	24	58	29%
Block 1005, Block Group 1, Census Tract 83.01, Westchester County, New York	99	28	71	28%
Block 1012, Block Group 1, Census Tract 83.01, Westchester County, New York	251	69	182	27%
Block 2019, Block Group 2, Census Tract 83.01, Westchester County, New York	73	19	54	26%
Block 2025, Block Group 2, Census Tract 83.01, Westchester County, New York	185	45	140	24%
Block 1010, Block Group 1, Census Tract 83.01, Westchester County, New York	61	14	47	23%
Block 2021, Block Group 2, Census Tract 83.01, Westchester County, New York	98	21	77	21%
Block 1004, Block Group 1, Census Tract 83.01, Westchester County, New York	72	14	58	19%

Westchester County School District Revenue and Spending, Fall 2009

District	Enrollment		Total Revenue		Revenue from Federal Sources		Revenue from NY State Sources		Revenue from Local Sources		Expenditures (\$1,000s)	Current Spending (\$1,000s)	Per Pupil Local Revenue	Per Pupil Total Revenue	Per Pupil Current Spending
	%A	%B	\$1,000s	%A	\$1,000s	%	\$1,000s	%	\$1,000s	%					
Ardley	2,185	-2.6%	\$56,612	3.0%	\$582	1.0%	\$13,550	23.9%	\$42,480	75.0%	\$57,118	\$52,940	\$19,442	\$25,909	\$24,229
Bedford	4,329	-0.4%	\$320,900	8.5%	\$1,830	1.5%	\$16,540	13.7%	\$102,530	84.8%	\$112,305	\$105,512	\$23,684	\$27,928	\$24,373
Blind Brook	1,560	3.6%	\$37,625	6.1%	\$308	0.8%	\$2,866	15.6%	\$31,451	83.6%	\$36,023	\$33,104	\$20,161	\$24,119	\$21,221
Brantford Manor	1,718	-1.9%	\$51,712	3.7%	\$386	0.8%	\$4,698	16.8%	\$42,618	82.4%	\$48,411	\$45,371	\$24,807	\$30,100	\$26,409
Bronxville	1,526	-2.7%	\$46,124	14.7%	\$1,545	3.3%	\$5,939	12.7%	\$39,259	84.0%	\$46,697	\$38,629	\$25,727	\$30,631	\$25,314
Byram Hills	2,815	-0.1%	\$76,124	3.8%	\$512	0.7%	\$4,177	10.7%	\$67,432	88.6%	\$69,702	\$64,286	\$23,956	\$27,042	\$22,857
Chappaqua	4,240	-0.1%	\$110,525	3.7%	\$1,061	1.0%	\$16,532	15.0%	\$92,932	84.1%	\$106,127	\$99,168	\$21,918	\$26,067	\$23,389
Croton-Harmon	1,760	1.7%	\$42,660	7.8%	\$427	1.0%	\$11,432	26.8%	\$30,821	72.2%	\$36,471	\$34,075	\$17,512	\$24,250	\$19,361
Dobbs Ferry	1,448	0.3%	\$41,656	7.8%	\$558	1.3%	\$11,266	27.0%	\$29,832	71.6%	\$35,616	\$33,789	\$20,602	\$28,768	\$23,335
Eastchester	3,094	2.3%	\$66,481	2.5%	\$795	1.2%	\$13,740	20.7%	\$51,946	78.1%	\$67,804	\$63,704	\$16,789	\$21,487	\$20,590
Edgemont	1,924	-0.2%	\$48,110	8.8%	\$493	1.0%	\$4,575	17.8%	\$39,042	81.2%	\$42,726	\$41,300	\$20,292	\$22,005	\$21,466
Ernstford	1,005	0.0%	\$27,859	1.2%	\$565	2.1%	\$4,902	17.6%	\$22,372	80.3%	\$26,732	\$26,220	\$22,261	\$22,720	\$26,090
Greenburgh	1,758	3.7%	\$58,669	0.4%	\$1,535	2.6%	\$16,573	28.2%	\$40,561	69.1%	\$57,565	\$55,308	\$23,072	\$33,373	\$31,461
Harrison	3,482	0.1%	\$99,383	1.2%	\$1,299	1.5%	\$9,281	9.3%	\$88,803	89.4%	\$96,756	\$93,817	\$25,503	\$28,542	\$26,943
Headings-on-Hudson	1,565	3.0%	\$42,076	5.0%	\$368	0.9%	\$10,958	26.0%	\$30,750	73.1%	\$38,286	\$36,882	\$19,649	\$26,886	\$23,567
