

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
QUARTERLY REPORT**

For the period: January 1, 2012 through March 31, 2012

Westchester County Fair and Affordable Housing Implementation Plan Quarterly Report

For the period: January 1, 2012 through March 31, 2012

Overview

March 31, 2011 marks the end of the ninth quarter of the County's implementation of the Settlement Agreement entered into in connection with the *United States ex. rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County* lawsuit. Westchester County has made significant progress toward meeting the obligations of the Settlement Agreement.

- The County is close to meeting the Settlement Agreement's 2012 benchmarks for ensuring the development of 750 affordable housing units, and can report the following:
 - 197 Affirmatively Furthering Fair Housing ("AFFH") units have all financing in place; and
 - 109 AFFH units have building permits.
 - The Settlement Agreement requires that 200 AFFH units have financing in place and that 125 of the 200 AFFH units have building permits by the end of 2012.
- Twenty-three units received Certificates of Occupancy this quarter – bringing the total completed units to 26.
- Sites have been reviewed in each of the 31 eligible municipalities, for a total of more than 233 site evaluations.
- Currently 542, or 72%, of the required 750 AFFH units are in the pipeline, representing sites in 15 municipalities. Currently 223 of these 542 units are in blocks that had zero percent African American and zero percent Hispanic population according to the 2000 Census.
- The County is actively reviewing the potential of foreclosures and existing properties under a \$2.5 million revolving loan fund. These funds will be able to leverage another \$680,000 from the New York State Affordable Housing Corporation that has been awarded to the County for this purpose.
- The County's centralized intake system for those who wish to signify their interest in and get direct information about the AFFH units has won the prestigious American Planning Association's County Planning Division Award of Merit, presented at their national conference in Los Angeles this year. The program has been a tremendous success. The site can be accessed on-line at www.westchestergov.com/homeseeker. Over 2,020 households have signed up on this website for information. Those interested come from 18 states, New York City, other Hudson Valley counties and all over Westchester County. In the first 14 months of operation 15,177 viewers have

visited the Homeseeker website with another 261 visiting the Spanish version of the website.

- Important components of the County's Implementation Plan have been approved by the Monitor.
 - The Model Ordinance Provisions were approved by the Monitor and have now been adopted in some form by eight municipalities with almost every other municipality conducting a review of the ordinance provisions. These zoning provisions will standardize the definition of affordable housing, encourage inclusionary zoning so new developments will have an affordable component and require affirmative marketing.
 - The Discretionary Funding Policy was approved by the Monitor in early January to be effective March 1, 2012. This policy will require municipalities to demonstrate their commitment to affirmatively further fair housing through adopting policies consistent with the Model Ordinance Provisions and to abolish any local preferences that do not AFFH in order to receive discretionary funding from the County going forward. It also provides for the County to be granted the right of first refusal on any *in rem* properties.
- The County has approved the use of \$19,875,500 of the \$51.6 million it is required to spend on the 750 units. The average cost to the County of the units with all financing in place is \$87,835. Included in the \$19 million approved is the Acquisition and Rehabilitation Revolving Loan Fund, where all the specific sites and costs are not yet identified. To date, costs have varied significantly from development to development depending on the size and type of development, infrastructure requirements and land costs. Experience has shown that rental developments have more non-County funding subsidy sources to leverage and therefore require less of a County contribution than home ownership developments. The average cost to the County of a home ownership unit to date is approximately \$106,500; the average cost to the County for a rental unit has been \$60,800. The ability to leverage savings through rehabilitation of existing housing units has been extremely limited by the inability to date to count AFFH units with existing tenants as eligible (an interpretation of the Settlement Agreement that the County has appealed to the Monitor).
- Since the market rate housing market has not rebounded, there has been no production of new AFFH units under inclusionary zoning provisions.

After a report by the Manhattan Institute was announced in late January that there are 424 Census Tracts in the United States with no African Americans or Hispanics living in them, the County confirmed that no Census Tract in Westchester County with a population in 2010 fell into the category of having no African American or Hispanic residents.

I. Affordable AFFH Units (as defined in Paragraph 7 of the Stipulation):

A. Total units approved, in progress or completed

B. Information on the specific units/developments including opportunity indicators

Summary of Actions this Quarter: In this quarter, the County continued working with developers, municipal officials and the Monitor in identifying and moving forward housing developments that will help the County achieve its goal of creating 750 affordable AFFH units by December 31, 2016. The County is including in this report information on 23 developments and activity through the Acquisition and Rehabilitation Revolving Loan Fund which includes one identified potential development and 14 unidentified units.

Specific information on each of these developments is presented in a spreadsheet in Appendix I-1. The spreadsheet also lists the current status of each development and the actions expected to occur in the second quarter of 2012.

Having met its 2011 benchmarks, the County is now working to satisfy the 2012 benchmarks under the Settlement Agreement requiring that 200 units have financing in place by December 31, 2012. At the end of this quarter, the County reports that a total of 197 affordable AFFH units have financing in place. The second 2011 benchmark was for 50 units to have building permits by the December 31, 2011 deadline. Having met this, the County reports that significant progress has already been made toward meeting the benchmark for December 31, 2012 of 125 affordable AFFH units with building permits in place. At the end of this quarter, the County reports that 109 units have building permits in place.

The spreadsheet accounts for 23 developments that are in various stages of their approval and/or construction process. These developments include a total of 631 units, of which at least 541 should qualify as affordable AFFH units if they receive all their land use and financing approvals.

The 23 developments include six developments with a total of 109 units with building permits. Building permits were issued for all seven units in the Wildwood development this quarter; however, only one unit is currently being accounted for since it has become vacant of its previous tenant. A total of 83 of these units are under construction, with 26 units now completed with Certificates of Occupancy.

This quarter Certificates of Occupancy were issued for the 23 units in the first building in the Roundtop development. Construction continues on the other three buildings. The spreadsheet only lists the three units at 42 First Avenue in Pelham under the new section of Completed. The Roundtop units will be added when the entire development has been completed.

Of the 17 remaining developments on the spreadsheet, five developments have all financing in place. The 445 North State Road development in Briarcliff Manor secured the balance of its financing during this quarter. Four of these developments have been approved by the Monitor, representing 88

Westchester County Fair and Affordable Housing Implementation Plan

Quarterly Report

For the period: January 1, 2012 through March 31, 2012

Page 4

units. The other development, representing a total potential of 60 units, but only potentially 50 AFFH units, is listed on the spreadsheet as Existing Occupied Housing units. The County continues to work with the Monitor through the issue of when units that are currently occupied can be counted.

The developers of two of these developments with financing are expecting to pull building permits during the second quarter of 2012. Together, the Palmer Avenue site in Larchmont and Crompond Crossing site in Yorktown represent an additional 72 AFFH building permits. With these additional building permits in place, the County will be eligible to consider financing a senior housing development. The developer of both the Clayton Boulevard site in Somers and the 555 Route 22 site in North Salem is contemplating senior housing on these sites and has been advised of the funding and timing limitations set forth in the Settlement Agreement related to senior housing development.

Two developments now have land use approvals and are in the process of securing financing. These developments, including 22 Old Route 22 in North Castle and 867 Saw Mill River Road in Ardsley, represent a total of 41 units. The North Castle development was approved for New York State Affordable Housing Corporation funding in December 2011. The Ardsley development secured final site plan approval in December 2011 and still awaits a funding decision from New York State.

The remaining nine developments on the spreadsheet have begun the public discussion and land use approval process, which includes, in a number of cases, the review and approval of zoning changes or variances by the municipalities. Some of these developments have also begun the process of lining up non-County financing, including financing from New York State. In this quarter, five developments have advanced in their local land use and financing approvals. There were no actions by the County Planning Board related to housing developments this quarter.

Site visits were conducted this quarter with the Monitor and representatives from HUD to the proposed Clayton Boulevard site in Somers and the Hunt's Lane site in New Castle. Additional site visits were conducted with representatives of HUD to the Crompond Crossing site in Yorktown and the 445 North State Road site in Briarcliff Manor.

The spreadsheet lists the Acquisition and Rehabilitation Revolving Loan Fund and its expected outcome of a total of 17 units. The first development of three units being considered under this program is now listed under this section of the spreadsheet. Additional sites are being considered. The County has expanded the scope of a contract with a real estate consultant to cover the work associated with identifying and negotiating sites for this program. Other sites have not progressed enough for listing on the spreadsheet. As additional addresses and units are identified for this program, they will be listed. Fourteen additional units are expected to be assisted through this Acquisition and Rehabilitation Revolving Loan Fund.

Legislation to approve County funding for the 445 North State Road site in Briarcliff Manor was approved by the County Board of Legislators this quarter.

It should be noted that eight of the 23 developments, accounting for 232 of the potential 542 affordable AFFH units, are in Census Blocks that the County has identified as having the lowest concentrations of African Americans and Hispanics (2000 Census), areas in which the County is required to maximize the development of affordable AFFH units. The locations of the balance of 14 units to be acquired under the Acquisition and Rehabilitation Revolving Loan Fund through foreclosures are locations that are not currently known, so the demographics of the census blocks are not known at this time, but will be reported when available.

As explained in the Implementation Plan, the release of more detailed information regarding other site-specific inquiries and preliminary discussions of potential development projects that occurred during the quarter could impair the viability of potential projects.

During the quarter, the County undertook feasibility analyses of several sites. The County ordered two appraisals for sites that could potentially yield 81 affordable AFFH units. One appraisal was received during this quarter that had been ordered in the fourth quarter of 2011.

It should be noted that, to date, the County has done some level of review on over 233 sites with at least two sites in each of the 31 eligible municipalities. While a number of the 233 sites have not proceeded beyond the County's initial review, many are in various stages of additional local review or approval. The number of sites being regularly brought forth by municipalities to the County is clearly representative of the cooperation the County has been receiving from the various eligible municipalities.

Appendix I-1: 1Q 2012 AFFH Sites Progress List

II. Census Analysis

Summary of Actions this Quarter: This quarter, the County undertook an analysis of the 2000 and 2010 Census to do a comparison of Black and Hispanic population trends in Westchester County in light of a Manhattan Institute report.

The New York Times reported on a study by the Manhattan Institute titled “The End of the Segregated Century: Racial Separation in America’s Neighborhoods, 1890-2010” (January 2012) that examined racial segregation at the neighborhood level in the United States between 1890 and 2010. The study found that residential segregation, which peaked in the mid-twentieth century, has been shown to decline in every Census since then. The authors cite both government policy and market forces as contributing to the rise of segregation and find that its reduction can be attributed to reform of these policies along with changing racial attitudes and the extension of mortgage credit.

The study states that “all-white neighborhoods are effectively extinct,” and that only 424 Census Tracts in the United States reported no African-American population in 2010. A review of local Census data reveals that none of these 424 Census Tracts are located in Westchester County. When tracts with no total population are excluded, Westchester had no tracts without both African-American and Hispanic population in both the 2000 and 2010 Census. No tract in the county had fewer than twelve Black residents or fewer than twelve Hispanic residents in 2010.

There was no new Census data released during the quarter that would be pertinent to the settlement.

Sources:

New York Times, January 31, 2012: <http://www.nytimes.com/2012/01/31/us/Segregation-Curtailed-in-US-Cities-Study-Finds.html>

Manhattan Institute Report “The End of the Segregated Century: Racial Separation in America’s Neighborhoods, 1890 – 2010: http://www.manhattan-institute.org/html/cr_66.htm

III. Land/County's Efforts to Identify Sites

- A. How sites are being investigated
- B. Total number of lots already under the control of the County or municipalities
- C. For each site, indicate whether the units in each development were acquired by the County pursuant to Paragraph 7(h)
- D. Median price of residential lots in the communities where approved, in progress, or completed AFFH units located [See Appendix I-2]
- E. Resuscitated units by the County pursuant to Paragraph 13(h) of the Stipulation; efforts to acquire foreclosed properties, projects with stalled financing, and completed but overleveraged or partially vacant developments

Summary of Actions this Quarter: During the quarter, the County held 17 meetings with municipal officials to discuss the development or redevelopment potential of sites within their municipalities for creation of affordable AFFH units or other issues related to the Settlement Agreement.

During this quarter, no initial meetings on the use of Westchester 2025 technology were held with officials of an Eligible Community, though draft analysis of build-out potential were substantially completed, though not yet provided, for five eligible communities, pending submission of additional zoning data input from the municipalities or the scheduling of a review session. The Planning Department and these officials found that the Westchester 2025 program and tools continued to be useful in assisting municipalities understand the potential impact of current zoning and development trends.

During this quarter, the County conducted seven meetings with developers and private land owners with potential sites for inclusion, through either rehabilitation or development, or with an interest in pursuing property that would meet the Stipulation requirements. The developers included both for-profit and non-profit entities. Municipal officials were in attendance at several of these meetings as were members and staff of the County Executive's Office and Board of Legislators. Some land owners had no experience or background in housing development and were not seeking to be principals in construction projects; their interest was in making land or properties with buildings available. Others owners had development experience and expressed interest in participating in the construction of affordable AFFH units. Some of these meetings were follow-up meetings to explore more advanced feasibility determination of the proposed developments, including review of proformas and funding requirements. The County conducted five site visits during this quarter to sites in Somers, Yorktown, Briarcliff Manor, Chappaqua and Bronxville.

The County participated in three public forums for the purpose of conducting outreach and educational training related to housing issues. The first was a public forum on fair and affordable housing hosted by the County League of Women Voters and the League of Women Voters of Bedford, Lewisboro and North Salem, held in Bedford featuring the Monitor, the County, a representative of HUD and private developers. The second was a conference titled "Homes for Westchester ... creating a sustainable County" hosted by a diverse group of non-profit agencies.

County Executive Astorino attended the third public forum, the Fair and Affordable Housing Expo 2012. The Expo, which the County co-sponsored, was held at the Westchester County Center to bring together those that provide services to helping homeowners and those interested in homeownership, with members of the public interested in purchasing a home. It is estimated that approximately 600 people attended the event.

The County continued to collect information on new properties available through the real estate market to assess feasibility for the development of affordable AFFH units. Several realtors and municipalities continue to apprise the County of parcels that may be feasible as they come on the market. The County has encouraged realtors to send information on sites as they become available, even if the zoning is not in place for multi-family residential units. The County has reviewed the potential of a number of industrial and commercially zoned parcels. This quarter, the County met with the leadership of the Westchester Putnam Association of Realtors to discuss opportunities presented by the Settlement Agreement.

Numerous conference calls were held with financing professionals to work out details of several development proposals and transactions, particularly as developments work out issues related to real estate closings, construction issues, restrictive covenants and affirmative marketing issues.

The County continues to review data from the County Clerk's office each month on foreclosures and *lis pendens* filings. There were 47 foreclosure judgments in Westchester County during this quarter. The information reviewed includes data on which bank, or other entity, initiated the foreclosure proceedings. This review allows Planning Department staff to identify any foreclosed units in eligible municipalities and evaluate acquisition potential.

Two developments on the County's 1Q 2012 FAH Sites Progress List qualify under Paragraph 7(h) of the Settlement Agreement, that provide for the use of existing housing units. The County is currently awaiting further review from the Monitor on the inclusion of all existing units, including occupied units, as Eligible Units.

The County recognizes its responsibility to maximize development in the census blocks with the lowest populations of African Americans and Hispanics. To date, eight developments, representing 223 affordable AFFH units, identified on the 1Q 2012 FAH Sites Progress List, are located in blocks with these characteristics. When sites are identified by outside resources, those within these lowest concentration blocks are promoted as quickly as possible.

Sites are evaluated based on their development potential, the proximity to schools and other community amenities including public transportation, the qualifications of the potential developer, potential environmental impacts, estimated cost, the timing on the availability of land and the ability of the applicant to obtain non-County subsidies.

