



Robert P. Astorino  
County Executive

Kevin J. Plunkett  
Deputy County Executive

December 20, 2012

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)

Dear Mr. Johnson:

The following is in response to your request for information ("RFI") dated November 29, 2012:

REQUEST # 1:

"[T]he opportunity, pursuant to paragraphs 15 and 16 of the Stipulation, to inspect and review the [County's] files corresponding to the 272 [affordable AFFH] units" with financing in place.

RESPONSE # 1:

At a mutually agreeable date and time, the County's files on the affordable AFFH developments that have all financing in place will be made available for your inspection, except to the extent that the materials are protected by attorney-client privilege or the work-product doctrine. Both electronic and hard copy files are maintained for each AFFH development. Not all electronic information may be reproduced in the hard copy files.

REQUEST # 2:

A. A written submission by December 10, 2012, stating the County's "position on the question of whether this calculation of the level of potential concentration [*i.e.*, that approximately 70% of the proposed AFFH sites are in four communities and that 12 eligible communities have no units in the pipeline] is accurate"; and

Office of the County Executive

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

Telephone: (914)995-2900 E-mail: ce@westchestergov.com



B. If the response to 1(A) is affirmative, a written submission by December 10, 2012, stating the County's position as to "whether the level of concentration is consistent with the stated aims and provisions of the Stipulation."

RESPONSE # 2:

The calculation described as the "level of potential concentration" is inaccurate. To date, a total of 283 sites have been investigated for feasibility, including at least two sites in each of the 31 eligible municipalities. Several of these sites have sufficiently advanced so as to be added to the "Sites Progress List" for the County's Quarterly Report for 4Q 2012, including developments in municipalities not previously listed in reports. It must be noted that the Settlement sets a single framework for distribution of the required 750 AFFH units: 84% of the 750 (630) units in 77% of the municipalities and census blocks as identified by the criteria in ¶ 7(a); 8% (60) units meeting ¶ 7(b) locational criteria (identified as 5 municipalities); and 8% (60) units meeting ¶ 7(c) criteria (identified as 2 municipalities plus the Census blocks in ¶ 7(a) municipalities with higher percentages of African American and Hispanic residents according to the 2000 Census).

The County's Quarterly Report for 3Q 2012 represents only one point in time in a multi-year development program that will extend to December 31, 2016. In fact, since the submission of the 3Q 2012 report, the number of units with financing in place has increased from 272 to 294. As stated in each quarterly report prepared by the County and submitted to you, and as stated in the County's Implementation Plan, the AFFH developments identified in the "Sites Progress List" are not all sites in progress. The "Sites Progress List" includes only those developments that are in public discussion, the local approval process, or under construction. As the County has four more years to meet the requirements contained in the Agreement, it would be unrealistic to assume that the 17 municipalities identified in the third quarter 2012 report will be the only municipalities that will be the site of AFFH units. More practically, the fact that more than half of the eligible municipalities have sites in progress at this point in time should be noted as substantial progress.

The attached table, "AFFH Sites and Units in Progress in Westchester County Eligible Municipalities as of November 30, 2012," presents a broad overview of the County's activity and the geographic scope of potential AFFH sites, and includes columns showing the changes from what was reported in the 3Q 2012 Appendix I-1, to date.

The feasibility of potential AFFH unit development requires the County to consider and deal with many factors that can narrow down potential development sites. One of the most important factors is whether a site can work financially so as to deliver AFFH units. As land is most often in private ownership, the market allows property owners to set a purchase price for their land. The asking price is not always supported by independent appraisals and the County's acquisition of land cannot exceed an appraised value. The refusal of property owners to agree to sell at the appraised value has greatly affected the County's ability to move forward on sites in eligible municipalities that have high land values. However, the County has not been deterred from continuing to look for other sites in these municipalities, as has been demonstrated by the development now in construction in Briarcliff Manor, where the land appraised at \$90,000 per affordable AFFH unit.

The County is also maximizing the use of other affordable housing funding sources so as to leverage the County's funds. The most advantageous source of outside financing is from the

State of New York, in particular the Low Income Housing Tax Credit program. As this program is based on state-issued bond funds, the significant upfront transactional costs need to be spread across a large number of units or the development would be cost prohibitive. The minimum feasible development size is usually at least 35 units. With limited other non-County funding sources available for smaller rental developments, it is difficult and often prohibitively expensive to subsidize smaller-sized developments. It should be noted that if the County had placed all of its efforts on leveraging funds through support of large rental developments, the 750 affordable AFFH units could be accomplished in many fewer developments, as few as 10 to 15. This approach would have resulted in developments in less than half of the eligible municipalities.

The size and the existing development of the 31 municipalities are also significant factors in identifying potential affordable AFFH sites. The municipalities range in total land area from 0.6 square mile to 39.5 square miles. Southern Westchester municipalities are generally more developed with little vacant land. Redevelopment and small in-fill type developments are most practical and feasible in these communities. Northern Westchester municipalities are generally less developed and, in wide areas, lack the infrastructure of central water systems and central sewage collection and disposal systems. More land may be available for development in these municipalities but the cost of development is significantly higher because of the lack of infrastructure. The County has been working cooperatively with municipalities so as to be open to identify, promote and fund the widest variety of AFFH developments in terms of development size, tenure (rental or homeownership) and design. As a result, the AFFH unit pipeline includes single-family homes, two-family homes, three-family homes and other developments, one as large as 92 units. This approach is the opposite of pursuing a pattern of concentration of AFFH units.

REQUEST # 3A:

A "written submission [pursuant to paragraph 13 of the Stipulation] by December 10, 2012, describing the specific actions, citing dates and attaching correspondences and other exhibits where applicable, the County has taken to promote the Model Ordinance to each of the five municipalities" of the Town of Cortlandt, the Village of Larchmont, the City of Rye, the Town of Somers, and the Village of Tuckahoe.