Hendrick Hudson	2,690	-0.9%	\$64,957	6.2%	\$1,148	1.8%	\$13,232	20.4%	\$50,577	77.9%	\$64,762	\$61,821	\$18,802	\$24,148	\$22,982
Irvington	1,890	-3.2%	\$51,429	5.1%	\$485	0.9%	\$7,965	15.5%	\$42,979	83.6%	\$47,181	\$43,972	\$22,740	\$27,211	\$23,266
Katonah-Lewisboro	3,880	1.7%	\$108,637	3.0%	\$1,119	1.0%	\$17,892	16.5%	\$89,626	82.5%	\$104,810	\$99,962	\$23,099	\$27,999	\$25,763
Labeland	6,461	1.2%	\$148,343	5.3%	\$2,274	1.5%	\$65,011	43.8%	\$81,058	54.6%	\$143,990	\$131,733	\$12,546	\$22,960	\$20,389
Mamaroneck	4,986	0.2%	\$122,334	5.2%	\$2,138	1.7%	\$19,416	15.9%	\$100,780	82.4%	\$112,719	\$107,564	\$20,213	\$24,535	\$21,573
Mount Pleasant	2,014	1.8%	\$50,798	3.6%	\$592	1.2%	\$11,650	22.9%	\$38,556	75.9%	\$48,544	\$46,362	\$19,144	\$22,473	\$23,070
Mount Vernon	9,272	-3.5%	\$208,368	6.8%	\$15,504	7.4%	\$62,642	26.8%	\$162,193	69.3%	\$220,790	\$211,575	\$15,140	\$21,855	\$19,749
New Rochelle	10,713	1.7%	\$234,137	8.0%	\$9,302	4.0%	\$5,684	15.1%	\$31,640	83.8%	\$36,619	\$34,686	\$23,507	\$26,043	\$25,770
North Salem	1,346	-0.2%	\$37,246	0.4%	\$422	1.1%	\$29,958	28.7%	\$71,903	68.8%	\$98,810	\$93,892	\$16,140	\$23,467	\$21,076
Ossining	4,455	4.2%	\$104,546	3.8%	\$2,685	2.6%	\$44,680	58.2%	\$72,923	36.3%	\$75,372	\$67,597	\$9,402	\$25,870	\$22,760
Peekskill	2,970	1.3%	\$76,835	0.8%	\$4,232	5.5%	\$44,680	58.2%	\$72,923	36.3%	\$75,372	\$67,597	\$9,402	\$25,870	\$22,760
Pelham	2,752	2.4%	\$58,471	3.8%	\$709	1.2%	\$10,377	25.0%	\$30,685	73.9%	\$41,140	\$36,482	\$16,622	\$22,488	\$19,763
Poconton Hills	1,846	1.2%	\$41,513	6.6%	\$431	1.0%	\$3,999	17.8%	\$18,146	80.8%	\$23,887	\$18,039	\$5,482	\$16,622	\$15,762
Port Chester	3,955	4.1%	\$78,157	10.4%	\$4,009	5.1%	\$23,899	30.6%	\$50,249	64.3%	\$79,122	\$69,279	\$12,705	\$19,762	\$17,517
Rye City	3,020	0.8%	\$69,531	3.7%	\$762	1.1%	\$7,659	11.0%	\$81,110	87.9%	\$84,214	\$60,319	\$20,235	\$23,024	\$19,973
Rye Neck	1,502	3.4%	\$34,597	5.0%	\$431	1.2%	\$5,465	15.8%	\$28,701	83.0%	\$33,716	\$31,215	\$19,109	\$23,034	\$20,782
Saratoga	4,716	0.4%	\$76,990	4.0%	\$912	0.7%	\$12,892	10.2%	\$113,186	89.1%	\$127,690	\$112,527	\$24,000	\$26,927	\$23,861
Somers Central	3,417	1.0%	\$79,815	4.0%	\$1,552	1.9%	\$19,481	24.4%	\$58,782	73.6%	\$65,915	\$70,730	\$17,203	\$23,358	\$20,699
Tarrytown	2,570	0.2%	\$65,844	8.6%	\$1,561	2.4%	\$20,073	30.5%	\$44,210	67.1%	\$60,212	\$57,525	\$17,202	\$23,620	\$22,383
Tuckahoe	998	0.3%	\$28,005	4.8%	\$474	1.5%	\$5,628	20.1%	\$31,767	78.4%	\$30,023	\$24,250	\$21,997	\$28,061	\$24,299
Valhalla	1,511	-1.1%	\$40,706	6.9%	\$376	0.9%	\$8,563	21.0%	\$31,767	78.0%	\$43,705	\$38,446	\$21,024	\$26,940	\$25,444
White Plains	7,049	2.6%	\$194,176	4.8%	\$4,918	2.5%	\$38,888	20.0%	\$150,370	77.4%	\$227,017	\$178,009	\$21,332	\$27,547	\$25,253
Yonkers	24,310	0.7%	\$535,083	6.0%	\$43,997	8.2%	\$305,527	57.1%	\$185,559	34.7%	\$495,834	\$495,493	\$7,633	\$22,011	\$20,396
Yorktown	3,962	-1.8%	\$89,405	5.1%	\$1,211	1.4%	\$28,930	32.4%	\$59,264	66.3%	\$92,134	\$83,243	\$14,958	\$22,566	\$21,010