The decision-making process consists of the analysis of all information, including an underwriting analysis by Planning Department staff, a review with the County Attorney and County Executive's offices on the County resources required and the commitment of other funders to provide subsidies.

Most properties that have progressed through financing have had developers with experience in building affordable housing. This quarter, the County approved financing for a development with an experienced developer who is new to the field of affordable housing. The County's resources and funds will continue to be made available to housing non-profit agencies so that they may provide technical assistance and financial resources to other non-profit housing agencies that have less experience so as to provide a foundation for a wide variety of developers in a wide variety of communities to participate in the development of the AFFH units. The 23 sites included on the 1Q 2012 FAH Sites Progress List include developments in 15 different communities.

Eleven of these 23 sites resulted from initial outreach by the County to representatives of the local municipalities to express the County's interest in seeing these sites developed to meet the Settlement goals.

The County understands the importance of local leaders being knowledgeable about the benefits of a diverse community. To that end, the County continues to emphasize training programs and making technical assistance available for elected officials, as well as to have discussions with the leaders of each of the eligible communities about the potential within their municipalities. With some turnover due to November 2011 town elections, the County met with the newly elected mayors and supervisors this quarter to explain the components of the Settlement Agreement and promote the consideration of the Model Ordinance Provisions.

The County continues to work with the County Housing Opportunity Commission (HOC) to ensure that new ideas are explored to assist the County and municipalities with guidance on how to achieve inclusive communities and to assist the County in meeting the obligations of the Stipulation. The HOC held two meetings during this quarter.

IV. Outreach and Advertising

A. Meetings with community groups, local and state officials, developers and property Owners

B. Steps taken to advertise

- i. Housing units presently and soon to be available
- ii. Fair housing outreach campaigns
- iii. Affirmative marketing
- iv. Location and format of advertising
- v. Outreach and marketing
- vi. Housing mobility outreach and counseling

Summary of Actions this Quarter: During the quarter, the County conducted 23 different meetings with municipal officials, developers and property owners, including site visits. Additional meetings that included discussion of AFFH opportunities and implementation of the Settlement Agreement, including discussion on the Model Ordinance Provisions, included meetings of the Westchester County Board of Legislators, the County Planning Board, Urban County Council, the County Housing Opportunity Commission and the Westchester Municipal Planning Federation.

The County also participated in three public forums aimed at educating the public on the needs of and for fair and affordable housing, this quarter. On February 29, County staff participated with HUD, the Monitor and two developers in a panel discussion on “Everything You Want to Know About Fair and Affordable Housing” hosted by the County League of Women Voters and the League of Women Voters of Bedford, Lewisboro and North Salem. This standing room only event was covered by multiple media outlets and videotaped by the League for viewing by those who could not attend. The video is accessible at this link: <http://sites.google.com/site/lwvblns/home>

On March 10, County Executive Astorino attended the Fair and Affordable Housing Ex 2012 held at the Westchester County Center. The County co-sponsored the event with several non-profit agencies. The 600 plus attendees of the forum were able to attend general sessions and learn from a number of exhibitors who also attended. Information was available on realty services, legal issues and services, insurance, rehabilitation and financing. Attendees were also able to sign up for Homeseeker. There was a featured workshop on Fair and Affordable Housing that covered how the new affirmative fair housing marketing will work and understanding the application and selection process, including a review of Homeseeker and where units are being developed right now.

On March 30, the County participated in a Westchester Community Foundation housing conference “Homes for Westchester...creating a sustainable County,” which brought together professionals in a multitude of fields with housing advocates and municipal leaders to engage in a broader discussion of the continued need for affordable housing.

A summary of housing meetings held this quarter is included as Appendix IV-1.

The County was advised that its Homeseeker central intake system won the Award of Merit from the American Planning Association County Planning Division, to be awarded at the national American

Westchester County Fair and Affordable Housing Implementation Plan
Quarterly Report

For the period: January 1, 2012 through March 31, 2012

Page 11

Planning Association conference in Los Angeles in mid-April 2012. The County and its non-profit agencies continue to promote the use of Homeseeker to those expressing an interest in affordable housing opportunities in Westchester. This quarter, the Welcome Homeseeker page had a total of 6,144 new unique Pageviews, with the Spanish version of the site Bienvenido Buscador-de-Hogar receiving another 82 unique Pageviews. This puts the total number of unique Pageviews from October 2011 through March 31, 2012 at over 15,177 unique Pageviews.

The response to date of the sign-ups continues to be strong. This quarter, an additional 444 households signed up for information through Homeseeker to create total universe of 2,020 registered households as of March 31, 2012. Families attending the Housing Expo on March 10 at the Westchester County Center had the opportunity to sign up at a computer station linked to the site.

The analysis of who has signed up on Homeseeker is interesting to review to ensure that the system is reaching a diverse population. Of the total 2,020 registrants between September 30, 2010 and March 31, 2012, 1313 currently live in Westchester County. Of the balance, the next largest population is 401 households from Bronx County, followed by 125 households from New York County and 43 households from Kings County. Fifty-three responses are from households out of New York State including responses from eighteen states. Of these, the most responses from any one state came from Connecticut with 15, followed by nine responses from New Jersey and six from Florida. Other responses came from Arizona, California, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, North Carolina, Oregon, Pennsylvania, South Carolina, Virginia and Washington State. Of the 1,313 Westchester households, 375 households are current residents of Yonkers, followed by 216 households in Mount Vernon, 139 in White Plains and 119 in New Rochelle. A total of 287 responses were from interested households currently residing within one of the 31 eligible municipalities in Westchester County.

Beginning on October 1, 2011, an additional question was added that allows the County to collect information on the registrant's interest in either homeownership or rental opportunities, or both. Since the system had a full year of being available for homeownership, clearly that response is higher, but in the first six months of the new question, the County has already seen a significant response from interested rental families. To date, 1,465 households have expressed interest in homeownership, 196 in rental opportunities and 359 in exploring both.

More than half of the households registering interest are two or three person households (52%). Single person households registering interest represent 17%; while four-person households represent 19% of the interest. Households of more than five persons, suggesting a need for three-bedroom or larger units, constitute 11% of the current registration of interest.

Twenty one percent of the responders identified themselves as white, while 40% of the responders indicated they were African American (representing 815 households). Almost one third of responders did not answer this question. Among the balance of responders several categories of responses were above 1% of the total applicant pool including American Indian (16), Asian Indian (22) and other Pacific Islander (19) of mixed white and African American (21). Six hundred forty six households

Westchester County Fair and Affordable Housing Implementation Plan
Quarterly Report

For the period: January 1, 2012 through March 31, 2012

Page 12

(about 32%) represented that they were Hispanic. Six hundred thirty one households (21%) did not respond to the question on ethnicity.

Additional information on the results from the first nine months of registration of the Central Intake Homeseeker system can be found in Appendix IV-4. Information is sent via e-mail to these registered families about homeownership information sessions, Open Houses, and affordable housing opportunities.

After completion late last quarter of the Affirmative Fair Housing Marketing Plans, the County reviewed the requirements and has been collaborating with the County Attorney's office to prepare an RFP for a marketing consultant. Of particular concern is how the County will price the activities associated with the marketing consultant services so the smaller developments can afford it, and the larger developments are not paying too much. It is critical that there be a known number so that developers are able to include it in their budgets. The County did conduct one meeting this quarter with a marketing professional interested in working with the County on this effort.

With the approval of final Affirmative Fair Housing Marketing Plans, the County submitted to the Monitor and HUD in early January, drafts of marketing materials developed in-house as part of its obligation to broaden support for fair housing. Upon receiving comments from the Monitor on these drafts, the County is prepared to proceed with expanding the campaign, having it reviewed by a focus to be organized by Westchester Residential Opportunities, and getting materials out into effective public venues.

The County began distribution to municipalities of fair housing posters received from the National Fair Housing Alliance, HUD and the Leadership Conference on Civil Rights Education Fund. These are posters designed through national fair housing campaigns to raise awareness of stopping discrimination and the positive attributes of diverse neighborhoods. The municipalities are encouraged to hang the posters in public areas of their municipal buildings. Additional posters have been requested from the sponsors to make sure all municipalities have the opportunity to display them in multiple locations.

The County also utilizes established forums for the dissemination of information and discussion of affordable and fair housing; these include the Council of Governments, Urban County Council, Westchester Municipal Officials Association, Westchester Municipal Planning Federation and Northern Westchester Watershed Committee that all had at least one meeting during this quarter.

This quarter, the County approved a new contract with Westchester Residential Opportunities to outreach and educate realtors, condominium and cooperative boards, and landlords on fair housing activities. Using its own funds for the third year under the implementation of the Settlement Agreement, the County has contracted with Westchester Residential Opportunities, recognizing their extensive experience in fair housing activities. This organization also uses County funds to assist individuals and families of protected classes with completing and filing discrimination complaints.

As noted in the report in Appendix IV-3, each marketing effort completed to date has produced significant diversity in the applicant pool. The data on the applicants is included in the report in Appendix IV-3. The table includes the critical affirmative fair housing marketing information on each development that has proceeded to its marketing phase.

It is also important to note that while the County's benchmarks in the Settlement Agreement relate to Financing in place and building permits issued, the County is starting to measure units that are complete and occupied. Twenty-three additional units received their Certificates of Occupancy this quarter and are starting to be occupied. Additional units are expected to receive their Certificates of Occupancy in the next quarter as well. To date, a total of 26 units have been completed.

Appendix IV-1: 1Q 2012 Housing Meetings List

Appendix IV-2: Summary Report of Findings from Central Intake Homeseeker System Between September 30, 2010 and March 31, 2012

Appendix IV-3: 1Q 2012 Affirmative Fair Housing Marketing Report for AFFH Units

V. Local Approval Processes

- A. County's efforts to promote municipal policy changes, including the creation and promotion of a model ordinance required pursuant to Paragraph 25(a)
- B. Period of time between proposal of affordable AFFH units and approval for construction
- C. Steps taken to streamline local approval processes; description of obstacles faced, if any.

Summary of Actions this Quarter: The County continued to address individual questions and requests for assistance from municipalities as they conducted their review of the Model Ordinance provisions. Most of the questions dealt with interpretations of the provisions in the context of current municipal zoning. One quarter of the eligible municipalities have now adopted some or all of the components of the Model Ordinance provisions. Most of the remaining eligible municipalities have started to review the provisions. Others were conducting and scheduling public hearings and reviews to incorporate the Model Ordinance provisions. Work began in this quarter to prepare detailed compilations of local actions and to assemble "questions asked" during the local review process. This information will be included in the second quarter 2012 report.

Significant activity has taken place at the municipal level to address how the Model Ordinance Provisions relate to local zoning codes and to identify possible amendments in those codes. The status of the review in the 31 eligible municipalities is described below.

The village or town boards of eight municipalities have adopted zoning amendments that would incorporate the Model Ordinance Provisions in local regulations:

Town of Bedford	February 21, 2012
Village of Irvington	February 6, 2012
Town of New Castle	August 9, 2011
Town of Ossining	August 9, 2011
Village of Rye Brook	December 13, 2011
Village/Town of Scarsdale	November 9, 2011
Village of Tarrytown	December 5, 2011
Town of Yorktown	November 15, 2011

In addition to the above, the village or town boards of three 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:

Village of Ardsley
Town of North Castle

Town of North Salem

Based on available information, fourteen other municipalities are engaged in a review process whereby the Model Ordinance Provisions are under consideration by the village or town board or they have been referred by the village or town board to a local board, advisory committee or staff for review and recommendation:

Village of Briarcliff Manor
Village of Bronxville
Village of Buchanan
Village of Croton-on-Hudson
Village of Dobbs Ferry
Town/Village of Harrison
Village of Hastings-on-Hudson
Town of Lewisboro
Town of Mamaroneck
Town of Mount Pleasant
Village of Pelham
Village of Pelham Manor
Village of Pleasantville
Town of Pound Ridge

The town board and city council of two municipalities adopted zoning amendments in the recent past but prior to finalization of Model Ordinance Provisions and have stated that they will review the Provisions and their own ordinances:

City of Rye
Town of Somers

The Town of Cortlandt advised the County in a letter to the County Executive dated December 16, 2011 of the Town's efforts over the past 20 years in creating affordable units through the Town zoning ordinance, concluding that the Town has complied with the intent and spirit of the Model Ordinance Provisions.

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 submit this report to the County.

The Village of Larchmont advised the County that the Village has inclusionary zoning provisions, that the Village has focused attention on the Palmer Avenue AFFH development to date and that consideration of the Model Ordinance Provisions will follow.

The County has not been able to confirm the status of actions taken or underway in the Town of Eastchester, but expects to meet with town officials in the second quarter 2012.

As a result of the discussions held with numerous municipalities providing them technical assistance as the County promotes the Model Ordinance Provisions, the County Planning Department will be expanding its housing website to include a section specifically for municipalities. The County's housing website already includes sections for tenants, landlords, homeowners, developers and senior citizens. Officials have asked us for a site where they can find housing information with the municipal perspective including draft restrictive covenants, draft agreements to provide infrastructure funding, income limits, calculations and formulas for determining resale prices, utility allowances, IRS guidelines on the Low Income Housing Tax Credit program, HUD's guidance on determining income eligibility, and information on monitoring existing affordable housing units. They have also asked that we include information on the Model Ordinance Provisions and which municipalities have what ordinances related to affordable housing. The County expects that this website will be expanded as appropriate to include other information requested by municipalities. It is expected that by providing the information through this website, the County will be able to assist in streamlining the review of Municipalities in a variety of affordable housing efforts, including their own legal reviews, by their ability to review what actions and documents the County and other municipalities have done.

During this Quarter, the County Planning Board received and commented on ten referrals of subdivision and site plan applications and local code changes from the 31 Eligible Municipalities that related to affordable AFFH. Copies of the referral letters are included in Appendix V-1.

No reasonable average projection of the period of time between the submission of a proposal of a development with affordable AFFH units and the approval for construction of such units can be made at this time. Of the eight developments with financing approvals now in place, six of these developments required land use approvals. The time period between the awarding of site plan approval to the approval of financing in place ranges between ten years (Roundtop in the Town of Cortlandt) to ten months (Edgar Place in the City of Rye).

With the Monitor's approval of the Discretionary Funding Policy on January 12, 2012, including an effective date of March 1, 2012, the County advised the municipalities of this new obligation. Discussion on the implementation of the policy occurred with municipalities at the Urban County Council meeting on February 7.

This quarter, the County completed its review and analysis of zoning ordinances for the 43 municipalities of Westchester County and prepared a report titled, "Review and Analysis of Municipal Zoning Ordinances in Westchester County," dated February 29, 2012. This work was conducted pursuant to the direction given in the "Monitor's Report and Recommendation Regarding

Dispute Resolution (Amended),” issued on November 17, 2011. The County’s report was prepared in a format that addressed the six zoning practices set forth in the Monitor’s Report:

- Restrictions that limit or prohibit multifamily housing development;
- Limitations on the size of a development;
- Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality;
- Restrictions that directly or indirectly limit the number of bedrooms in a unit;
- Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing; and
- Limitations on townhouse development.

The County’s research identified 853 unique zoning districts established by the 43 municipalities of Westchester County with home rule authority under New York State law to regulate land use. The research created 43 compendium data tables, one for each municipality, that identify each district and provide information in 31 categories. These tables were utilized to prepare an analysis for each municipality. In its submission of the report to the Monitor, the County stated that we would be willing to host a meeting to provide additional background and respond to questions.