RESPONSE # 3A:

Your RFI singles out five municipalities as having "made no progress toward adopting the Model Ordinance" provisions. Your conclusion is not consistent with the reporting in the County's Quarterly Report for 3Q 2012 in which it is stated that three of the five municipalities (Town of Cortlandt, City of Rye and Town of Somers) have advised the County that they believe that they have previously (prior to the Monitor's approval of the Model Ordinance provisions) amended their codes and that their prior amendments dealt effectively with the same topics included in the Model Ordinance provisions. Also, as stated in the County's 3Q 2012 report, each of these three municipalities has approved developments of affordable AFFH units or has affordable AFFH developments in the local approval process:

- The Town of Cortlandt is the location of a now occupied 83-unit affordable AFFH development;
- The City of Rye is the location of an 18-unit affordable AFFH development now under construction and an additional 40 affordable AFFH units under discussion;
- and

- The Town of Somers is the location of one 75-unit affordable AFFH development proposal and one 72-unit affordable AFFH development proposal, both now in the local land use review and approval process.

The City of Rye has also informed the County that its staff is considering the inclusion of provisions of the model ordinance in the City Code. A copy of the email exchange between the County and the City from September 13, 2012 through October 17, 2012 is enclosed.

The fourth municipality, the Village of Larchmont, the location of a 46-unit affordable AFFH development, reported that it will consider the Model Ordinance Provisions at a future date, although the Village has not provided the County with a timetable for consideration. It should be noted that the Village has had a change of leadership since the original statement was made and the County's conversations with the new mayor have been productive and the importance of the Village's consideration has been conveyed.

The fifth municipality cited in your RFI, the Village of Tuckahoe, advised the County that it would provide a report to the County. Copies of emails requesting the report are enclosed. It must be noted that Tuckahoe is the smallest municipality by land area in Westchester County with an area of 0.6 square mile and that since January 1, 2009, only three building permits for new residences have been issued in the Village. The building permit data is included in the County's Quarterly Report for 3Q 2012.

The County has conducted outreach to these five and all other municipalities. These efforts include:

- Presentation and discussion on "Model Ordinance Provisions to Increase Housing Opportunities" at the Westchester Municipal Planning Federation's 2011 Land Use Training Institute, March 21, 2011.
- Presentation and discussion on "Model Ordinance Provisions" at the Pace Land Use Law Center's Land Use Leadership Alliance training session, October 24, 2012.
- Two (2) Urban County Council meetings about the Model Ordinance on February 7, 2012 and October 16, 2012. The meeting notices and agenda are enclosed.
- Periodic emails to members of the Urban County Council (including the five subject municipalities) requesting updates on the municipality's review of the Model Ordinance provisions. Examples of the periodic emails are enclosed.

#### REQUEST # 3B:

A written submission by December 10, 2012, detailing how the County "has implemented the County's Discretionary Funding Allocation Policy as part of its effort to promote the Model Ordinance to eligible municipalities."

#### RESPONSE # 3B:

The Discretionary Funding Policy provides the approach to be followed when and if an eligible municipality applies for or requests discretionary funding from the County. The County will implement that approach when an eligible municipality applies for or requests discretionary funding from the County. No eligible municipality has applied for or requested discretionary funding from the County since the Policy was approved by the Monitor on January 10, 2012.

Significantly, the major source of discretionary funds that the County could award would be Community Development Block Grants. However, these funds have been withheld by HUD.

Without an application or request for discretionary County funds from a municipality, there is no circumstance that would trigger the County's review of a municipality's compliance with the terms and conditions of the Discretionary Funding Policy.

REQUEST # 4:

A "written submission by December 10, 2012, explaining with specificity how [the County] intends to reach the Stipulation's minimum requirement of 750 AFFH units given its current rate of spending."

RESPONSE # 4

The quarterly reports prepared by the County are an accurate reflection of the approvals and expenditures for AFFH developments as the County moves forward with its financing strategy. As noted above, the County's 3Q 2012 report is only one point in time in a multi-year development program that will extend to December 31, 2016. The report reflects the fact that each affordable AFFH development is distinct from the others in terms of the subsidy required to make the financing work. Each quarterly report will identify final financial figures on different types of developments with different scales of subsidy. The County continues to monitor expenditures so as to work within the financing strategy that was provided to the Monitor in March 2012. Each quarterly report that is presented may be considered an update to that financing strategy report.

As of November 30, 2012, the County had approved 294 units with financing in place. These units require a total of \$25,297,000 in financing from the County's \$51.6 million obligation. This is an average subsidy of \$86,044 per unit. This includes:

- 159 rental units at an average subsidy of \$77,195 per unit,
- 130 homeownership units at an average subsidy of \$98,485 per unit and
- 5 two to four family units at an average subsidy of \$44,000 per unit.

The above includes the single condominium unit in the Village of Pleasantville that was approved for total funding of \$212,500 but has now returned \$160,000 with the sale of the unit to an eligible homebuyer. Also included in the above total are 4 units being subsidized under the "Acquisition and Rehabilitation Revolving Loan Fund" program; 3 of these units at an average subsidy of \$58,833 per unit and 1 unit at a subsidy of \$70,000. The balance of funding approved for the Acquisition and Rehabilitation Revolving Loan Fund is not included in the above total.

The County's pipeline of developments includes:

- 329 units that, as of this point in time, are estimated to require approximately \$26,110,000 in total subsidy, an average subsidy of \$79,361 per unit;
- 10 units anticipated to be constructed on a County-owned parcel with no land cost and minimal infrastructure funding, currently projected at a subsidy of at \$20,000 per unit;
- 54 units of existing, occupied housing that are expected to qualify as AFFH units

under the Settlement when the current tenants vacate and new tenants move in after being solicited through the affirmative marketing program. These 54 units will require no subsidy; and

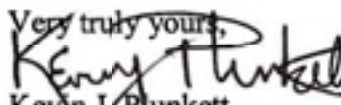
- 72 units anticipated to be created through inclusionary zoning practices at no cost to the County.