Prepared by Westchester County Department of Planning based on Census data released May 2011. %A represents percent change over prior academic year data.

Block 2029, Block Group 2, Census Tract 83.01, Westchester County, New York	92	16	76	17%
Block 2014, Block Group 2, Census Tract 83.01, Westchester County, New York	80	12	68	15%
Block 2018, Block Group 2, Census Tract 83.01, Westchester County, New York	65	8	57	12%
Block 2026, Block Group 2, Census Tract 83.01, Westchester County, New York	31	3	28	10%
Block 2002, Block Group 2, Census Tract 83.01, Westchester County, New York	35	3	32	9%
Block 2005, Block Group 2, Census Tract 83.01, Westchester County, New York	111	8	103	7%
Block 2006, Block Group 2, Census Tract 83.01, Westchester County, New York	85	5	80	6%
Block 2015, Block Group 2, Census Tract 83.01, Westchester County, New York	17	1	16	6%
Block 2007, Block Group 2, Census Tract 83.01, Westchester County, New York	53	2	51	4%
Block 2003, Block Group 2, Census Tract 83.01, Westchester County, New York	113	4	109	4%
Block 1000, Block Group 1, Census Tract 83.01, Westchester County, New York	2	0	2	0%
Block 1002, Block Group 1, Census Tract 83.01, Westchester County, New York	7	0	7	0%
Block 1006, Block Group 1, Census Tract 83.01, Westchester County, New York	7	0	7	0%
Block 2001, Block Group 2, Census Tract 83.01, Westchester County, New York	11	0	11	0%
Block 2004, Block Group 2, Census Tract 83.01, Westchester County, New York	97	0	97	0%
Block 2013, Block Group 2, Census Tract 83.01, Westchester County, New York	23	0	23	0%



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, NY 10573

RCYD USRID NY/NJ
2012 AUG - 3 AM 11:43
OFFICE OF
REGIONAL COUNSEL

July 23, 2012

Honorable Mayor Feinstein &
Village Board of Trustees
Village of Rye Brook
938 King Street
Rye Brook, NY, 10573

**Subject: 525 Ellendale Avenue — Petition to rezone Town of Rye tax lot Section 141.27;
Block 1; Lot 49 from R-2F to Fair and Affordable Housing District**

Dear Mayor Feinstein and Village Board of Trustees:

The Village of Port Chester Board of Trustees is in receipt of a petition for a zoning change and supporting materials for approval to build four-units of affordable rental housing in a two-story multi-family residential building at 525 Ellendale Avenue within the Village of Rye Brook's floating Fair and Affordable FAH District and in compliance with the Westchester County Fair and Affordable Housing Implementation Plan. The 7,496 sq. ft. vacant parcel is located within the Village's existing R-2F zoning district approximately 400 feet west of border with the Village of Port Chester (see aerial photo below).