The County provided each municipality with a copy of the main body of the report as well as the County’s data and analysis for that municipality. The municipalities were requested to review the document and to provide a response to the County Department of Planning. The County considers this report as another step in its continuing dialogue with the governments of Westchester’s cities, towns and villages to ensure the greatest opportunities for developing and preserving housing that affirmatively furthers fair housing.

The County conducted a review of the timing associated with latest approved developments to be able to provide an updated sense of how long it takes for developments to get their approvals. For the development proposed at 445 North State Road, Briarcliff Manor, the timeline started with a meeting with the County and the owner on March 26, 2010. The owner made his first submission to the Village of a site plan application along with a Short Environmental Assessment Form (per SEQR regulations) on June 24, 2010. SEQR approval was granted in March 2011, Site plan approval was granted in April 2011, and a zoning text amendment related to parking was approved in May 2011. In the meantime an application to NYS for AHC funds was submitted in May 2011. NYS approved funding in December 2011, followed by County approval of its FAH and HOME funds in March 2012. A closing on the property and execution of all documents is expected to occur in early May 2012.

However, to give an example of unanticipated difficulties being currently experienced with a development in a New York City Watershed community, we will run through the timing of Crompond Crossing – subsequent to its site plan and financing approvals. Crompond Crossing, the 26 three-bedroom townhouse development in the Town of Yorktown, received its Negative

Declaration and site plan approval from the Town Planning Board July 11, 2011. Due to the careful coordination between the development and the County, the County Planning Board was able to issue its recommendation for funding the next day on July 12, 2011. The legislation was then approved by the Board of Legislators in early October, 2011. After two years of preliminary reviews and extensive conversations with NYC Department of Environmental Protection (DEP) staff regarding this development, formal submission was made in November 2011, because this agency will not accept submissions until all SEQR compliance is completed and the Town Engineer has done their review. DEP has a requirement that their review will be completed within 45 days. The first review was completed and mailed on day 45. However, DEP's review began to ask for design elements that they could offer no guidance on. As of March 31, 2012, DEP has still not completed its review even though additional submissions have been made. The County did communicate with DEP the urgency of completing the review on this development in a timely manner. It is important to note that this extra six months of review – beyond the County or municipality's control – may have a detrimental impact on additional developments within the NYC Watershed communities in the future as well.

Appendix V-1: 1Q 2012 AFFH Referral Letters

VI. Financing and Expenditures

- A. Funds expended by county to develop affordable AFFH units and sources of those funds within the reporting period; total spending to date
- B. County's efforts to leverage funds
- C. County's efforts to create a revolving loan fund
- D. Status of applications or rationale for not applying for financial support from:
 - i. NYS agencies
 - 1. NYS Housing Finance Agency
 - 2. NYS Homes and Community Renewal
 - ii. HUD
 - iii. Private foundations
- E. Policy and planning tools
 - i. Activities that affirmatively further fair housing
 - ii. Policy to condition the use of public funds and resources on certain commitments intended to AFFH
 - iii. Impact of those expenditures on development of AFFH
- F. Status of revisions to Analysis of Impediments to Fair Housing Choice ("AI")

Summary of Actions this Quarter: This quarter the County expended \$1,194,650 of its funds for AFFH developments, though additional funds were obligated. A summary of each area included in the 1Q 2012 Financial Report is presented below.

From the \$21.6 million in the County's CDBG Line of Credit, no new funds for housing activities were obligated this quarter. A total of \$15,435,500 has been approved for use through approvals from the Board of Legislators; most also obligated through executed contracts. This includes the \$2.5 million approved for the Acquisition and Rehabilitation Revolving Loan Fund, but not yet obligated with contracts for specific sites. This amount represents over 71% of the \$21.6 million Line of Credit. There remains a balance of \$6,164,500 of unobligated/unapproved funds. A total of \$547,976 was actually expended in this category this quarter.

From the \$30 million that the County is expected to obligate for the acquisition and construction of housing and its related site work through 2014, one activity was approved this quarter. The Board of Legislators approved funding for the acquisition and infrastructure to support the development of fourteen townhouses at 445 North State Road in Briarcliff Manor. A closing on the funding is expected to occur in second quarter 2012. With this approval, there is a balance of \$25,560,000 in this allocation of funds. No funds were expended in this category this quarter.

From the \$400,000 that the County is expected to expend for outreach and education activities, no funds have been approved or obligated.

No program income has been collected on any CDBG expenditures (from the \$21.6 million listed above).

During this quarter, the County provided funding from a variety of other funding sources for a number of fair and affordable related activities to leverage the County's funds. The County expended a total of \$630,718 on other affordable housing activities and housing services provided through ten contracts or agreements with housing agencies as follows:

- 1) \$10,000 was expended as downpayment assistance by Housing Action Council under its HOME contract;
- 2) \$46,683 was expended toward site work for the Roundtop development in Cortlandt using the County's 2009-2010 CDBG funds;
- 3) \$2,193 was expended to pay the rental cost of the Westchester County Center for the Affordable Housing Expo 2012 held on March 10, 2012.
- 4) \$33,000 was expended under the Equal Housing contract with Westchester Residential Opportunities using the County's 2010 CDBG funds to provide services to help people file discrimination complaints, or to do investigation into issues related to housing. Under this contract, WRO investigated 27 housing complaints, held six workshops including 4 realtor trainings and 3 tester trainings, and 1 training to a senior community group;
- 5) \$33,000 was expended under the Senior Housing Counseling contract with Westchester Residential Opportunities using the County's 2010 CDBG funds to provide counseling and assistance to seniors looking for options to either stay in their homes, or move to more affordable housing. Under this contract, Reverse Mortgage counseling was provided to 35 seniors, and rental housing assistance to 64 seniors. Through specific outreach to Hispanics, WRO remarks that assistance was provided to 19 of the seniors that received assistance were Hispanic;
- 6) \$24,913 was expended under the Technical Assistance contract with Community Capital Resources using 2011 Tax Levy funds. Under this contract critical gap financing was provided to seven affordable housing developments and feasibility loans were made on two with technical assistance support and advocacy provided to 15 affordable housing groups;
- 7) \$16,666 was expended under the Technical Assistance contract with Housing Action Council using 2011 Tax Levy funds to provide technical assistance to five non-profit developers assisting on the furthering of 11 affordable AFFH developments; and
- 8) \$3,147 was expended under the Housing Education contract with Westchester Residential Opportunities using 2011 Tax Levy funds: four students received one-on-one counseling, 26 clients were assisted with financial literacy and homeownership counseling services and three households opened an Individual Development Account.
- 9) \$400,000 was expended to acquire the Wildwood site in Bedford for A-HOME using 2011 New Homes Land Acquisition funding to provide seven units of fair and affordable housing.

The current expectation is that as a unit is vacated, it will be marketed and a tenant selected in accordance with the Affirmative Fair Housing Marketing Plan. One of the seven units became vacant this quarter and the marketing was begun.

10) \$61,115 was expended under a Lead Based Paint control contract with A-HOME for the remediation of lead based paint exterior and interior painted surfaces in the seven units of the Wildwood development. This contract was funded with 2009 Lead Demonstration Control funding.

During this Quarter, the County filed its application to HUD for FY 2012 funding under the Community Development Block Grant, HOME Investment Partnership Program and Emergency Solutions Grant programs. In all, over \$5.2 million was requested. The County did not receive notice of any successful grant applications during this quarter, noting of particular concern, that the March 15, 2011 submission by the County of its Action Plan application for FY 2011 to HUD for funding under the Community Development (CDBG), HOME Investment Partnership Program and Emergency Shelter Grant (ESG) programs, totaling approximately \$8,473,589 has still not been released. The County continues to await approval notice of these grant applications.

As the quarter ended, the County still awaited word on its application submitted in April 2010 that requested \$300,000 for Housing Improvement Program funds to assist with housing repairs to homeownership properties which will preserve existing housing as affordable to low income homeowners. These funds will be available to be used for properties in the Eligible Municipalities toward affordable AFFH units that would qualify under Paragraph 7(h) of the Settlement Agreement.

There has been no indication on when NYS Homes and Community Renewal will release their next Notice of Funding Availability for Low Income Housing Tax Credits, nor when NYS Affordable Housing Corporation will have their next application round for potential homeownership development subsidies. With the introduction of the Governor's new Regional Economic Development Councils, these agencies no longer have definitive application round schedules, making it difficult to predict when developments in the pipeline will be able to expect financing approval and thus begin their construction.

Throughout the quarter, the County reviewed the efforts of agencies currently conducting affirmative fair housing marketing. The County may propose further review of marketing of units in small developments, as the rent income loss associated with keeping a unit vacant for several months while the required marketing is conducted may place an unmanageable financial carry-cost burden on small non-profit agencies and homeowners.

HUD's action in disapproving the FY2011 Action Plan has impacted the overall progress of the County in achieving the goals of the Settlement Agreement. As the Monitor was advised in the County's July 20, 2011 letter to him, without the approval of the FY 2011 Action Plan, Westchester County ceases being a grantee for the federal Community Planning and Development programs covered by the AI, which has serious ramifications relating to the Settlement Agreement.

The County's housing staff is carried on the HUD grant line, and pursuant to the County's Budget Act, they must be terminated at the expiration of the funds provided by the grant. Accordingly, ten positions were abolished and six County employees were laid off on December 31, 2011, including two housing specialists that worked on implementation of the Settlement Agreement. As other federal and state grants expire over the course of 2012, additional staff will face layoffs. Staff reductions have a direct impact on the County's ability to ensure the continued development of 750 Affordable AFFH housing units within the timeframes agreed to in the Housing Settlement.

The loss of CDBG and HOME funds makes it even more difficult that 750 Affordable AFFH units can be built within the financial parameters of the Settlement Agreement. It should be further noted that the non-eligible municipalities under the Settlement Agreement, which have significant diversity, and in some cases significant affordable housing needs, also rely on funding from these grants.

Appendix VI-1: 1Q 2012 Financial Report

VII. Overall Progress

- A. The County's progress toward the interim mandatory goals set forth in Paragraph 23, the benchmarks and timetables in the implementation plan, and its obligations under the Stipulation
- B. A description of any specific obstacles the County has faced in its efforts to comply with its obligations under the Stipulation and the County's efforts to overcome those obstacles, specifying whether the County believes any obstacles outside of its influence or control will prevent the County from meeting its obligations as required pursuant to Paragraph 29 of the Stipulation
- C. The County's need for additional expert support, if any
- D. Public Statements

Summary of Actions this Quarter: As required by Paragraph 23 of the Settlement Agreement, the County is required to have 200 affordable AFFH units with financing in place by December 31, 2012. As of this date, 197 units have all financing in place. This benchmark is almost met.

Paragraph 23 of the Settlement Agreement, also required that the County have building permits for 125 affordable AFFH units in place by December 31, 2012. One hundred nine units have achieved this status. This benchmark is almost met.

The 1Q 2012 FAH Sites Progress List in the Appendix provides information on each development and also on the status of the development and what action is expected in the next 90 days.

Through correspondence previously sent to the Monitor dated June 7, 2010, the County is seeking further review of the eligibility of pre-existing housing units with tenants in residence which impacts the eligibility of approximately 66 units considered eligible by the County. There were no meetings concerning this issue during this quarter; the County awaits the Monitor's decision on this issue.

During the quarter, the County and HUD have both appealed to the Monitor and to the Court to assist in their efforts to arrive at an acceptable AI in accordance with the process in the Settlement Agreement.

During this quarter, the County developed a draft RFP for a marketing consultant to assist with the implementation of the Affirmative Fair Housing Marketing Plans.

In response to the request by the Monitor, public statements by the County Executive for the short period following the County's submission of the Biennial Assessment, have been included in Appendix VII-1.

Appendix VII-1: 1Q 2012 Public Statements Between January 1, 2012 and March 31, 2012

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
QUARTERLY REPORT**

For the period: January 1, 2012 through March 31, 2012

Appendix I-1: 1Q 2012 AFFH Sites Progress List

All Sites																												
Project										Site Description					Developer			Approvals, Funding and Development Progress										
Project Name Address	Municipal Parity	Total No. of Units	No. of APFH Units	Supplemental Area (sq. ft.)	Current Track	Current Block	Lowest AA/H	School Dist.	No. of Senior Units ¹	No. of Existing Units ²	No. of Eligible Rental Units ³	No. of Eligible Owner-ship Units ⁴	Unit Size & Configuration	Within 1 mile of Public Transportation	Existing Public Water Service	Existing Public Sewer Service	Developer NFP for Profit or For-Profit	Non-County Financing	\$21.6 Million	\$30 Million	Other County Funding	All Financing in Place	Building Permit Issued for APFH Units	Current Status	Next 90 Days			
867 Saw Mill River Rd	ARD	22	17	A	010600	1004	no	Ashley Union Free				17	2 and 3 BRs	yes	yes	yes		Community Housing Innovations (NFP)	AHC					Building in place. Received County Planning Board approval 11.11.11, and final local approvals 12.5.11. Underwriting in process.	Submission of funding request to and approval from the Board of Legislators. Expect NY's AHC approval.			
445 North State Road	BNR	14	14	A	013302	4000	no	Branchville Manor Union Free				14	2 BRs	yes	yes	yes		Construct Residential Contracting (FP)	AHC				14	Funding request approved by Board of Legislators 3.12.12 and submitted to the Board of Acquisitions and Contracts.	Complete land transaction and began construction and marketing.			
Roundtop Rt 9A, Montrose	CTD	92	83	57B and 2nd	014603	9000	yes	Hendrick-Hudson Central			83	1 and 2 BRs	yes	yes	no			Wilder-Baker Partners (FP)	HFA	\$	5,474,000		\$	3,266,000	83	Building One is occupied.	Construction continuing. 3 of 9 on remaining buildings with full occupancy expected mid 2012.	
184 Farragut Ave	HAS	2	2	A	101200	4002	no	Hastings Union Free			1	1	3BR owner and studio renter	yes	yes	yes		Hastings-on-Hudson Affordable HDRC (NFP)	AHC					Developer seeking local approvals including special permit from village.	Will continue through review process and adjust plans to address comments.			
NH Hope Blvd	HAS	2	2	A	010200	1012	yes	Hastings Union Free			1	1	3BR Owner and Studio renter	yes	yes	yes		Hastings-on-Hudson Affordable HDRC (NFP)	AHC					Developer seeking local approvals including special permit from village.	Will continue through review process and adjust plans to address comments.			
2101-2105 Palmer Ave	LAR	51	46	A	007100	5007	yes	Manaratuck			46	1 and 2 BRs	yes	yes	yes			Wilder-Baker Partners (FP)	AHC	\$	5,673,000		\$	1,292,000	46	Approved by Board of Legislators and Board of Acquisition and Contracts. Has all local approvals, NY's funding approved. APFH Marketing has begun.	Complete land transaction and began construction and marketing.	
22 Old Route 22	NOG	10	10	A	012303	9014	yes	Byram Hills Central			10	2 BRs	yes	yes	yes			Pawling Holdings (FP)	AHC					12.1.11	Submission of legislation to the Board of Legislators.			
54 Hunt Place	NWC	36	36	A	013104	9020	yes	Chappaqua			36	1 and 2 BRs	yes	yes	yes			Counter	DHCR					Site rezoned for affordable housing. Support letter sent. Developer has been awarded NY's tax credit funding.	Secure land use approvals. Complete underwriting for County funding.			
55 Pleasant Ave.	PLY	2	2	A	012200	5017	no	PLY Union Free			1	1	owner BRs	yes	yes	yes		A-HONE - (NFP)	AHC				2	County approvals authorizing the property transfer and rehabilitation funding are in place.	Transfer of the property from NY's to the County and subsequent transfer of title to A-HONE. Rehabilitation to begin thereafter.			
293 Mainville Rd	PLY	1	1	A	112200	6022	no	PLY Union Free			1	1	2 BR	yes	yes	yes		Pleasantville Housing Development Fund	N/A	\$	212,500			1	Marketing and owner qualification complete. Letters conducted. County purchase and conveyance of the property is complete.	Sale to owner and occupancy.		
525 Ellendale Ave	RYB	4	4	C	008301	1009	no	Port Chester-Rye Union			4	1 BRs	yes	yes	yes			Pawling Holdings (FP)	N/A					Developer seeking local approvals.	Receive local approvals and proceed with underwriting.			
15 Edgar Place	RYC	22	18	A	007700	1002	yes	Rye City			18	11 - 1 BRs - 1 BRs + den	yes	yes	yes			Pawling Holdings (FP)	AHC		\$	\$1,356,000		\$	880,000	18	Letters held 1.5.12. Construction nearly complete.	Complete construction and began sales and occupancy.
Freedom Gardens 1680 Strawberry Rd. Montegan Lake	YTN	3	3	A	014804	5000	no	Lakeland Central			3	1 BRs	yes	yes	yes			Freedom Gardens for the Handicapped, Inc (NFP)	DHCR, Levitts, PHLB				3	Construction underway.	Construction continues. Completion anticipated in autumn.			
3372 Compound Rd	YTN	26	26	A	014805	1004	yes	Yorktown Central			26	3 BRs	yes	yes	yes			Old Compound Rd LLC (FP)	AHC		\$	2,930,000		\$	500,000	26	Site plan approved. Passed County Planning Board 7.12.11.	NYC DEP approval. Land closing and pull building permits. Infrastructure work to be bid and construction to start.
900 Pench Lake Rd	NSM	2	2	A	015000	2013	yes	North Salem Central			1	2	3BR and 1 BR	no	no	no		A-HONE - (NFP)							The Town of North Salem to acquire and grant a long term lease with A-HONE's subsidiary, ACE. County financial support for A-HONE's pre development costs are in place.	Complete property transfer and seek approval for rehab financing.		
256 June Rd	NSM	65	65	A	015000	8000	no	North Salem Central			65	1BRs, 2BRs, 3BRs	no	no	no			Wilder-Baker Partners (FP)	HCR					Funding application submitted to NYSHCR. SEQR has been reopened to address the change from ownership to rental and revised site plan. Appraisal update has been ordered.	Close of SEQR and acquire local approvals. Secure financing commitments and proceed with approvals for County funding.			
555 Rt 22	NSM	102	102	A	015000	8016	no	North Salem Central			102	1 and 2 BRs	yes	yes	yes			Ken Kenney (FP)	HCR					Predevelopment activities underway.	Seek land use and financing approvals.			
80 Bowman Ave	RYB	16	16	A	008301	4001	no	Port Chester-Rye Union			16	1 and 2 BRs	yes	yes	yes			Frank Madrusa (FP)	AHC					Seeking land use approvals. Appraisal has been ordered.	Site plan approval and complete underwriting for County funding.			
Chatham Blvd	SON	72	72	A	014908	2000	no	Somers			72	1 BRs and 2BRs	yes	yes	yes			Ken Kenney (FP)	HFA					Review of Development schematics and proforma underway.	Meet with development team and began underwriting. Start to secure other financing.			
1 Pursuant to paragraph 7(b) of the stipulation, this number cannot exceed 187 and no senior units can be funded until 175 non-senior units have received a building permit. 2 Pursuant to paragraph 7(b) of the stipulation, this number cannot exceed 187 units. 3 A minimum of 375 units must be in this category. 4 Eligible after removing the group quarters from the census tract. 5 Rehabilitation is not required at this time, so there is no new building permit required. The original building permit/Certificate of Occupancy remains viable.																												