The total of the 759 affordable AFFH units summarized above, including 126 units with no subsidy, would require a County expenditure of \$51,607,000 at the current projections. This averages to a subsidy of \$67,993 per unit. This projection is for this point in time and it is consistent with the report filed with the Monitor in March 2012. As some developments in the pipeline are further developed, their projected subsidy levels may increase or decrease depending on final site plan approvals and changes in materials and labor costs. The attached table, "Affordable AFFH BPL50 Unit Cost Strategy," presents a summary of the above information.

The calculations included in your RFI do not appear to recognize the loans and expected loans being made relative to some properties. When the County sought approval of the "Acquisition and Rehabilitation Revolving Loan Fund," it was projected that each property acquired would need approximately \$70,000 per unit in subsidy but that a larger amount (\$2.5 million) was needed for the program as to allow it to make short term loans. So even though \$2.5 million has been approved for approximately 17 units, the County projects that only \$1,190,000 will not be returned to the program. The \$1,310,000 to be returned will then be available to provide subsidy to other units. In addition, other loans, similar to the Pleasantville condominium example explained above, have the opportunity to return funds for redistribution.

The County continues to work with the eligible municipalities to adopt inclusionary zoning requirements that would lessen or eliminate the need for subsidy from the County to create affordable AFFH units in new residential developments. The minimum mandatory inclusionary threshold of 10% was established in the Model Ordinance Provisions based on a review of the economics of several developments and proposed developments. Based on this review, it was determined that a developer could develop the affordable AFFH unit(s) within a development without any government subsidy at the 10% level, but a higher percentage in most cases could only be achieved with government subsidies. Of course, the delivery of such inclusionary affordable AFFH units is dependent on the condition of the real estate market for the construction and sale of new market rate units and the ability of financial institutions to provide the necessary financing. The County considers the current estimate of 72 units anticipated to be created through inclusionary zoning practices by December 2016 to be reasonable but requires constant monitoring and reassessment.

With respect to your request for a meeting with you and HUD representatives subsequent to the submissions to discuss your concerns and the process for compliance with your request to inspect and review the files corresponding to the 272 AFFH units, please contact me to schedule a mutually agreeable time and place.

Very truly yours,  
  
Kevin J. Plunkett  
Deputy County Executive

KJP/  
encls.

cc w/encls: Hon. Robert P. Astorino, County Executive  
Mary J. Mahon, Esq., Senior Assistant to the County Executive  
Hon. Kenneth W. Jenkins, Chairman, County Board of Legislators  
Hon. Maurice Jones, Deputy Secretary, HUD  
Glenda Fussá, Deputy Regional Counsel, HUD  
Benjamin H. Torrance, Asst. U.S. Attorney  
Lara K. Eshkenazi, Asst. U.S. Attorney

**Drummond, Norma**

---

**From:** Drummond, Norma  
**Sent:** Monday, October 15, 2012 12:24 PM  
**To:** Steve Ecklund (Tuckahoeny@aol.com)  
**Subject:** RE: Village's progress on the Model Ordinance

Steve – any response? I'm preparing the Quarterly Report now... ~Norma

Norma V. Drummond  
Deputy Commissioner  
Westchester County Department of Planning  
148 Martine Avenue, Room 414  
White Plains, New York 10601  
Tel: (914) 995-2427  
Fax: (914) 995-9093  
E-mail: [nvv1@westchestergov.com](mailto:nvv1@westchestergov.com)

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**From:** Drummond, Norma  
**Sent:** Thursday, September 13, 2012 5:33 PM  
**To:** Steve Ecklund (Tuckahoeny@aol.com)  
**Subject:** Village's progress on the Model Ordinance

Steve – We have another quarterly report due to the Monitor in a few weeks (this quarter ends September 30<sup>th</sup>) and I wanted to check in and see if the Village had made any progress in its review of the Model Ordinance for us to report. For nearly a year, we have been reporting "the Village of Tuckahoe advised the County that Village officials are putting together a summary of the Village's progress in this area and will shortly submit this report to the County." I kind of feel silly continuing this comment for another quarter... Can you give me an update? Thanks. ~Norma

Norma V. Drummond  
Deputy Commissioner  
Westchester County Department of Planning  
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White Plains, New York 10601  
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Fax: (914) 995-9093  
E-mail: [nvv1@westchestergov.com](mailto:nvv1@westchestergov.com)

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**Drummond, Norma**

---

**From:** Drummond, Norma  
**Sent:** Monday, October 15, 2012 12:24 PM  
**To:** cmiller@ryeny.gov  
**Subject:** RE: Model Ordinance

Christian – any response? I'm preparing the quarterly report now... ~Norma

Norma V. Drummond  
Deputy Commissioner  
Westchester County Department of Planning  
148 Martine Avenue, Room 414  
White Plains, New York 10601  
Tel: (914) 995-2427  
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**From:** Drummond, Norma  
**Sent:** Thursday, September 13, 2012 5:29 PM  
**To:** [cmiller@ryeny.gov](mailto:cmiller@ryeny.gov)  
**Subject:** Model Ordinance

Christian – I just wanted to check in and see if the City has made any progress in your review of the Model Ordinance provisions? We've been reporting for almost a year now that you "had adopting zoning amendments in the recent past but prior to finalization of Model Ordinance Provisions and have stated that they will revisit the topic" – can we say anything further at this point? Another quarter ends September 30<sup>th</sup>, so I'm looking for an update in the next two weeks. Thanks. ~Norma

Norma V. Drummond  
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Westchester County Department of Planning  
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## Drummond, Norma

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**From:** Miller, Christian K. [cmiller@ryeny.gov]  
**Sent:** Wednesday, October 17, 2012 9:37 AM  
**To:** Drummond, Norma  
**Cc:** Kristen K. Wilson; Pickup, Scott D.  
**Subject:** RE: Model Ordinance

The City has also recently engaged General Code to conduct a comprehensive evaluation and update of the City's Code. As part of that process City staff is considering the inclusion of provisions of the model ordinance in the City Code.