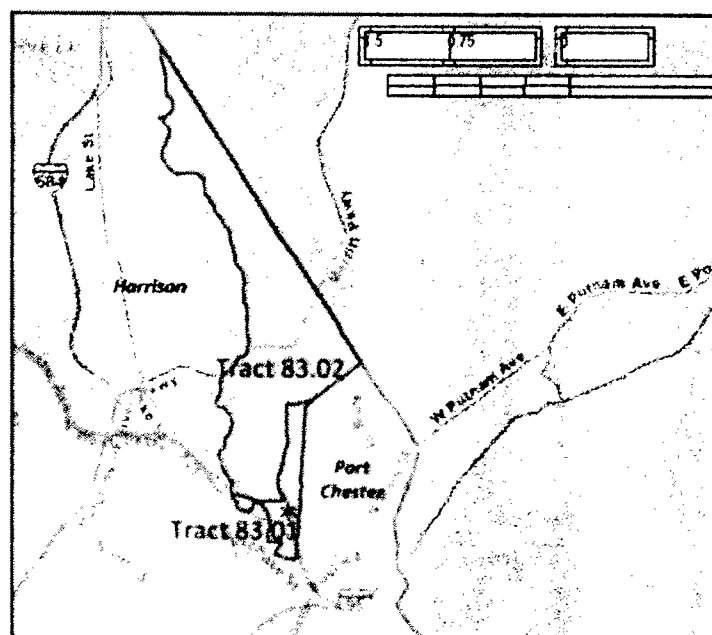
In addition to the zoning amendment, the proposed development would require multiple area variances or waivers from the existing R-2F District regulations as noted below:

- 1-foot single side yard setback variance
- .15 front height/setback ratio variance
- 1.4 side/height/setback variance
- 401 sq. ft. Gross Floor Area variance
- 2,467 sq. ft. total impervious coverage variance
- A 20% front yard impervious surface coverage variance
- Variance for parking spaces, wherein 8 are required and 6 provided
- 3,488 sq. ft. useable open space variance

The Village of Port Chester Board of Trustees commends Rye Brook's efforts to provide much needed fair and affordable housing in compliance with the County's housing settlement, and notes that the proposed four one-bedroom units may have little impact on area traffic, sewers, or the local school district.

However, the Village of Port Chester Board of Trustees does not support the proposed project location due to its proximity to the Rye Brook/Port Chester border. The question remains as to whether such a location truly meets the *spirit* of the affordable housing agreement to provide for more integrated neighborhoods within the Settlement's 31 *eligible* communities. The project site is located within Census Tract 83.01, Block Group 83.014, and Block 0083014003 per Census 2000, the demographic dataset utilized in the stipulation to define eligibility areas 7(a), 7(b) or 7(c) for the placement of 750 fair and affordable housing units per the County's housing settlement. We note that Census Tract 83.01 in the southern portion of Rye Brook adjacent to Port Chester encompasses far less land area, more diversity, lower assessments/housing values, and a lower median income than Tract 83.02, the substantially larger census geography that includes the balance of the Village of Rye Brook to the north.

Village of Rye Brook Census Tracts (2000)



* Project Location

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Gomez', written in a cursive style.

Christopher Gomez
Director of Planning and Development
Village of Port Chester, NY

Cc: James E. Johnson, Esq., Federal Housing Monitor
Glenda L. Fussa, Esq., Deputy Regional Council, New York Office, HUD
Hon. Robert P. Astorino, Westchester County Executive
Kevin Plunkett, Deputy County Executive, Westchester County
Edward Buroughs, AICP, Westchester County Planning Commissioner
Chris Bradbury, Village of Rye Brook Administrator
Hon. Dennis Pilla, Mayor Village of Port Chester
Village of Port Chester Board of Trustees