1 Q 2012 AFFH Sites Progress List

All Sites																									
Project										Site Description				Developer		Approvals, Funding and Development Progress									
Project Name Address	Municipality	Total No. of Units	No. of AFFH Units	Stipulation Area Designation	Census Tract	Census Block	Lowest AA H	School Dist.	No. of Sen. for Units ¹	No. of Existing Units ²	No. of Eligible Rental Units ³	No. of Eligible Owner-ship Units ⁴	Unit Size & Configuration	Within 1 mile of Public Transportation	Existing Public Water Service	Existing Public Sewers	Developer NFP/Not for Profit For Profit	Non-County Financing	\$21.6 Million	\$30 Million	Other County Funding	All Financing in Place	Building Permits Issued for AFFH Units	Current Status	Next 90 Days
Existing Occupied Housing ²																									
3 rd Walwood Rd Katonah	BEH	-	1	A	012400	3011	no	Katonah Lewisboro Union Free	-	-	1		Studio and 1 BRs	yes	yes	yes	A-HOME - (NFP)	Lebanus			\$ 470,000	1		County Planning Board approved. Appraisal update received. Approved by Board of Legislators and Board of Acquisition and Contracts. Developer has purchased the complex and Declaration of Restrictive Covenants for AFFH units. Renovations have begun.	Land closing and start of rehabilitation expected.
240 Underhill Ave YTN	YTN	60	A		014809	3009	no	Yorktown Central	60				1, 2, 3 & 4 BRs	yes	yes	yes	Marathon Development Group (FP)	HCR						Begin affirmative marketing of AFFH units as units become vacant.	
Acquisition/Rehabilitation Revolving Loan Fund																									
TBD	TBD	14 ⁸	14						14									AHC						BOL approved \$2.5 million for 1 st units. Reviewing potential sites.	Seeking sites and underwriting.
52 Washington Ave	ILAS	3	3	A	010300	3001	no	Hastings Union Free	3	3	3	2 - 3 BRs 1 - 2 BR	yes	yes	yes	yes	Hastings-on-Hudson Affordable HDRC (NFP)	AHC						The Developer is seeking to acquire a 3 family home and convert to 3 condominium AFFH units. Appraisal completed. Underwriting for County Acquisition Rehab funding complete.	Submit to BOL approval for Acquisition Rehab funding. Submit to Board of Acquisition and Contracts and proceed to closing.
Completed AFFH Units																									
42 First Ave	PEL	3	3	B	005300	5006	no	Pelham Union Free	3	2	1		2BR owner and 1 and 2 BRs renter	yes	yes	yes	Pauling Holdings (FP)	AHC	\$ 120,000			3	3	Completed	Completed
TOTALS		631	542			223	305		156	89	373	155							\$ 12,815,500	\$ 2,910,000	\$ 7,087,000	197	108		
⁷ Potential AFFH Units not yet eligible due to the issue of current occupancy																									
⁸ Estimated Number																									
3/31/2012																									

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
QUARTERLY REPORT**

For the period: January 1, 2012 through March 31, 2012

Appendix IV-1: 1Q 2012 Housing Meetings List

**WESTCHESTER COUNTY HOUSING MEETINGS
FOR THE PERIOD: JANUARY 1 - MARCH 31, 2012**

DATE	TIME	DESCRIPTION
1/3	3:00 PM	Meeting with Marketing Consultant
1/5	1:00 PM	Meeting with owner of property in Harrison
1/5	2:30 PM	Meeting with new North Castle supervisor
1/6	11:00 - 12:00	Discussion on AFHMP for 1-4 family units
1/10	10:00 - 11:00	Meeting with Ardsley and Briarcliff Village Managers on implementation of Infrastructure funding for local developments
1/10	1:00 PM	Conference call with monitor and HUD on Discretionary Funding Policy
1/12	5:00 - 5:30	Public Hearing for FY 2012 CDBG Funding
1/13	4:00 PM	Meeting with Town of Somers and development team for Mews II potential development
1/24	2:30 PM	Westchester Putnam Association of Realtors
1/26	6:00 - 8:00	Housing Opportunity Commission meeting
1/30	7:00-8:30 PM	Meeting at Dobbs Ferry with Dobbs Ferry Housing Committee on Model Ordinance Provisions
2/3	10:30 AM	Conference call for introduction of WinnCo, Housing developers
2/3	3:00-4:00 PM	Conference call with Dobbs Ferry committee on Model Ordinance Provisions
2/6	1:00 PM	Meeting with Recap, Financial Managers
2/7	10:00 AM	Urban County Council Meeting
2/10	11:30 AM	Meeting with WC IDA Executive Director on potential developments and financing
2/13	2:30 PM	Conference call with monitor and HUD

**WESTCHESTER COUNTY HOUSING MEETINGS
FOR THE PERIOD: JANUARY 1 - MARCH 31, 2012**

DATE	TIME	DESCRIPTION
2/14	2:00 PM	Meeting with attorneys from Cuddy and Feder on Housing Settlement issues
2/15	11:00 - 12:00	Meeting with County Attorney's office regarding AFHMP RFP for Marketing Consultant
2/15	3:30- 4:30	Ardsley - Waterwheel project
2/17	5:00 - 5:30	Public Hearing for FY 2012 CDBG Funding
2/22	11:00 - 11:30	Conference call with monitor and HUD
2/22	3:00 - 4:00	Meeting at North Castle Town Hall with Developer
2/29	7:00 - 9:30	League of Women Voters Forum on the Housing Settlement in Bedford
3/1	10:00 - 11:00	Site visit to Mews II in Somers
3/1	11:00 - 11:30	Site visit to Crompond Crossing in Yorktown
3/1	11:30 - 12:15	Site visit to 445 N. State Street in Briarcliff Manor
3/1	1:00 - 3:00	Site visit and discussion at New Castle Town Hall for Hunts Place in Chappaqua
3/1	3:30 - 5:00	Meeting at North Salem Town Hall on potential affordable housing property with Town and A-HOME
3/7	2:00 - 3:00	Meeting with new Supervisor of Mamaroneck Town
3/9	9:00-10:30 AM	Meeting at Lewisboro to discuss Model Ordinance Provisions

**WESTCHESTER COUNTY HOUSING MEETINGS
FOR THE PERIOD: JANUARY 1 - MARCH 31, 2012**

[illegible]

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
QUARTERLY REPORT**

For the period: January 1, 2012 through March 31, 2012

**Appendix IV-2: Summary Report of Findings from Central Intake Homeseeker
System Between September 30, 2010 and March 31, 2012**

Summary Information on Central Intake

September 30, 2010 - March 31, 2012

Areas of Interest

Number of Areas Selected

One Area	480
Two Areas	462
Three Areas	482
Four Areas	325
Five Areas	206
Total	1,955

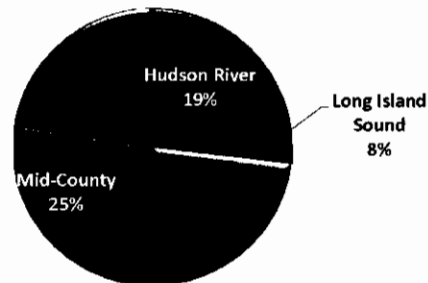
Number of Areas Selected



Area Selected

Hudson River	988
Long Island Sound	405
Lower WC	1,315
Mid-County	1,311
Northern	1,161

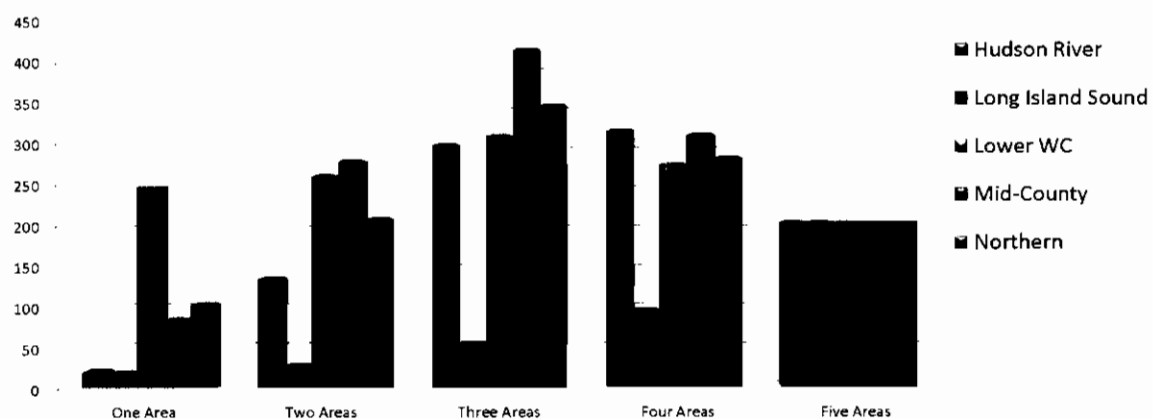
Area Selected



Interest in Areas Grouped by Number Selected

	One Area	Two Areas	Three Areas	Four Areas	Five Areas	Total
Hudson River	21	137	303	321	206	988
Long Island Sound	19	28	55	97	206	405
Lower WC	250	265	315	279	206	1,315
Mid-County	85	283	421	316	206	1,311
Northern	105	211	352	287	206	1,161

Areas Grouped by Number Selected



Summary Information on Central Intake

September 30, 2010 - March 31, 2012

A total of 2,020 people have signed up between September 30, 2010 and December 31, 2011. The below charts and tables report the location where the person signing up originate; their household size; their ethnicity, if indicated; race, if indicated; and also both race and ethnicity. Please note that some who have signed up may not have indicated location, household size, ethnicity or race, so the totals for each grouping may not add up to 2,020 responses.

It should be noted that some number of those signing up may sign up a second or, in a few cases, a third time. On a routine basis, we reach out to those who clearly have a duplicate record, meaning the same name and same mailing address and other identical data, to ask if we may delete the duplicates. We have also sent letters to the entire Central Intake list asking that they review and update their information.

As of October 2011, Central Intake was expanded to include those interested in rental housing or both rental and homeownership housing. The below report now includes a new chart showing the interest in homeownership, rental or both. Everyone on the list prior to this option being added are listed as interested in homeownership. But, the letter sent to all of these participants noted that they could change this designation at the time they update their record in Central Intake.

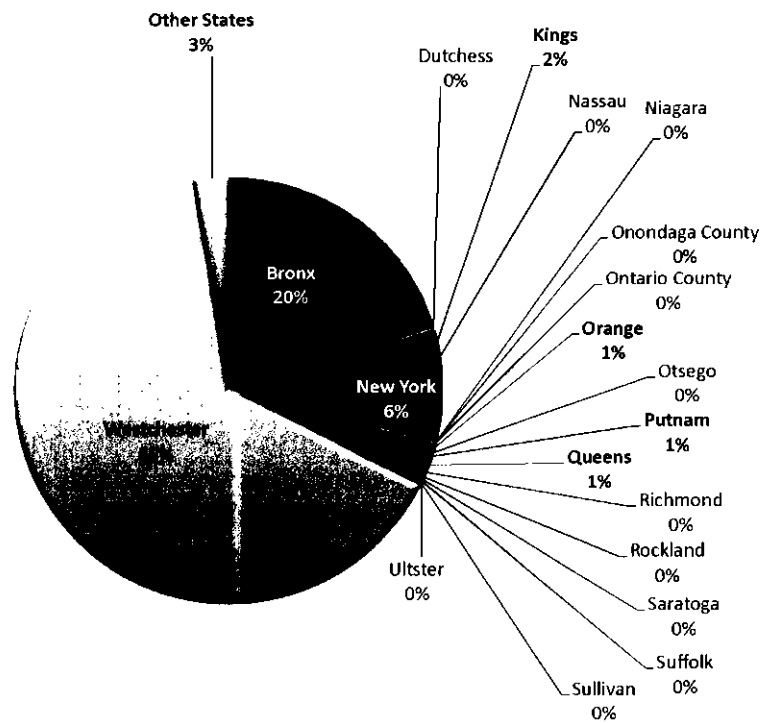
Locations of Persons Signing-Up

Bronx	401
Dutchess	6
Kings	43
Nassau	5
New York	125
Niagara	1
Onondaga County	1
Ontario County	1
Orange	16
Otsego	1
Putnam	11
Queens	17
Richmond	9
Rockland	7
Saratoga	2
Suffolk	5
Sullivan	1
Ulster	2
Westchester	1313
Other States	53
Total	2020

Other States:

Arizona	1
California	1
Connecticut (10 in Fairfield)	15
Florida	6
Georgia	4
Illinois	2
Kentucky	1
Louisiana	1
Maryland	1
Massachusetts	1
Missouri	1
New Jersey	9
North Carolina	1
Oregon	1
Pennsylvania	4
South Carolina	1
Virginia	1
Washington	2
Total	53

Locations



Of this total, 212 people (or 13% of the total and 21% of those in the County) listed their address as being located within the 31 eligible communities. The following charts provide more detail of those signing up within the County, and within the 31 eligible communities.