Thank you.

**Christian K. Miller, AICP**  
City Planner  
1051 Boston Post Road  
Rye, New York 10580  
914-967-7167 (p)  
914-967-7185 (f)  
[www.ryeny.gov](http://www.ryeny.gov)

---

**From:** Drummond, Norma [<mailto:nv1@westchestergov.com>]  
**Sent:** Monday, October 15, 2012 12:24 PM  
**To:** Miller, Christian K.  
**Subject:** RE: Model Ordinance

Christian – any response? I'm preparing the quarterly report now... ~Norma

Norma V. Drummond  
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Westchester County Department of Planning  
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**To:** [cmiller@ryeny.gov](mailto:cmiller@ryeny.gov)  
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Christian – I just wanted to check in and see if the City has made any progress in your review of the Model Ordinance provisions? We've been reporting for almost a year now that you "had adopting zoning amendments in the recent past but prior to finalization of Model Ordinance Provisions and have stated that they will revisit the topic" – can we say anything further at this point? Another quarter ends September 30<sup>th</sup>, so I'm looking for an update in the next two weeks. Thanks. ~Norma

Norma V. Drummond  
Deputy Commissioner

**Drummond, Norma**

**From:** Drummond, Norma  
**Sent:** Friday, October 05, 2012 5:44 PM  
**To:** Abe Zambramo (azambrano@crotononhudson-ny.gov); Adam Kaufman (akaufman@northcastleny.com); (agatta@scarsdale.com); Anthony Colavita Jr. (supervisor@eastchester.org); Anthony Giaccio (agiaccio@villageofsleepyhollow.org); ARuggiero@cityofpeekskill.com; Bill Hanauer (wrhanauer@optonline.net); Nowotnik, Bishop; BHavranek@CityofPeekskill.com; Chris Gomez (cgomez@portchesterny.com); Chris Kehoe (chrisk@townofcortlandt.com); cmiller@ryeny.gov; cpapes@villageofossining.org; Steers, Christopher; (dburke@ryebrook.org); office@village.irvington.ny.us; (DPilla@villageofportchester-ny.com); Rye City Mayor (mayor@ryeny.gov); Drew Fixell (DFIXELL@TARRYTOWNGOV.COM); (edward.hotchkiss@pelhamgov.com); fprobel@hastingsgov.org; Gary Warshauer ('gwarshauer@townofpoundridge.com'); George Calvi (ardsleymanager@optonline.net); James Palmer (jpalmer@mountkisco.org); (jking@crotononhudson-ny.gov); John Tegeder (jtegeder@yorktownny.org); klockwood@cityofpeekskill.com; Ken Wray (kwray@villageofsleepyhollow.org); (Ischopfer@irvingtonny.gov); supervisor@bedfordny.info; ltwiegman@crotononhudson-ny.gov; Linda D. Puglisi (lindap@townofcortlandt.com); Marcus Serrano (mserrano@dobbsferry.com); Marion LaFranco; supervisor@somersny.com; Mary Foster (maryfoster7990@msn.com); Michael Cindrich ('mkmayor@att.net'); mmills@elmsfordny.org; Mike Blau; orman Rosenblum (nrosenlum@vomny.org); (pdwyer@pleasantville-ny.gov); pfeiner@greenburghny.com; Penny Paderewski; supervisor@lewisborogov.com; Peter Swiderski; Philip Zegarelli (pzegarelli@aol.com); (RALeins@villageofossining.org); Rob Yamuder (Robert.yamuder@pelhamgov.com); mayorelmsford@aol.com; Steve Ecklund (Tuckahoeny@aol.com); spappalardo@scarsdale.com; (SMaggiotto@hastingsgov.org); Susanne Donnelly; Thomas Madden; Valerie M. Monastra (vmonastra@ossbuilding.org); Warren Lucas; wgordon@greenburghny.com  
**Cc:** Burroughs, Ed; Zaino, Anthony; Sanchez, Dana; Massari, Mark; Kenner, Joseph D.; Plunkett, Kevin J.; Mahon, Mary; Oros, George; Delgado, Katherine  
**Subject:** UCC Meeting Notice and Agenda.doc

The next meeting of the Urban County Council will be held at 10:00 a.m. on Tuesday, October 16<sup>th</sup> at the Operations Center in the Village of Ossining. Directions and agenda are in the attachment. Hope to see everyone there. Happy and safe holiday weekend! ~Norma

Norma V. Drummond  
Deputy Commissioner  
Westchester County Department of Planning  
148 Martine Avenue, Room 414  
White Plains, New York 10601  
Tel: (914) 995-2427  
Fax: (914) 995-9093  
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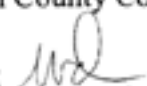


JCC Meeting Notice  
and Agenda....

# **Westchester Urban County Council**

Westchester Urban County Consortium

TO: Members of the Urban County Council

FROM: Norma V. Drummond   
Deputy Commissioner for Housing & Community Development

DATE: October 5, 2012

SUBJECT: **MEETING NOTICE – TUESDAY, OCTOBER 16th, 2012**

The next meeting of the Urban County Council has been scheduled for Tuesday, October 16<sup>th</sup> at 10:00. The Village of Ossining will host the meeting at their John-Paul Rodrigues Operations Center (directions are attached). The meeting agenda is also attached. There will be an update on the CDBG and HOME programs, an update on the County's progress on meeting the obligations of the Settlement Agreement, including a discussion on the Model Ordinance, and a review of municipal obligations under the Affirmative Fair Housing Marketing Plans.

I will also have a new supply of Fair Housing Posters for you to pick up and post in your various municipal buildings that are open to the public. Our goal is to have every municipality displaying fair housing posters by the end of the year.