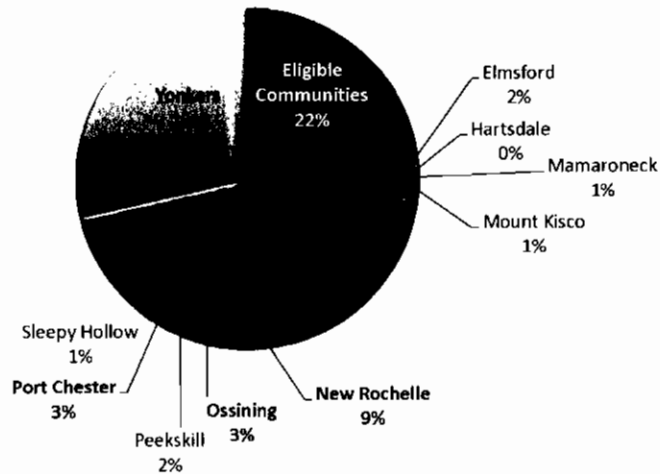
Summary Information on Central Intake

September 30, 2010 - March 31, 2012

Locations within Westchester County

Eligible Communities	287
Elmsford	23
Hartsdale	7
Mamaroneck	17
Mount Kisco	19
Mount Vernon	216
New Rochelle	119
Ossining	37
Peekskill	30
Port Chester	35
Sleepy Hollow	9
White Plains	139
Yonkers	375
Total	1313

Locations within Westchester County

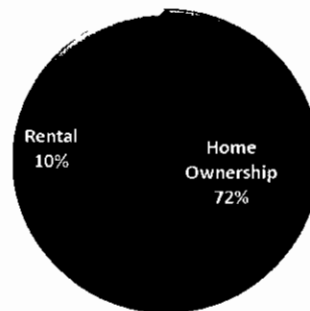


Tenure*

Home Ownership	1465
Rental	196
Both	359
Total	2020

* The option to choose tenure was only offered as of October 1, 2011. Until that time, the list was only open to interested homebuyers. Therefore, this report shows a huge difference in interest between ownership and the other choices. It is expected that this difference will abate over time. Also, anyone who signed on prior to October 1st, can go back and change their tenure choice to include rental or both. These totals compared to the previous quarter, ending December 31, 2011, show that the ratio of sign-ups for rental doubled from 5% to 10% and those signing up for both also doubled from 9% to 18%; while the ratio of persons signed up for homeownership declined by 14% (from 86% to 72%).

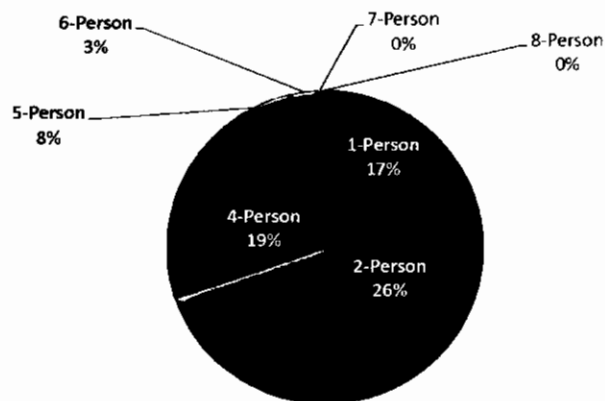
Tenure



Household Size

1-Person	338
2-Person	538
3-Person	534
4-Person	380
5-Person	157
6-Person	58
7-Person	8
8-Person	7
Total	2020

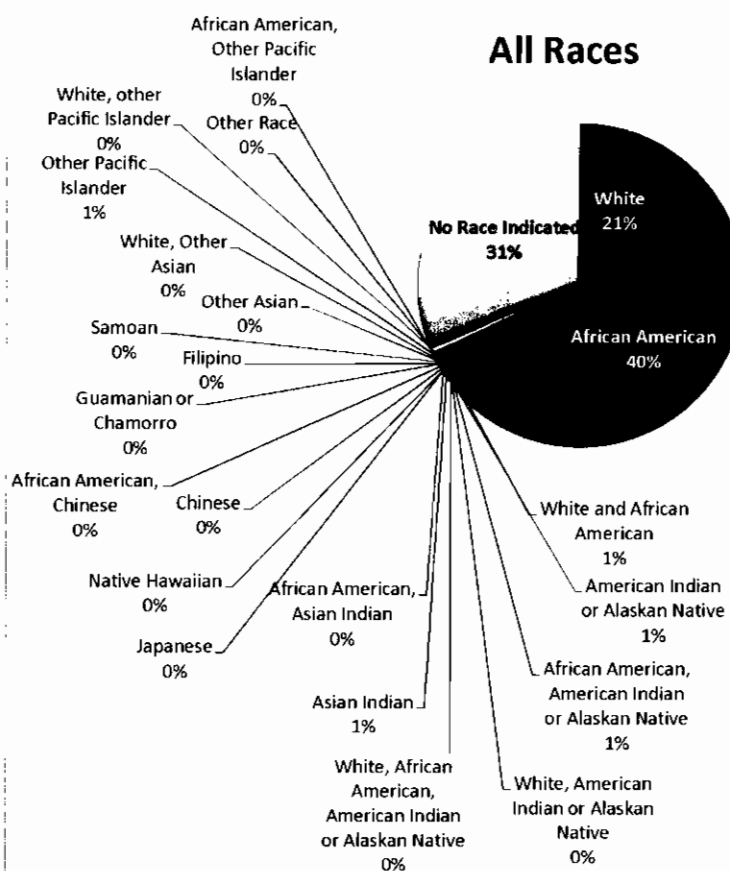
Household Size



Summary Information on Central Intake

September 30, 2010 - March 31, 2012

Race:	Total
White	431
African American	815
White and African American	21
American Indian or Alaskan Native	16
African American, American Indian or Alaskan Native	13
White, American Indian or Alaskan Native	4
White, African American, American Indian or Alaskan Native	7
Asian Indian	22
African American, Asian Indian	2
Native Hawaiian, Asian Indian	1
Japanese	0
White, Japanese	1
Native Hawaiian	0
Chinese	10
African American, Chinese	1
Korean	5
Guamanian or Chamorro	0
Filipino	5
African American, Filipino	2
Vietnamese	0
Samoan	0
Other Asian	9
White, Other Asian	1
Other Pacific Islander	19
African American, Other Pacific Islander	2
Other Asian, Other Pacific Islander	1
White, other Pacific Islander	1
Other Race	0
No Race Indicated	631
Total	2020

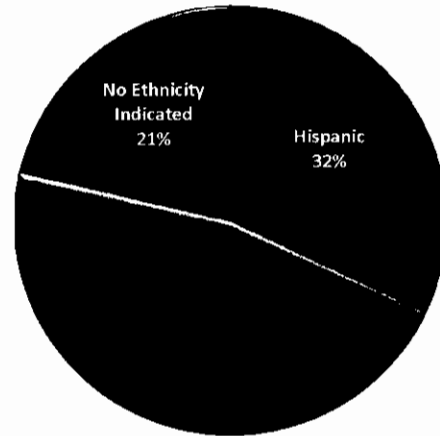


Summary Information on Central Intake

September 30, 2010 - March 31, 2012

Race:	Hispanic	Non-Hispanic	No Ethnicity Indicated	Total
White	171	208	52	431
African American	65	575	175	815
White and African American	8	12	1	21
American Indian or Alaskan Native	6	8	2	16
African American, American Indian or Alaskan Native	2	8	3	13
White, American Indian or Alaskan Native	2	1	1	4
White, African American, American Indian or Alaskan Native	1	6		7
Asian Indian		17	5	22
African American, Asian Indian		1	1	2
Native Hawaiian, Asian Indian			1	1
Japanese				0
White, Japanese		1		1
Native Hawaiian				0
Chinese	2	5	3	10
African American, Chinese		1		1
Korean		3	2	5
Guamanian or Chamorro				0
Filipino	1	4		5
African American, Filipino		2		2
Vietnamese				0
Samoa				0
Other Asian	2	5	2	9
White, Other Asian		1		1
Other Pacific Islander	9	9	1	19
African American, Other Pacific Islander		2		2
Other Asian, Other Pacific Islander		1		1
White, Other Pacific Islander	1			1
Other Race				0
No Race Indicated	376	72	183	631
Total	646	942	432	2020

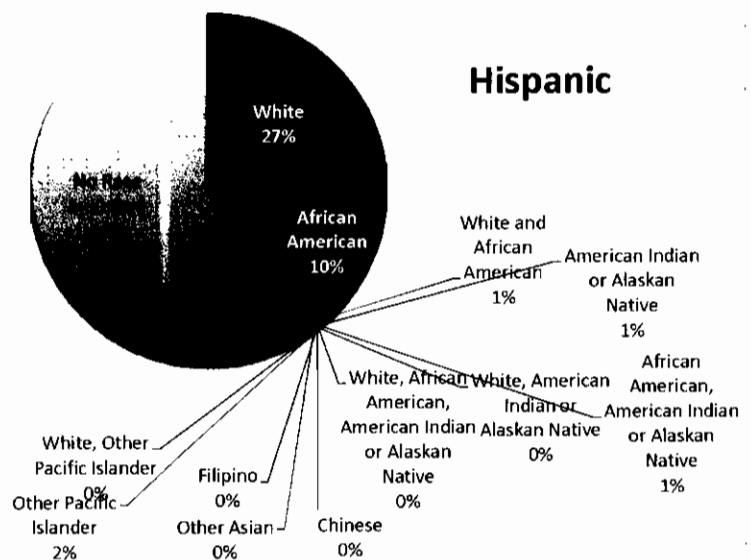
Ethnicity



Ethnicity	
Hispanic	646
Non-Hispanic	942
No Ethnicity Indicated	432
Total	2020

Race:	Hispanic
White	171
African American	65
White and African American	8
American Indian or Alaskan Native	6
African American, American Indian or Alaskan Native	2
White, American Indian or Alaskan Native	2
White, African American, American Indian or Alaskan Native	1
Chinese	2
Filipino	1
Other Asian	2
Other Pacific Islander	9
White, Other Pacific Islander	1
No Race Indicated	376
Total	646

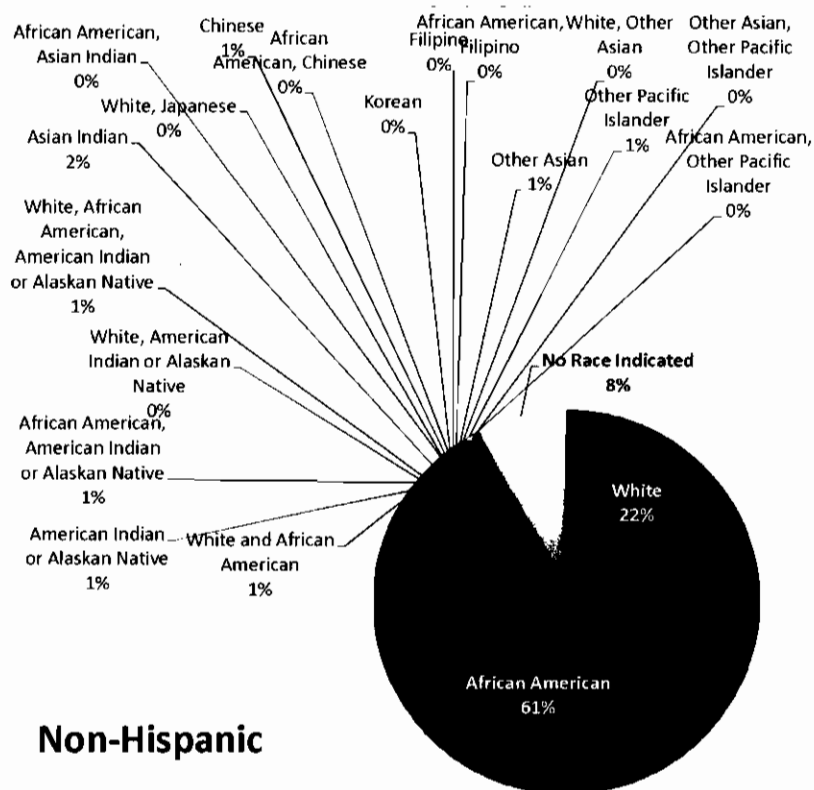
Hispanic



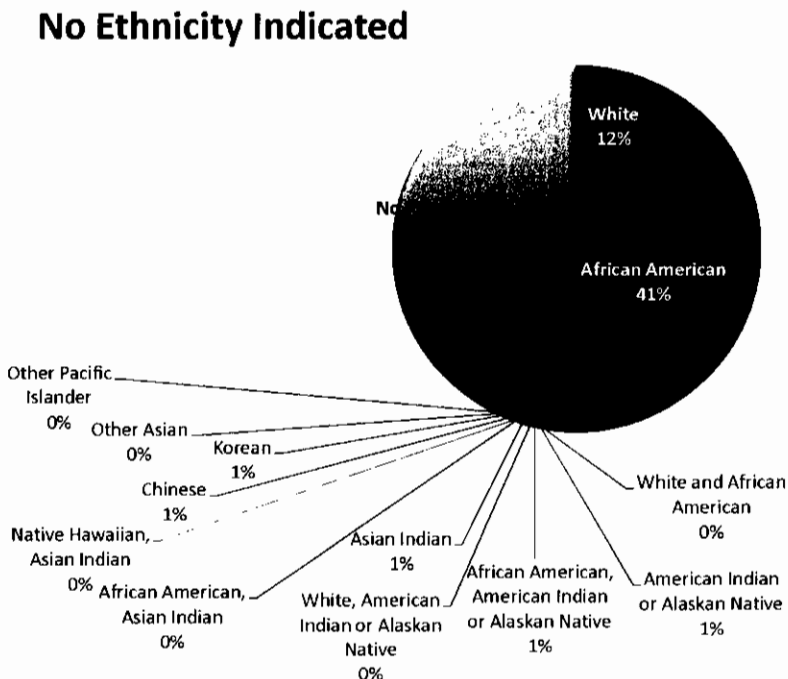
Summary Information on Central Intake

September 30, 2010 - March 31, 2012

Race:	Non-Hispanic
White	208
African American	575
White and African American	12
American Indian or Alaskan Native	8
African American, American Indian or Alaskan Native	8
White, American Indian or Alaskan Native	1
White, African American, American Indian or Alaskan Native	6
Asian Indian	17
African American, Asian Indian	1
White, Japanese	1
Chinese	5
African American, Chinese	1
Korean	3
Filipino	4
African American, Filipino	2
Other Asian	5
White, Other Asian	1
Other Pacific Islander	9
African American, Other Pacific Islander	2
Other Asian, Other Pacific Islander	1
No Race Indicated	72
Total	942