I hope you will make every effort to attend. I look forward to seeing you there.

EC: Ed Buroughs, Commissioner  
Anthony Zaino, Director of Design  
Dana Sanchez, Program Administrator  
Mark Massari, Accountant III

# **Westchester Urban County Council**

Westchester Urban County Consortium

Village of Ossining, John-Paul Rodrigues Operations Center  
101 Route 9A, Ossining

**October 16, 2012**

**10:00 a.m.**

## **AGENDA**

1. **FY 2011 & 2012 CDBG/HOME/ESG funds**
  
2. **Overview of Settlement Progress**
  - a. **County's progress on meeting benchmarks**
  - b. **[www.westchestergov.com/Homeseeker](http://www.westchestergov.com/Homeseeker) - new award!**
  - c. **Model Ordinance provisions**
  - d. **[www.westchestergov.com/housing](http://www.westchestergov.com/housing) - new website for municipalities**
  - e. **Discretionary Funding Policy – in rem parcels?**
  - f. **Affirmative Fair Housing Marketing Plans – results analysis**
  
3. **General Announcements**
  - a. **Drawdowns and Deadlines**
  - b. **Updates and Announcements**

**Next Meeting Date** – to be determined

NVD: 9/28/2012

**Directions to: John-Paul Rodrigues Operations Center  
101 Route 9A  
Ossining, New York 10562**

The Operations Center is located on Route 9A in Ossining, between Route 134 and Ryder Road, and **can only be accessed from the southbound lane of Route 9A.**

**From Route 9:** merge onto Route 9A (south) heading toward Briarcliff Manor. Stay on Route 9A, past the intersection for Route 134, shortly after that as you come around the curve, the Operations Center will be the brick building on your right.

**From the Taconic Parkway:** take exit for Route 134 (west) follow to intersection with Route 9A and make a left at the light heading southbound on Route 9A, as you come around the curve, the Operations Center will be the brick building on your right.

**Drummond, Norma**

---

**From:** Drummond, Norma  
**Sent:** Thursday, September 13, 2012 5:40 PM  
**To:** 'George Calvi'; Marcus Griffith (marcustheonly@gmail.com); ffrobel@hastingsgov.org; 'Susan Maggiotto'; 'Adam Kaufman'; 'Warren Lucas'; Marion LaFranco  
**Subject:** Model Ordinance update

We're nearing the end of the next quarter for the County to report on its fair housing progress to the Monitor and I wanted to check in with each of you on the status of your Model Ordinance provisions review. In our last report, all your communities were listed under the comment:

"... the village or town board of six municipalities have shared with the County Department of Planning draft zoning amendments that would incorporate the Model Ordinance Provisions in local regulations. The County continues to discuss the drafts with local officials of each of these municipalities"

So our questions at this point are whether any of you see your community adopting Model Ordinance Provisions in the next two weeks (before September 30<sup>th</sup>), or whether you've scheduled public hearings (I know North Salem has conducted a public hearing...) for us to report that you've made progress...

If you could let me know no later than the first week of October, I'd greatly appreciate the updates. Thanks. ~Norma

Norma V. Drummond  
Deputy Commissioner  
Westchester County Department of Planning  
148 Martine Avenue, Room 414  
White Plains, New York 10601  
Tel: (914) 995-2427  
Fax: (914) 995-9093  
E-mail: [nv1@westchestergov.com](mailto:nv1@westchestergov.com)

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<<http://www.westchestergov.com>>

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**Drummond, Norma**

---

**From:** Drummond, Norma  
**Sent:** Thursday, September 13, 2012 5:33 PM  
**To:** Steve Ecklund (Tuckahoeny@aol.com)  
**Subject:** Village's progress on the Model Ordinance

Steve – We have another quarterly report due to the Monitor in a few weeks (this quarter ends September 30<sup>th</sup>) and I wanted to check in and see if the Village had made any progress in its review of the Model Ordinance for us to report. For nearly a year, we have been reporting “the Village of Tuckahoe advised the County that Village officials are putting together a summary of the Village’s progress in this area and will shortly submit this report to the County.” I kind of feel silly continuing this comment for another quarter... Can you give me an update? Thanks. ~Norma

Norma V. Drummond  
Deputy Commissioner  
Westchester County Department of Planning  
148 Martine Avenue, Room 414  
White Plains, New York 10601  
Tel: (914) 995-2427  
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**Drummond, Norma**

---

**From:** Drummond, Norma  
**Sent:** Wednesday, January 25, 2012 2:34 PM  
**To:** Abe Zambrano (azambrano@crotononhudson-ny.gov); Adam Kaufman (akaufman@northcastleny.com); (agatta@scarsdale.com); Anna Danoy (ADanoy@townofmamaroneck.org); Anthony Colavita Jr. (supervisor@eastchester.org); Anthony Giaccio (agiaccio@villageofsleepyhollow.org); ARuggiero@cityofpeekskill.com; Bill Hanauer (wrhanauer@optonline.net); Nowotnik, Bishop; BHavranek@CityofPeekskill.com; cbradbury@ryebrook.org; Chris Gomez (cgomez@portchesterny.com); Chris Kehoe (chrisk@townofcortlandt.com); Chris Russo (crusso@portchesterny.com); cmiller@ryeny.gov; cpapes@villageofossining.org; (dburke@ryebrook.org); office@village.irvington.ny.us; (DPilla@villageofportchester-ny.com); Rye City Mayor (mayor@ryeny.gov); Drew Fixell (DFIXELL@TARRYTOWNGOV.COM); Eileen Fin (villageclerk@villageofflarchmont.org); Elisa Sciarabba; ffrobel@hastingsgov.org; Gary Warshauer ('gwarshauer@townofpoundridge.com'); George Calvi (ardsleymanager@optonline.net); hporr3@optonline.net; James Palmer (jpalmer@mountkisco.org); larchmontmayor@gmail.com; klockwood@cityofpeekskill.com; Ken Wray (kwrays@villageofsleepyhollow.org); (Ischopfer@irvingtonny.gov); Linda D. Puglisi (lindap@townofcortlandt.com); ldesisto@yorktownny.org; Marcus Serrano (mserrano@dobbsferry.com); supervisor@somersny.com; Mary Foster (maryfoster7990@msn.com); Michael Cindrich ('mkmayor@att.net'); mmills@elmsfordny.org; Mike Blau; (pdwyer@pleasantville-ny.gov); pfeiner@greenburghny.com; Philip Zegarelli (pzegarelli@aol.com); (RALeins@villageofossining.org); Rob Yamuder (Robert.yamuder@pelhamgov.com); mayorelmsford@aol.com; smurray@villageofbuchanan.com; Sharon Tomback (stomback@northcastleny.com); saltieri@townofmamaroneck.org; ecklond@aol.com; Steve Ecklond (Tuckahoeny@aol.com); spappalardo@scarsdale.com; (SMaggiotto@hastingsgov.org); Thomas Madden; Valerie M. Monastra (vmonastra@ossbuilding.org); wvescio@briarcliffmanor.org; wgordon@greenburghny.com  
**Cc:** Oros, George; Zaino, Anthony; Sanchez, Dana; Massari, Mark; Buroughs, Ed; Kenner, Joseph D.  
**Subject:** UCC Meeting Notice and Agenda