Race:	No Ethnicity Indicated
White	52
African American	175
White and African American	1
American Indian or Alaskan Native	2
African American, American Indian or Alaskan Native	3
White, American Indian or Alaskan Native	1
Asian Indian	5
African American, Asian Indian	1
Native Hawaiian, Asian Indian	1
Chinese	3
Korean	2
Other Asian	2
Other Pacific Islander	1
No Race Indicated	183
Total	432



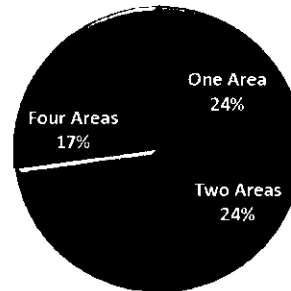
Summary Information on Central Intake
September 30, 2010 - March 31, 2012

Areas of Interest

Number of Areas Selected

One Area	480
Two Areas	462
Three Areas	482
Four Areas	325
Five Areas	206
Total	1,955

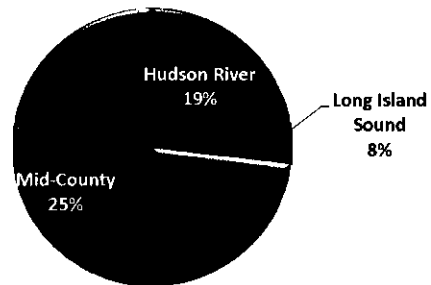
Number of Areas Selected



Area Selected

Hudson River	988
Long Island Sound	405
Lower WC	1,315
Mid-County	1,311
Northern	1,161

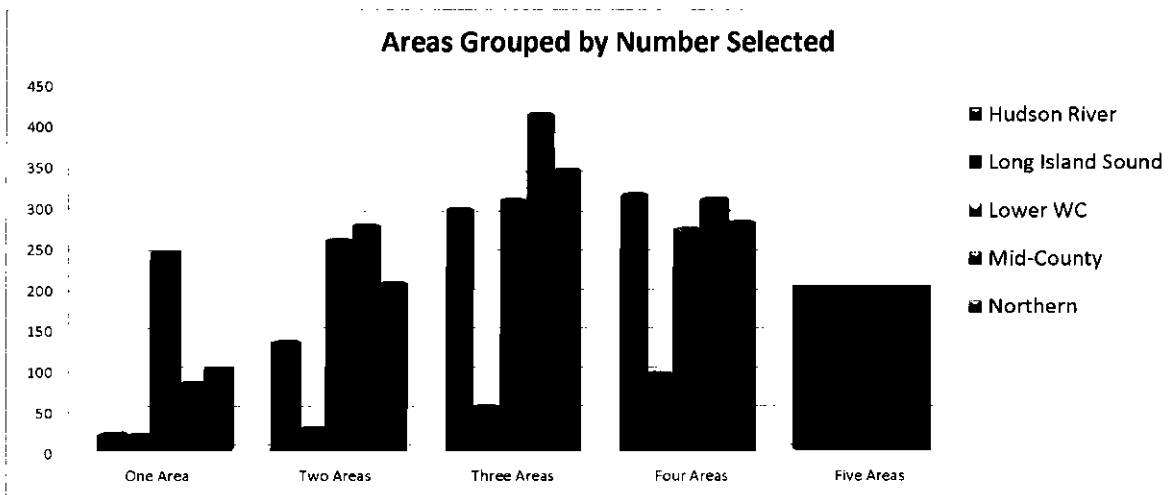
Area Selected



Interest in Areas Grouped by Number Selected

	One Area	Two Areas	Three Areas	Four Areas	Five Areas	Total
Hudson River	21	137	303	321	206	988
Long Island Sound	19	28	55	97	206	405
Lower WC	250	265	315	279	206	1,315
Mid-County	85	283	421	316	206	1,311
Northern	105	211	352	287	206	1,161

Areas Grouped by Number Selected



**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
QUARTERLY REPORT**

For the period: January 1, 2012 through March 31, 2012

**Appendix IV-3: Affirmative Fair Housing Marketing Report for AFFH Units for
1Q 2012**

Affirmative Fair Housing Marketing Report for Affirmatively Furthering Fair Housing Units - 1st Quarter 2012

Applications Submitted In Time For Lottery

DEVELOPMENT NAME	Application Deadline (for Application to be included in Lottery)	LOTTERY DATE	NUMBER OF PERSONS IN LOTTERY (for applications post marked by deadline)	RACIAL GROUP IDENTIFICATION												ETHNICITY			Comments
				White	Black or African American	Asian	American Indian or Alaska Native	Native Hawaiian or Other Pacific Islander	American Indian & Alaska Native & White	Asian & White	Black or African American & White	American Indian or Alaska Native & Black or African American	Other Multi Racial	No Race Selected	Hispanic	Non Hispanic	No Ethnicity Selected		
Pelham	4/15/2011	5/10/2011	15	5	6	1	0	0	0	0	0	0	1	2	6	3	6	None	
																		1 applicant checked the Black or African American box and the American Indian or Alaska Native box, but crossed out African American and Alaska Native; 1 Applicant checked the Black or African American & White box plus the Other Multi-Racial; 1 Applicant checked the White box plus Other Multi-Racial box	
Roundtop	9/30/2011	10/14/2011	524	172	247	2	2	3	4	0	10	5	28	48	113	308	103		
Pleasantville	12/2/2011	12/5/2011	19	11	5	0	0	1	0	0	0	0	0	1	3	13	3	1 applicant wrote in Hispanic under Race	
Cottage Landing	12/29/2011	1/5/2012	64	23	26	6	0	1	0	0	3	0	3	3	12	41	11	1 applicant wrote in Italian under Race; 1 Applicant checked Black or African American plus Black or African American & White	

Applications Submitted After Lottery Date

DEVELOPMENT NAME	Application Deadline (For Application to be included in Lottery)	Applications Submitted After Lottery Date to 3/31/12	Number of Persons Submitting Applications After Lottery Date	RACIAL GROUP IDENTIFICATION										ETHNICITY			Comments	
				White	Black or African American	Asian	American Indian or Alaska Native	Native Hawaiian or Other Pacific Islander	American Indian & Alaska Native & White	Asian & White	Black or African American & White	American Indian or Alaska Native & Black or African American	Other Multi Racial	No Race Selected	Hispanic	Non Hispanic		No ethnicity Selected
Pelham	4/15/2011	4/15/11 to 3/31/12	6	1	1	0	0	0	0	0	0	1	1	2	1	0	5	
Roundtop	9/30/2011	9/30/11 to 3/31/12	169	61	64	1	1	0	0	0	3	2	10	27	39	94	36	
Pleasantville	12/2/2011	12/02/11 to 3/31/12	1	1	0	0	0	0	0	0	0	0	0	0	0	1	0	
Cottage Landing	12/29/2011	12/29/12 to 3/31/12	9	5	3	0	0	0	0	0	0	1	0	0	1	6	2	

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
QUARTERLY REPORT**

For the period: January 1, 2012 through March 31, 2012

Appendix V-1: 1Q 2012 AFFH Referral Letters



Robert P. Astorino
County Executive

County Planning Board

March 21, 2012

George Calvi, Village Manager
Village of Ardsley
507 Ashford Avenue
Ardsley, NY 10502

Subject: Referral File No. ARD 12-001 – Zoning Text Amendment: Fair and Affordable Housing

Dear Mr. Calvi:

The Westchester County Planning Board has received a proposed Local Law to amend the text of the Ardsley Zoning Ordinance to create a new article entitled "Fair and Affordable Housing." The proposed new regulations would establish a new affordable housing program that would incorporate provisions of Westchester County's Affordable Affirmatively Furthering Fair Housing Model Ordinance Provisions.

We have reviewed the proposed amendments under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code. The County Planning Board commends the Village for initiating this step to incorporate the Model Ordinance Provisions into the Village Code to ensure consistency with Westchester County's affordable AFFH guidelines. The Village's proposals are welcomed and strongly supported by this board.

We recommend that the Village consider the following suggestions to ensure consistency with the Model Ordinance Provisions:

1. Potential conflicts with existing R-4A zoning. We note that the Ardsley Zoning Ordinance contains affordable housing regulations within the R-4A Workforce/Affordable Housing Overlay District which are not entirely consistent with Westchester County's affordable AFFH guidelines, or the provisions contained in this new zoning amendment. We recommend the Village resolve any inconsistencies to ensure that any future development within the R-4A district contain the appropriate number of affordable AFFH units.

2. Incentives for creation of additional affordable AFFH units. We recommend that the Village consider adding an additional provision to the proposed zoning to incentivize the creation of additional affordable AFFH units above what would be required by the 10% unit set-aside, as suggested in the Model Ordinance Provisions.

3. Calendar/agenda priority. While the proposed zoning amendments include expedited project review process provisions, we note that the provisions do not include agenda priority for developments

including affordable AFFH units. We recommend that provisions be added to allow these developments the opportunity to be first on all meeting and work session calendars and agendas and, when feasible based on the ability to conduct required reviews and public notice, to allow for the shortening of minimum advance submission deadlines to the extent practicable.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

FOR:

By:



Edward Burroughs, AICP
Commissioner

EEB/LH

cc: Mary Mahon, Special Assistant to the County Executive
Deborah DeLong, Director of Housing



Robert P. Astorino
County Executive

County Planning Board

January 11, 2012

Jeffrey Osterman, Director of Planning
Town of Bedford
425 Cherry Street
Bedford Hills, NY 10507

**Subject: Referral File No. BED 12-001 – Affordable Affirmatively Furthering Fair Housing
Units Ordinance**

Dear Mr. Osterman:

The Westchester County Planning Board has received a proposed Local Law to amend the text of the Bedford Zoning Ordinance to create a new Affordable Affirmatively Furthering Fair Housing (AFFH) Units Ordinance. This action is intended to incorporate Westchester County's Affordable AFFH Model Ordinance Provisions in the Town's regulations.

We have reviewed the proposed amendments under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code. The County Planning Board commends the Town for initiating this step to incorporate the Model Ordinance Provisions into the Town Code to ensure consistency with Westchester County's affordable AFFH guidelines. Our review of the proposed regulations has found that they are consistent with the County Model Ordinance Provisions.

We note that the Town proposes to go beyond the Model Ordinance Provisions by requiring a minimum 20% affordable AFFH component in all multi-family districts. Also, we note that the draft regulations provide several original concepts to encourage and support the development of AFFH units in that the town planning board would be authorized to:

- Waive or reduce certain fees for applicants,
- Consider such other forms of assistance which may be under the control of the Town,
- Actively assist in obtaining assistance of federal, state or other agencies in support of affordable housing development and
- Allow the reduction of dimensional requirements by not more than 25% and an allowance for shared parking so as to reduce infrastructure costs.

The Town has also proposed payment of a fee-in-lieu of construction of affordable units applicable only in proposed single-family developments of less than 5 units. Affordable AFFH units are not required in

such developments under the Model Ordinance Provisions. This additional mechanism can be used to create a fund for the future construction of affordable AFFH units.

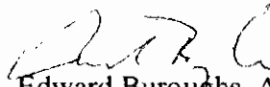
One provision of the draft regulations that we encourage the Town to reconsider is the allowance for construction of required AAFH units off the site of a proposed development. Though the draft ordinance makes this option subject to approval by the Planning Board, experience has found that implementation of off-site affordable housing can generate unforeseen specific problems that delay or prevent construction of the affordable units. We recommend that this option be deleted.

Thank you for calling this matter to our attention.

Respectfully,

WESTCHESTER COUNTY PLANNING BOARD

By:


Edward Burroughs, AICP
Commissioner

EEB/LH

cc: Mary Mahon, Special Assistant to the County Executive
Norma Drummond, Deputy Commissioner
Deborah DeLong, Director of Housing

Robert P. Astorino
County Executive

County Planning Board

**Referral File No. DBF 12-001 – Rivertowns Square, Site Plan
Draft Environmental Impact Statement**

Date: February 10, 2012

Contact: Marcus Serrano, Village Administrator
Village of Dobbs Ferry
112 Main Street
Dobbs Ferry, New York 10522

Materials received:

- Draft Environmental Impact Statement (EIS) dated accepted November 22, 2011
- Site plans, dated revised November 17, 2011

REVIEW HISTORY

The County Planning Board has participated in the various stages of review for this proposal. A letter was sent in response to Lead Agency designation dated March 21, 2011. A second letter was sent in response to the draft scoping document dated April 20, 2011. In addition, the County Planning Board received a presentation from the applicant at the March 1, 2011 meeting of the board.

PROPOSED DEVELOPMENT

Our understanding of the development concept, based on the materials received and through our prior participation in the review, is summarized as follows:

The applicant proposes to redevelop an existing 17.7-acre multi-lot property located to the west of the Saw Mill River Property with frontage on Stanley Avenue, Danforth Avenue, Livingstone Avenue, Ogden Avenue and Lawrence Street. The Lawrence Street intersection with the Saw Mill River Parkway is near the southeast corner of the site. The existing vacant office/laboratory buildings, totaling 200,000 square feet, are proposed to be demolished and replaced by nine buildings with a total of 464,015 square feet that would include:

- 226 rental apartments (4 studios, 112 one-bedroom and 110 two-bedroom units including 10% to be affordable as per zoning),
- 107-room hotel,
- 55,000 square foot supermarket and
- Six buildings with a total of 60,450 square feet of retail/restaurant floor area.

Parking for 1,200 vehicles will be provided (420 for residential uses and 780 non-residential uses). In addition, Ogden Avenue will be extended and relocated and improvements will be made to the intersection of Lawrence Street and the Saw Mill River Parkway.

The subject site is located within the Chauncey Park zoning district, established by the Village in September 2010. The district permits mixed use development such as the proposed development. Local approvals required include site plan and cluster development approvals from the Board of Trustees and re-subdivision approval from the Village Planning Board.

COMMENTS AND RECOMMENDATIONS

1. Creating a mixed use development outside of an established center. The redevelopment of large sites once occupied by uses that are no longer economically viable or consistent with current business and market trends is one of the most pressing issues in land use planning today. Such sites include one-time industrial and manufacturing uses, certain types of retail buildings and stand-alone office parks. It is in the best interest of communities that new successful and tax generating uses for these sites be identified and encouraged. That effort must be balanced with attention to the overall integration and compatibility of new uses with the community at large. The status and future of the subject site, once home to Akzo Nobel Chemical Company, falls into this challenge.

On the surface, the proposed redevelopment of the 17.7-acre site with almost one-half million square feet of mixed use (a 50% increase over current floor area to include residential and retail uses) and without the necessary infrastructure would conflict with a central long-range planning policy of the County Planning Board as set forth in *Westchester 2025: Plan Together—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the County Planning Board on May 6, 2008, and amended January 5, 2010:

"channel development whenever possible to centers where infrastructure can support growth, where public transportation can be provided efficiently and where redevelopment can enhance economic vitality."

The subject site has been occupied by a single office-type use that is outside of an existing center. The limited infrastructure would need to be enhanced for the proposed development through expansion of a sanitary sewer pump station, modifications and expansions of roadways and the reconfiguration of a signalized intersection on a limited access highway.

The Village has had the foresight to identify this land use situation and took a close look at this property during the drafting of its Vision Plan in 2010. The Plan found that this site "provides an opportunity for redevelopment at a comparatively large scale" that could be a source of tax ratable development. In essence, the Village has redefined this area to be a new "center" with a mix of uses.

Further, the proposed development, guided by the Village's new zoning requirements for the Chauncey Park CP District, presents an innovative re-use of the property that will contain a variety of commercial uses, as well as an affordable housing component. The site design encourages walking and bicycling

within the development and it relates well to the nearby South County Trailway. The applicant has also reached out to the County Department of Public Works and Transportation to explore provision of Bee-Line bus service to the site. These project elements are consistent with the strategies of *Westchester 2025*.