Please see the attached meeting notice for the next Urban County Council meeting on February 7<sup>th</sup> to be held at the Cortlandt Town Hall. ~Norma



JCC Meeting Notice  
and Agenda....

# **Westchester Urban County Council**

Westchester Urban County Consortium

TO: Members of the Urban County Council

FROM: Norma V. Drummond  
Deputy Commissioner for Housing & Community Development

DATE: January 25, 2012

SUBJECT: **MEETING NOTICE – TUESDAY, FEBRUARY 7th, 2012**

The next meeting of the Urban County Council has been scheduled for Tuesday, January 7<sup>th</sup> at 10:00. The Town of Cortlandt will host the meeting at their Town Hall (directions are attached). The meeting agenda is also attached. There will be an update on the FY 2010 CDBG and HOME programs, a review of the FY 2012-2014 applications and recommendations for funding, an update on the County's progress on meeting the obligations of the Settlement Agreement, including the recently approved Affirmative Fair Housing Marketing Plans and Discretionary Funding Policy, and a discussion on the Model Ordinance.

I hope you will make every effort to attend. I look forward to seeing you there.

EC: Ed Buroughs, Commissioner  
Anthony Zaino, Director of Design  
Dana Sanchez, Program Administrator  
Mark Massari, Accountant III

# **Westchester Urban County Council**

Westchester Urban County Consortium

Town of Cortlandt, Town Hall  
1 Heady Street, Cortlandt Manor

**February 7, 2012**

**10:00 a.m.**

## **AGENDA**

1. **FY 2010 CDBG**
  - a. **Substantial Amendment**
  - b. **Status of HOME funds for affordable housing development**
2. **FY 2011 CDBG**
3. **FY 2012-2014**
  - a. **Overview of Applications, Reviews and Recommendations for funding**
  - b. **Application considerations**
4. **Overview of Settlement Progress**
  - a. **County's progress on meeting benchmarks**
  - b. **Model Ordinance provisions**
  - c. **Discretionary Funding Policy**
  - d. **Affirmative Fair Housing Marketing Plans**
  - e. **[www.westchestergov.com/Homeseecker](http://www.westchestergov.com/Homeseecker)**
5. **General Announcements**
  - a. **Drawdowns and Deadlines**
  - b. **Updates and Announcements**

**Next Meeting Date** – to be determined

NVD:1/24/2012

**Directions to:**

**Cortlandt Town Hall  
1 Heady Street, Cortlandt Manor, NY 10567**

**From Northern Locations**

1. Follow Rt. 9 Southbound to the Annsville Circle; continue on Rt. 9, cross Annsville Bridge.
2. At light, turn LEFT onto Bear Mt. Parkway; go  $\frac{3}{4}$  mile to the DIVISION STREET exit. Take this exit.
3. At the stop sign turn LEFT. Go approximately 1 mile to a traffic light. You will see Pump House Road on the left and Heady Street on the right. TURN RIGHT ONTO Heady Street and go to the top of hill and the Town Hall is on the right and Purchasing and Central Receiving are straight ahead in the garage.

**From Southern Locations**

1. Go Northbound on Rt. 9.
2. At intersection after you go through Peekskill of Rt. 9 and the Bear Mt. Parkway, go straight.
3. Go  $\frac{3}{4}$  mile to the Division Street exit. Follow #3 above.

**From Eastern and Southeastern Locations**

1. Take the Taconic State Parkway to Rt. 202 the Yorktown exit.
2. Go westbound on Rt. 202.
3. At the intersection of Route 202 and the Bear Mt. Parkway, turn RIGHT onto the Bear Mtn. Parkway. Go approximately 2  $\frac{1}{2}$  miles.
4. Take the Division Street exit off the Parkway. This exit is a very hard Right hand turn; Use caution. At the stop sign, turn left. Follow #3 above.

**NOTE: COLONIAL TERRACE IS NEXT TO THE TOWN HALL**

If you are on Rt. 6, travel westbound to Locust Ave. Turn right onto Locust and go to the end. Turn left onto Oregon Road, go  $\frac{1}{3}$  mile to Heady Street and turn left; Town Hall is on your right.

**Drummond, Norma**

---

**From:** Drummond, Norma  
**Sent:** Friday, June 29, 2012 10:20 AM  
**To:** Abe Zambrano (azambrano@crotononhudson-ny.gov); Adam Kaufman (akaufman@northcastleny.com); Anna Danoy (ADanoy@townofmamaroneck.org); Anthony Colavita Jr. (supervisor@eastchester.org); Chris Kehoe (chrisk@townofcortlandt.com); cmiller@ryeny.gov; Rye City Mayor (mayor@ryeny.gov); ffrobel@hastingsgov.org; Gary Warshauer ('gwarshauer@townofpoundridge.com'); George Calvi (ardsleymanager@optonline.net); hporr3@optonline.net; jmaybury@mountpleasantry.com; lwegman@crotononhudson-ny.gov; Marcus Serrano (mserrano@dobbsferry.com); Marion LaFranco; supervisor@somersny.com; bronxvillemayor@optonline.net; Patrick Cleary (cleary@optonline.net); Penny Paderewski; Philip Zegarelli (pzegarelli@aol.com); Rob Yamuder (Robert.yamuder@pelhamgov.com); Sharon Tomback (stomback@northcastleny.com); ecklond@aol.com; Steve Ecklond (Tuckahoeny@aol.com); saltieri@townofmamaroneck.org; Susanne Donnelly; Warren Lucas  
**Cc:** Burroughs, Ed; Brady, William; Mahon, Mary; Oros, George; Delgado, Katherine  
**Subject:** Please give us an update on your municipality's progress in reviewing the Model Ordinance

The end of the second quarter of 2012 is upon us. For those of you that missed last week's Urban County Council meeting, I am looking for a very quick and simple update on where your municipality stands with review the Model Ordinance Provisions for our next Quarter Report to the Monitor. The Monitor has requested that we keep him updated on each municipality's progress. Just a quick note back to me by the end of next week would be wonderful. It would be especially helpful to hear if your municipality has scheduled a public hearing to review any potential adoption of the provisions.

As always, Ed and I stand ready to assist any municipality that may require our assistance in your review. Please just give either of us a call with your questions.

Thanks and have a great weekend and 4<sup>th</sup> of July holiday next week! ~Norma

Norma V. Drummond  
Deputy Commissioner  
Westchester County Department of Planning  
148 Marbne Avenue, Room 414  
White Plains, New York 10601  
Tel: (914) 995-2427  
Fax: (914) 995-9093  
E-mail: [nvv1@westchestergov.com](mailto:nvv1@westchestergov.com)

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**Drummond, Norma**

---

**From:** Buroughs, Ed  
**Sent:** Wednesday, December 14, 2011 9:55 AM  
**To:** Mahon, Mary; Drummond, Norma; Oros, George  
**Subject:** FW: FW: Update on your municipality's action with regard to the Model Ordinan...

---

**From:** [Tuckahoeny@aol.com](mailto:Tuckahoeny@aol.com) [<mailto:Tuckahoeny@aol.com>]  
**Sent:** Wednesday, December 14, 2011 9:44 AM  
**To:** Buroughs, Ed  
**Cc:** [johncavallaro@huffwilkes.com](mailto:johncavallaro@huffwilkes.com); [SQuigley@tuckahoe-ny.com](mailto:SQuigley@tuckahoe-ny.com); [squigley@ostrolenk.com](mailto:squigley@ostrolenk.com); [tgiordano@tuckahoe-ny.com](mailto:tgiordano@tuckahoe-ny.com); [stealer@aol.com](mailto:stealer@aol.com); [thomas.giordano@lendlease.com](mailto:thomas.giordano@lendlease.com); [gluisi@tuckahoe-ny.com](mailto:gluisi@tuckahoe-ny.com); [JHayes@Tuckahoe-ny.com](mailto:JHayes@Tuckahoe-ny.com)  
**Subject:** Re: FW: Update on your municipality's action with regard to the Model Ordinan...

Hi Ed,  
Thanks for taking the time to meet with me yesterday.  
By copy of this to Village Counsel, we will work together in putting together a summary of our progress in this area.  
We will get back to you when we have more information to report.  
Regards,  
Steve

Steven A. Ecklund, Mayor  
Village of Tuckahoe  
65 Main Street  
Tuckahoe, NY 10707

**Drummond, Norma**

---

**From:** Chris Kehoe [ChrisK@townofcortlandt.com]  
**Sent:** Tuesday, December 13, 2011 2:28 PM  
**To:** Drummond, Norma; Buroughs, Ed  
**Cc:** Tom Wood [internet]  
**Subject:** RE: Updates on your municipality's progress with the Model Ordinance

Norma,

The Town is completing a draft of a letter to the County Executive explaining the Town's efforts over the past 20 years in creating affordable units through our zoning ordinance. The letter should go out in the mail by the end of the week.

Chris Kehoe, AICP  
Deputy Director, Planning  
Town of Cortlandt  
914-734-1080  
914-788-0294 (fax)

---

**From:** Drummond, Norma [<mailto:nv1@westchestergov.com>]  
**Sent:** Monday, December 12, 2011 4:42 PM  
**To:** Philip Zegarelli ([pzegarelli@aol.com](mailto:pzegarelli@aol.com)); [hporr3@optonline.net](mailto:hporr3@optonline.net); Chris Kehoe; Abe Zambrano ([azambrano@crotononhudson-ny.gov](mailto:azambrano@crotononhudson-ny.gov)); Joan Walsh ([jwalsh@harrison-ny.gov](mailto:jwalsh@harrison-ny.gov)); [saltieri@townofmamaroneck.org](mailto:saltieri@townofmamaroneck.org); Anna Danoy ([ADanoy@townofmamaroneck.org](mailto:ADanoy@townofmamaroneck.org))  
**Cc:** Buroughs, Ed  
**Subject:** Updates on your municipality's progress with the Model Ordinance

Folks – we're finishing up our report to the Monitor on the County's progress on the Housing Settlement, and must include an update on what all the municipalities are doing with the Model Ordinance. Can you please send me (please cc: Ed Buroughs) a quick e-mail with the status in your community. If you have not already, can I strongly encourage your municipality to establish a committee to review the ordinance, or assign your municipal attorney to review it, or one of your existing boards? Our report is due Wednesday, so if you can respond no later than end of Tuesday, that would be greatly appreciated! Thanks! ~Norma