The redefinition of the area as a center by the Village comes with some challenges to provide the needed infrastructure and to ensure compatibility with adjacent land and travel corridors. We discuss these aspects below.

2. **Competition with existing centers.** The creation of a new community in a new location should be viewed from a regional perspective. Will the new center compete, with potential adverse impacts, on existing downtowns, particularly in Dobbs Ferry and Ardsley? The draft EIS answers this question by stating: “in the Applicant’s opinion, the project’s commercial component would complement, rather than compete with, downtown business activity.” The draft EIS also states, “the majority of the future supermarket customers are anticipated to be current customers of existing supermarkets who will be diverted to the new supermarket.” This indicates that the project may shift shopping patterns away from existing stores that might be located within existing centers. Alternative D of the draft EIS discusses a scenario where the existing Stop & Shop in downtown Dobbs Ferry closes and relocates to the subject site. Shifts in retail shopping patterns may affect “customer volume” at existing small businesses. We encourage the Village to carefully consider potential impacts to achieve the planning objective of promoting vibrant commercial activity at all planned and appropriately zoned locations.

3. **Relationship to a regional traffic corridor.** Another long-range planning policy of the County Planning Board as set forth in *Westchester 2025: Plan Together* is:

“enhance the appropriate functions of the county’s transportation corridors. The quality of scenic routes should be protected. Traffic management, transit improvements and systematic maintenance should be implemented on travel routes to reduce congestion, ease movement, increase mobility options and ensure public safety. Sections of corridors that have been developed should be evaluated for steps needed to make these areas into efficient and attractive multi-use places.”

As discussed above, the proposed development is consistent with this policy with regards to converting an already developed area along the Saw Mill Parkway corridor into a multi-use place. Ancillary aspects that we recommend receive close attention are maintaining the corridor’s scenic function and its role in the traffic network.

a. **Scenic function** The Saw Mill, like other parkways in the region constructed during the early 20th century, was largely designed as a route for pleasure driving bordered by wooded areas or meadows. Today it serves as a major commuting route though it retains much of its bucolic quality and has not been intruded upon to a significant degree by “strip” style auto-oriented development. As we stated in our letter during the scoping process, the County Planning Board considers it important that the scenic “parkway” characteristic be protected and that the parkways not become the “front door” or frontage for high-profile developments, such has occurred with

the Chauncey Square shopping center development that was established next to the parkway at Lawrence Street.

The visual analysis of the proposed development presented in the draft EIS basically shows an expansion of the Chauncey Square type of visual impact. In particular, two of the new retail buildings are proposed to be constructed even closer to the parkway than the existing Chauncey Square to both the north and the south.

While the draft EIS draws a comparison between the visual impact of the new proposal with the former Azko-Nobel structures, the proposed retail, hotel and supermarket uses are significantly different buildings and appear to be designed, at least in part, for high visibility from the parkway. This concept was discussed at a September 20, 2011 meeting at the NYS Department of Transportation (NYS DOT) Region 8 offices attended by the applicant. According to minutes of that meeting, the applicant's representative "stated that we don't want to completely shade the development because retailers want the buildings to be seen." As a result, the landscaping plan appears to have been drawn to permit visibility of businesses for cars traveling at highway speeds.

In our opinion, the closeness of the new retail buildings to the parkway combined with signage, lighting and landscaping that are designed to enhance visibility of the new uses from the parkway will create a major change in visual impact over existing conditions that could impact the scenic character of the parkway. We also note that a high profile for this development from the parkway may be unnecessary. As the success of the new retail uses and supermarket will be built on customers from the local community and not the occasional traveler on the parkway, once the businesses open, no one will need a visual reminder of how to find them.

We recommend that the Village condition the approval of the site plan on the subsequent submission by the applicant of a detailed signage and lighting plan and its approval by the Village. The purpose of this plan would be to determine that signs and lighting at the site would have no adverse impact on the Saw Mill River Parkway and do not conflict with the nature and purposes of parkways in New York State. The County Planning Board would appreciate having the opportunity to participate in this review if it is required.

b. Traffic role The proposed development will have its primary vehicular access from a signalized intersection on the Saw Mill Parkway. We encourage the Village and applicant to work with NYS DOT to make sure that the mitigation, as proposed, will work as planned and not impact or add delays to regional traffic flow.

4. Affordable housing units as affordable AFFH units. We encourage the Village to work with the applicant to ensure that at least 10% (23) of the total number of proposed units be created as affordable affirmatively furthering fair housing (AFFH) units that will meet the requirements of the County's Housing Settlement with the federal government. These requirements include:

For-purchase housing units must be affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester, as defined annually by the U.S.

Department of Housing and Urban Development (HUD), and the annual housing costs of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 33% of 80% AMI, adjusted for family size.

Rental units must be affordable to a household whose income does not exceed 60% AMI and the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% AMI adjusted for family size.

Additional AFFH requirements that must be met include affirmative marking, time period of affordability, unit appearance and integration and resale and lease renewal requirements. These requirements can be found in the "Model Zoning Ordinance Provisions for Affordable Affirmatively Furthering Fair Housing Units" as included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010). We encourage the Village to consider amending local regulations so as to be consistent with the County's "Model Zoning Ordinance Provisions.

More detailed information on the Housing Settlement and the implementation plan can be found on the County's website at <http://homes.westchestergov.com> under the "Housing Settlement" tab.

5. County sewer impacts. The proposed development will increase sewage flows from this site into the existing infrastructure. The increased flow will add to the volume of sewage flow requiring treatment at the Yonkers Joint Wastewater Treatment Plant operated by Westchester County. As a matter of County Department of Environmental Facilities' (DEF) policy, we recommend that the Village implement or require the developer to implement measures that will offset the projected increase in flow. The best means to do so is through reductions in inflow/infiltration (I&I) at a ratio of three for one.

While the draft EIS acknowledges this policy, the proposed mitigation as described does not appear to adequately addresses how the three for one I&I mitigation will take place or where. The draft EIS references a proposed upgrade to the Village-owned Lawrence Street Pump Station to accommodate the project, because it is currently at capacity. The draft EIS also states that the applicant will monitor the Danforth Avenue, Livingstone Avenue, Stanley Avenue and Lawrence Street sanitary sewer main flows to identify I&I mitigation beyond that which was identified as part of a DEF Sanitary Sewer Infiltration Study that showed the sewer mains to be structurally sound. As this inspection study was conducted in 1994, we recommend that the Village require the applicant to reevaluate the conditions to the extent necessary to ensure that the necessary I&I work in the immediate project area will achieve a three for one mitigation ratio. If not, the applicant should be directed to perform additional I&I mitigation elsewhere in the village.

6. Bee-Line bus service and train shuttles. The draft EIS states that the applicant contacted the County Department of Public Works and Transportation (DPWT) to determine if Bee-Line Route #5, which operates along Saw Mill River Road, could be re-routed to directly serve the development. DPWT indicated that such a re-routing would not be possible at this time. We recommend that the applicant work with DPWT to identify any needed improvements to existing bus stop numbers 752 and 758, which are located at the intersection of Saw Mill River Road and Lawrence Street. These bus stops

currently contain only bus stop signage polls, with no seating or shelters. These bus stops also do not have pullout areas. While the existing bus stop infrastructure may be appropriate for current passenger volumes, the creation of the new retail and residential complex near the stop may increase use and additional bus stop amenities may be needed. Furthermore, while the applicant has proposed a sidewalk along Lawrence Street to connect the proposed development to the South County Trailway, we recommend that the Village request the applicant to explore if this proposed sidewalk can be extended to reach Saw Mill River Road so that safe pedestrian access to the bus stops can be attained.

We also recommend that the Village request the applicant to explore providing a shuttle service to the Dobbs Ferry train station and downtown area. Such a shuttle would be useful to both the residential tenants of the development, as well as those needing to travel to the commercial uses on the site and in downtown Dobbs Ferry.

7. Provisions for recycling and composting. The draft EIS does not discuss the proposed storage of trash and recyclables. New buildings must contain a designated area of sufficient size for separation and storage of both recyclables and trash. The plans must take into account the recently expanded County regulations for recycling plastics #1-7 and ensure enough space is available for the storage of these materials. Information on recycling may be found at <http://environment.westchestergov.com>

In addition, because the proposed development will feature a supermarket, we urge the applicant to consider using a food composter on-site for food waste related to spoilage and prepared food operations at the supermarket. This will help greatly in reducing the waste stream from the site into the County's waste management system.

8. Stormwater management. The project features a number of subsurface stormwater management devices intended to treat and retain stormwater on-site. While the draft EIS clearly explains which entities will be responsible for maintenance of this infrastructure on different portions of the site, the draft EIS does not explain if an enforceable maintenance program will be followed. We recommend that the Village define such an enforceable maintenance program to ensure the future operability of this stormwater management infrastructure. This is especially critical given the site's close proximity to the Saw Mill River, which is prone to flooding in certain downstream locations. Further, reasonable means that might help mitigate such flooding through the new stormwater infrastructure should be explored.

9. Bicycle and pedestrian access. We commend the applicant for including a complete network of sidewalks within the proposed development, as it will ensure a walkable environment that will allow residents of the site to walk to stores within the development and allow visitors the option to park a vehicle only one time and walk to multiple destinations. This sidewalk network will also be complemented by bicycle paths and lanes within the development which will help connect the site to the South County Trailway. Providing such a connection is to be greatly commended as it will open the new development up to non-motorized transportation beyond the immediate area. We also commend the applicant for proposing bicycle parking throughout the development to encourage bicycling to the site.

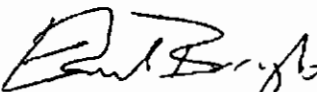
We recommend that the Village consider expanding the bicycle path/lane network so as to serve each roadway in the proposed development. The bicycle path/lane system as shown on the plans may not be

intuitive to people seeking to access the site on bicycle as it is only on one side of Stanley Avenue (as a bike path) and then on only one side of Danforth Avenue (as a bike lane). We recommend that for roads where bicycle lanes are considered, that a bicycle lane be put on each side of the road so that bicycles can ride safely in the direction of traffic. As discussed above, we recommend that the Village request the applicant to explore extending the proposed sidewalk along Lawrence Street (east of the parkway) to Saw Mill River Road so as to provide pedestrian access to Bee-Line bus stops.

10. Green building technology. The draft EIS does not provide an extensive discussion on whether green or sustainable building practices will be pursued. We recommend that the applicant consider using as much green building technology as possible in this new building or pursue a level of LEED certification.

Thank you for the opportunity to comment on this matter.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By: 
Edward Burroughs, AICP
Commissioner

EEB/LJH

cc: Hon. MaryJane Shimsky, County Legislator, 12th District
Thomas Lauro, Commissioner, County Department of Environmental Facilities
Patty Chemka, Deputy Commissioner, County Department of Public Works and Transportation
Rich Stiller, Director of Surface Transportation, County Department of Public Works and Transportation
Richard Dillman, PE, SEQR Unit, NYS Department of Transportation, Region 8



Robert P. Astorino
County Executive

County Planning Board

February 27, 2012

Larry Schopfer, Village Administrator
Village of Irvington
Village Hall
85 Main Street
Irvington, NY 10533

Subject: Referral File No. IRV 12-001 – Zoning Text and Map Amendments: Waterfront District

Dear Mr. Schopfer:

The Westchester County Planning Board has received a proposed amendment to the text of the Village Zoning Ordinance as well as an amendment to the Village Zoning Map. As proposed, the amendments would create a new WF – Waterfront District and exchange it for the existing I – Industrial District, which would be removed from the Zoning Map.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we offer our support for the proposed amendments. We commend the Village for taking this step to update its zoning ordinance to promote land uses that are compatible with Westchester's post-industrial waterfront.

We offer the following recommendations on specific aspects of the ordinance:

- 1. Bonus for affordable housing.** We commend the Village for including a bonus provision for up to 5% additional floor area for dwelling units if at least 50% of the additional floor area is for dwelling units meeting Westchester County's affordable affirmatively furthering fair housing (AFFH) unit guidelines.
- 2. Public access to waterfront.** The proposed regulations permit a floor area bonus up to 10% if the applicant dedicates a 12-foot wide (minimum) easement to the Village for public access along to the waterfront. This bonus provision would only apply to the special permit approval for dwelling units.

Because of the high value and importance of public access to the Hudson Riverfront, as demonstrated by the County's investment in Westchester RiverWalk, we recommend that the Village revise this provision to make the provision of a waterfront access easement mandatory for all types of development, regardless of use, without a bonus. This will ensure that public access to the waterfront is maintained, regardless of the type of development.


February 27, 2012

Page 2

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

for
By:



Edward Burroughs, AICP
Commissioner

EEB/LH



Robert P. Astorino
County Executive

County Planning Board

February 6, 2012

Larry Schopfer, Village Administrator
Village of Irvington
85 Main Street
Irvington, NY 10533

Subject: **Referral File No. IRV 12-002 – Zoning Text Amendment: Fair and Affordable Housing**

Dear Mr. Schopfer:

The Westchester County Planning Board has received a proposed Local Law to amend the text of the Irvington Zoning Ordinance to create a new Article XXVIII – “Fair and Affordable Housing.” The proposed new regulations would establish a new affordable housing program that would incorporate provisions of Westchester County’s Affordable Affirmatively Furthering Fair Housing Model Ordinance Provisions.

We have reviewed the proposed amendments under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code. The County Planning Board commends the Village for initiating this step to incorporate the Model Ordinance Provisions into the Village Code to ensure consistency with Westchester County’s affordable AFFH guidelines. The Village’s proposals are welcomed and strongly supported by this board.

We recommend that the Village consider the following suggestions to ensure consistency with the Model Ordinance Provisions:

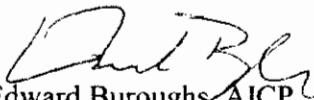
1. Incentives for creation of additional affordable AFFH units. We recommend that the Village consider adding an additional provision to the proposed zoning to incentivize the creation of additional affordable AFFH units above what would be required by the 10% unit set-aside, as suggested in the Model Ordinance Provisions.

2. Calendar/agenda priority. While the proposed zoning amendments include expedited project review process provisions, we note that the provisions do not include agenda priority for developments including affordable AFFH units. We recommend that provisions be added to allow these developments the opportunity to be first on all meeting and work session calendars and agendas and, when feasible based on the ability to conduct required reviews and public notice, with the intent of shortening minimum advance submission deadlines to the extent practicable.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By:


Edward Burroughs, AICP
Commissioner

EEB/LH

cc: Mary Mahon, Special Assistant to the County Executive
Deborah DeLong, Director of Housing

Robert P. Astorino
County Executive

County Planning Board

March 13, 2012

Adam R. Kaufman, AICP
Director of Planning
Town of North Castle
17 Bedford Road
Armonk, NY 10504-1898

Subject: Referral File No. NOC 12-002 — Armonk Square Supermarket, Revised Site Plan

Dear Mr. Kaufman:

The Westchester County Planning Board has received a revised site plan and related materials for the above referenced and previously approved mixed use development in the center of the Armonk hamlet, known as Armonk Square. The site plans, dated February 2, 2012, and town letter dated February 10, 2012 outline four changes to the site:

- An expanded and shared access driveway from Maple Avenue with an added 5'-0" pedestrian walkway,
- Additional plantings to screen adjacent to existing residential properties,
- Relocation of the project's garbage dumpsters and
- Reconfiguration of parking to allow additional parking spaces.

The County Planning Board, in a letter dated October 11, 2011, sent comments to you regarding several actions associated with the formerly proposed development, including a petition to amend the text of the Town Zoning Ordinance to revise the parking requirements for certain uses in the CB-A Central Business District as well as to rezone the newly acquired property along Maple Avenue from CB Central Business to CB-A Central Business District. The proposed actions also included a special permit approval from the Town Board and amended site plan approval from the Planning Board to change the previously approved development. The revised site plan is similar to the site plan addressed in our October 11, 2011 letter.