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## Drummond, Norma

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**To:** Philip Zegarelli ([pzegarelli@aol.com](mailto:pzegarelli@aol.com)); [hporr3@optonline.net](mailto:hporr3@optonline.net); Chris Kehoe; Abe Zambramo ([azambrano@crotononhudson-ny.gov](mailto:azambrano@crotononhudson-ny.gov)); Joan Walsh ([jwalsh@harrison-ny.gov](mailto:jwalsh@harrison-ny.gov)); [saltieri@townofmamaroneck.org](mailto:saltieri@townofmamaroneck.org); Anna Danoy ([ADanoy@townofmamaroneck.org](mailto:ADanoy@townofmamaroneck.org))  
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**Affordable AFFH BPL50 Unit Cost Strategy**

<b>Developments</b>	<b>Units</b>	<b>BPL50 Cost</b>	<b>BPL50 Cost per unit</b>
<b><u>APPROVED RENTAL</u></b>			
from 5 developments	159	\$ 12,274,000	\$ 77,195
<b><u>APPROVED HOMEOWNERSHIP</u></b>			
from 9 developments	130	\$ 12,803,000	\$ 98,485
<b><u>APPROVED 2-4 FAMILY</u></b>			
from 2 developments	5	220,000	44,000
<b><u>UNITS APPROVED TO DATE:</u></b>	<b>294</b>	<b>\$ 25,297,000</b>	<b>\$ 86,044</b>
<b><u>PENDING 2012</u></b>			
from 8 developments	329	\$ 26,110,000	\$ 79,361
<b><u>COMBINED TO DATE/PENDING:</u></b>	<b>623</b>	<b>\$ 51,407,000</b>	<b>\$ 82,515</b>
<b><u>AT NO BPL50 COST</u></b>			
from 6 developments	54	\$ -	\$ -
<b><u>AT NO COST - INCLUSIONARY</u></b>			
from multiple developments	72	\$ -	\$ -
<b><u>COMBINED AT NO COST:</u></b>	<b>126</b>	<b>\$ -</b>	<b>\$ -</b>
<b><u>TOTAL OF ALL ABOVE</u></b>	<b>749</b>	<b>\$51,407,000</b>	<b>\$ 68,634</b>
<b><u>AT NO LAND COST</u></b>			
from one potential development	10	\$ 200,000	\$ 20,000
<b><u>TOTAL OF ALL ABOVE:</u></b>	<b>759</b>	<b>\$ 51,607,000</b>	<b>\$ 67,993</b>

Source: WCDP 12/3/2012

**AFFH Sites and Units in Progress in Westchester County Eligible Municipalities as of November 30, 2012**

Population	Municipality	Municipal Eligibility A/B/C	3Q 2012 Appendix I-1			Changes to Appendix I-1 Since 10/1/2012	Additional Units Under Discussion	Total Sites* Investigated	Comments
			Appendix I-1 Units Reported	Units With Financing in Place	Units In Progress				
36,081	Town of Yorktown	A	36	36	0	11	0	53	The Town submitted a significant number of potential foreclosures in process for the County's review.
31,292	Town of Cortlandt	B	83	83	0	0	0	16	
27,472	Town/Village of Harrison	A	0	0	0	0	1	19	The County completed evaluation of a property it owns in the Town with a title company, and concluded that the parkland requirement on this property continues.
26,176	Town of Mount Pleasant	A	0	0	0	0	0	14	
20,434	Town of Somers	A	147	0	147	0	0	12	
19,554	Town of Eastchester	A	0	0	0	0	0	8	
17,569	Town of New Castle	A	84	0	84	-28	0	23	MountCo notified the County that it was dropping its pursuit of the site on King Street.
17,335	Town of Bedford	A	1	1	0	0	44	10	
17,166	Village/Town of Scarsdale	A	0	0	0	4	0	6	
15,720	City of Rye	A	18	18	0	0	40	4	
12,411	Town of Lewisboro	A	0	0	0	0	1	11	
11,977	Town of Mamaroneck	A	0	0	0	0	10	8	
11,841	Town of North Castle	A	0	0	0	0	10	10	
11,277	Village of Tarrytown	C	2	0	2	0	28	4	
10,875	Village of Dobbs Ferry	B	18	0	18	-8	0	8	The Village has reduced the number of potential inclusionary units required in the Rivertowns Square development to accommodate the reduction from 80% AMI to 50% and 60% AMI.
9,347	Village of Rye Brook	A	33	0	33	0	50	9	
8,070	Village of Croton-on-Hudson	A	0	0	0	0	0	2	
7,849	Village of Hastings-on-Hudson	A	5	3	2	0	12	7	
7,867	Village of Briarcliff Manor	A	14	14	0	0	0	3	
7,019	Village of Pleasantville	A	3	3	0	0	3	15	
6,910	Village of Pelham	B	3	3	0	0	0	2	
6,486	Village of Tuckahoe	C	0	0	0	0	0	2	
6,420	Village of Irvington	A	0	0	0	0	18	4	
6,323	Village of Bronxville	A	0	0	0	0	0	5	
5,864	Village of Larchmont	A	46	46	0	0	0	5	
5,486	Village of Pelham Manor	A	0	0	0	0	0	2	
5,406	Town of Ossining	B	0	0	0	0	3	3	
5,104	Town of North Salem	A	169	65	104	0	0	6	
5,104	Town of Pound Ridge	A	0	0	0	0	0	2	
4,452	Village of Ardsley	A	17	0	17	0	0	2	
2,230	Village of Buchanan	A	1	0	1	0	0	8	
			680	272	408	-21	220	283	

WCDP: 12/3/2012

\* It is important to note that the number of sites does not equate to any number of units, as the potential development of each site varies. In some cases, potential units was never calculated.