Access for the proposal will be from Main Street, Maple Avenue and Bedford Road. The town letter notes the project now consists of 53,360 square feet of floor area with 12,748 square feet for retail use, 600 square feet for DEC, a 20,650 square foot grocery store and 10,234 square feet for residential use (10 units). The site plan includes 177 parking spaces (noted as 168 parking spaces in the town letter) on the 3.43 acre site.

We have reviewed the submitted materials under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code. We have the following comments, several of which were included in the October 11, 2011 letter:

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

Telephone: (914) 995-4400 Fax: (914) 995-9098 Website: westchestergov.com

1. Center-based development. In-fill development within the county's existing centers is a major policy recommendation of the County Planning Board's long-range planning policies and strategies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the County Planning Board on May 6, 2008 and amended January 5, 2010. The Armonk Square proposal, featuring a mix of uses in a cluster of relatively small buildings within the center of the Armonk hamlet, represents the type of project envisioned by *Westchester 2025* for Westchester's "Local Centers." It is particularly welcome that the proposal now includes a small supermarket in light of the recent closing of a supermarket nearby in the hamlet. Together with proposed housing, retail, office and restaurant uses, the supermarket will help solidify the future of the hamlet's vitality and future as a walkable and accessible center.

2. Affordable housing. The submitted materials indicate that 20% of the 10 proposed housing units will be developed in accordance with the Town's middle income housing requirements. However, we urge the Town and the applicant to consider setting aside a minimum of 10% of the units to be developed as affordable affirmatively furthering fair housing (AFFH) units:

For-purchase housing units must be affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester, as defined annually by the U.S. Department of Housing and Urban Development (HUD), and the annual housing costs of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 33% of 80% AMI, adjusted for family size.

Rental units must be affordable to a household whose income does not exceed 60% AMI and the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% AMI adjusted for family size.

The County Planning Board also encourages the Town to cite and to adopt the "Model Zoning Ordinance Provisions for Affordable Affirmatively Furthering Fair Housing Units" as included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010). These provisions include, among other recommended requirements, that

Within all residential developments of 10 or more units created by subdivision or site plan approval, no less than 10% of the total number of units must be created as affordable AFFH units. In residential developments of five to nine units, at least one affordable AFFH unit shall be created.

More detailed information on the Housing Settlement and the implementation plan can be found on the County's website at <http://homes.westchestergov.com> under the "Housing Settlement" tab.

3. Green building technology. The Town should consider requiring that these, and other proposed large commercial and residential buildings, be designed to incorporate green, or sustainable building methods and technologies. Such efforts would promote new buildings that are environmentally responsible, profitable and healthy places to live and work. Nationally recognized rating systems (i.e. Energy-Star, LEED or Passive House certification) and organizations can assist the Town in

recommending sustainable elements of building and site design and in the ongoing assessment of the projects. Such efforts can help improve a project through reduced site disturbance, alternative transportation opportunities, energy and water efficiencies, environmentally sensitive building techniques and materials and improved indoor environmental quality. In particular, a “green roof” could be considered for all or a portion of the proposed supermarket’s large roof surface.

4. Parking. An amendment to the Town’s parking requirements is requested to reduce the number of parking spaces required for various uses in the CB-A District, including supermarkets. The latest proposal calls for a reduction in the quantity of proposed spaces at 177 (according to the site plan) for 53,360 square feet of mixed-use development. This is down from 190 parking spaces for 49,394 square feet of development for the previously submitted project noted in our October 11, 2011 letter. We recommend that the Town continue to give specific consideration to keeping the total number of parking spaces established to the lowest responsible amount.


5. Stormwater management. While the proposed site plan shows subsurface stormwater retention infrastructure, we point out that subsurface methods of stormwater management can be of diminishing effectiveness over time if not properly cleaned and maintained. To ensure the continued operability of this stormwater management system in to the future, the applicant should provide an enforceable maintenance program that will prevent the system from being clogged with sediment, and in turn force a higher amount of stormwater runoff into the Town’s storm drain system. The applicant should also be encouraged to explore aboveground stormwater management solutions that treat runoff on-site wherever possible, such as using pervious paving for parking areas, or the use of vegetative rain gardens in addition to the previously mentioned green roofs.

6. Bicycle parking. While the proposed site plan shows parking spaces for automobiles, it is unclear if any accommodation for bicycles is provided. Bicycling has become an increasingly popular form of transportation and it is forecasted to continue to grow as a transportation mode. Providing a bicycle rack is a low cost way to promote this form of non-motorized transportation. We encourage the Town to work with the applicant to provide bicycle parking on this site.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For:
By:


Edward Burroughs, AICP
Commissioner

EEB/NM

Robert P. Astorino
County Executive

County Planning Board

Referral File No. PLV 12-002 – Cooley Street Development, Application for Site Plan Approval

Date: February 10, 2012

Contact: Michael A. Testa, Jr., Building Inspector
Village of Pleasantville
80 Wheeler Avenue
Pleasantville, NY 10570

Materials received:

- Site plans, dated January 25, 2012
- Other application materials

Our understanding of the application, based on these materials, is included in a "Proposal Description" at the end of this document.

APPLICATION REVIEW SUMMARY

Consistency with County Planning Board policies

- The project is consistent with the County Planning Board's long-range planning policies and strategies. Go to <http://westchester2025.westchestergov.com/> for more information.
- Efforts should be made to include affordable AFFH units in the development that will meet the requirements of the County's Housing Settlement with the federal government.

Impacts to County facilities and services.

- Review and approval is required from the County Department of Public Works and Transportation for the proposed curb cut on Bedford Road (County Road 27).
- Increased sewage flows from the site into the County sewer system should be offset through inflow and infiltration (I&I) mitigation.
- Sufficient space should be set aside on the site to accommodate the storage of recyclables under the recently expanded County recycling law.

Additional comments

- We encourage the Village to consider granting a variance of some of the required parking. Transit-oriented developments are likely to attract tenants looking to use public transit to commute, reducing the need for multiple cars per household.
- The applicant should be encouraged to add stormwater infrastructure to the site to treat and retain as much stormwater on-site as possible
- The applicant should consider adding bicycle parking and incorporating green building technology as possible.

COMMENTS AND RECOMMENDATIONS

1. Consistency with County Planning Board policies. The proposal is consistent with the County Planning Board's long-range planning policies and strategies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the County Planning Board on May 6, 2008, amended January 5, 2010, because it involves a transit-oriented development in an existing downtown center that is street-oriented and pedestrian scaled with parking behind and underneath the building. Developments of this type contribute towards the strengthening of an attractive, mixed-use node near a train station and a strong village center.

2. Fair and affordable housing – development of affordable AFFH units. The submitted materials do not indicate if any of the proposed residential units are proposed to be developed as affordable affirmatively furthering fair housing (AFFH) units. We encourage the Village to work with the applicant to ensure that at least 10% of the total number of proposed units be created as AFFH units that will meet the requirements of the County's Housing Settlement with the federal government. The requirements for AFFH units include:

For-purchase housing units must be affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester, as defined annually by the U.S. Department of Housing and Urban Development (HUD), and the annual housing costs of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 33% of 80% AMI, adjusted for family size.

Rental units must be affordable to a household whose income does not exceed 60% AMI and the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% AMI adjusted for family size.

Additional AFFH requirements that must be met include affirmative marketing, time period of affordability, unit appearance and integration and resale and lease renewal requirements. These requirements can be found in the "Model Zoning Ordinance Provisions for Affordable Affirmatively Furthering Fair Housing Units" as included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010). We encourage the Village to consider amending local regulations so as to be consistent with the County's "Model Zoning Ordinance Provisions.

More detailed information on the Housing Settlement and the implementation plan can be found on the County's website at <http://homes.westchestergov.com> under the "Housing Settlement" tab.

3. County road. Bedford Road is a County road (CR 27). The site plan shows a proposed curb cut for service vehicle access along the site's frontage with Bedford Road. Approval for this work from the County Department of Public Works and Transportation under Section 239 F of the General Municipal Law is required. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F submittal. The driveway must also be designed in accordance with current County, State and AASHTO standards.

4. County sewer impacts. The proposed development will increase sewage flows from this site into the existing infrastructure. The increased flow will add to the volume of sewage flow requiring treatment at the Yonkers Joint Wastewater Treatment Plant operated by Westchester County. As a matter of County Department of Environmental Facilities' policy, we recommend that the Village implement or require the developer to implement measures that will offset the projected increase in flow. The best means to do so is through reductions in inflow/infiltration (I&I) at a ratio of three for one.

5. Provisions for recycling. While the site plan shows areas for trash and refuse, the Village should request the applicant to verify that the enclosure is of sufficient size to accommodate the expanded County recycling program that includes plastics with numbers 1 through 7. New County regulations for plastic recycling may be found at <http://environment.westchestergov.com>

6. Parking variance. The Village zoning code requires the development as proposed to provide 26 parking spaces; 15 spaces are shown on the site plan. We encourage the Village to consider granting a variance from the total number of spaces required since the proposed apartments are likely to attract tenants seeking to use public transit to commute. Such households have the ability to reduce the need for multiple cars per household. In addition, the retail should be pedestrian oriented, requiring less than the amount of parking required for free-standing retail elsewhere in the Village.

We note that without a variance of some number of parking spaces, it may be a challenge to design the building so as to retain the desirable street-oriented design.

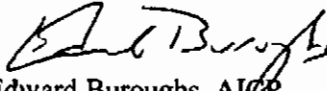
7. Stormwater management. The current site plan package does not include information on on-site stormwater management infrastructure. We encourage the Village to work with the applicant to provide some type of on-site stormwater management, with the goal to treat and retain as much stormwater on-site as possible after most storm events. In addition to standard stormwater management devices, the applicant should be encouraged to consider alternative measures, such as rain gardens, permeable paving surfaces and a green roof. A green roof could provide an attractive amenity for the tenants of the building if they are allowed roof access.

8. Bicycle parking. We recommend that the applicant consider adding a bicycle storage room on the first floor of the building. In recent years, bicycling has become an increasingly popular form of transportation and it is forecasted to continue to grow as a transportation mode.

9. Green building technology. We recommend that the applicant consider using as much green building technology as possible in the development.

Thank you for the opportunity to comment on this matter.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By: 
Edward Burroughs, AICP
Commissioner

EEB/LH

PROPOSAL DESCRIPTION

The applicant proposes to construct a three-story mixed-use building on an 11,875 square foot lot on the northeast corner of Bedford Road (County Road 27) and Cooley Street in downtown Pleasantville. The building would feature 2,527 square feet of retail space on the ground floor with two floors of residential above with 12 apartments (10 one-bedroom and 2 studio). Parking would be provided for 15 vehicles, which would require a variance since the Zoning Ordinance requires 26 parking spaces - 17 spaces for the residential use and nine spaces for the retail use. Main vehicular access would be via a driveway along Cooley Street, with a service vehicle entrance from Bedford Road.



Robert P. Astorino
County Executive

County Planning Board

March 14, 2012

Judy Weintraub, Village Clerk
Village of Pleasantville
80 Wheeler Avenue
Pleasantville, NY 10570

Subject: **Referral File No. PLV 12-003 – Zoning Text Amendment: Affordable Affirmatively
Furthering Fair Housing**

Dear Ms. Weintraub:

The Westchester County Planning Board has received a proposed Local Law to amend the text of the Pleasantville Zoning Ordinance to establish new affordable housing regulations that would incorporate provisions of Westchester County's *Affordable Affirmatively Furthering Fair Housing Model Ordinance Provisions*. The development of the Model Ordinance Provisions by Westchester County was required under the August 10, 2009 Stipulation and Order of Settlement and Dismissal entered in *U.S. ex. rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County*.

We have reviewed the proposed amendments under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code. The County Planning Board commends the Village for initiating this step to incorporate the Model Ordinance Provisions into the Village Code to ensure consistency with Westchester County's affordable AFFH guidelines. The Village's proposals are welcomed and strongly supported by this board.

We note that one section of Model Ordinance Provisions mandated through the Settlement – the required affordable AFFH unit component – is not fully addressed under the proposed regulations. The proposed regulations will require 10% of the units in multi-family developments of 10 or more units to be designated as affordable AFFH units. The Model Ordinance Provisions specify that this inclusionary requirement extend to all residential developments, including single-family developments. In addition, the Model Ordinance specifies that residential developments between five and nine units in size be required to designate at least one unit as affordable AFFH. We recommend that the Village revise the proposed regulations to match the Model Ordinance Provisions for the required affordable AFFH unit components of residential developments.

In addition, we recommend that the Village consider the following suggestions to enhance the proposed Local Law:

1. Incentives for creation of additional affordable AFFH units. The Village could consider adding an additional provision to the proposed zoning to incentivize the creation of additional affordable AFFH units above what would be required by the 10% unit set-aside, as suggested in the Model Ordinance Provisions.

2. Unit appearance and integration. While the proposed regulations contain a unit appearance and integration provision that is consistent with the Model Ordinance Provisions as it pertains to multi-family developments, this section should be expanded to apply the standards to single-family developments. For example, the Model Ordinance promotes regulations that would permit affordable AFFH units to be integrated into two-family homes that are part of single-family subdivisions and that would permit affordable AFFH single-family homes to be placed on lots meeting 75% of the minimum lot area.

3. Minimum floor area and occupancy standards. The proposed regulations establish minimum gross floor area and occupancy standards as those “established by, and in accordance with, the NYS Building Code in effect.” As an alternative, minimum gross floor area per affordable AFFH unit can be referenced to the standards set forth by the New York State Division of Housing and Community Renewal & the New York State Housing Trust Fund Corporation in Section 4.03.03 of the most recent edition of its joint Design Manual. http://nysdhcr.gov/Publications/DesignHandbook/UF2009_DesignHandbook.pdf

4. Calendar/agenda priority. While the proposed regulations include expedited project review process provisions, we note that the provisions do not include agenda priority for developments including affordable AFFH units. Such provisions could be added to allow these developments the opportunity to be first on all meeting and work session calendars and agendas and, when feasible based on the ability to conduct required reviews and public notice, to be subject to shorter minimum advance submission deadlines.

The proposed regulations do not include provisions to help ensure that the proposed meeting schedule and conceptual timeline established as an outcome of the pre-application process is followed to the greatest extent possible. The Model Ordinance Provisions suggest that if the approval process extends beyond one year, an applicant for a development including affordable AFFH units could be entitled to at least one additional meeting per year with the same departments, agencies, authorities, boards, commissions, councils or committees to review any and all items discussed at previous pre-application meetings.

Thank you for calling this matter to our attention.

Respectfully,

WESTCHESTER COUNTY PLANNING BOARD

FOR
By:



Edward Burroughs, AICP
Commissioner

EEB/LH

cc: Mary Mahon, Special Assistant to the County Executive
Deborah DeLong, Director of Housing

Robert P. Astorino
County Executive

County Planning Board

Referral File No. SCD 12-002— Weaver Street Development: Site Plan Approval

Date: March 21, 2012

Contact: Elizabeth Marrinan, AICP, Village Planner
Scarsdale Village Hall
1001 Post Road
Scarsdale, NY 10583

Materials received:

- Site plans dated revised March 21, 2012
- Full environmental assessment form and related materials

Our understanding of the proposal, based on these materials, is included in a "Project Description" at the end of this document.

PROJECT REVIEW SUMMARY

Consistency with County Planning Board policies

- The project is consistent with County Planning Board policies because it is a multi-family development to be located in a local center containing a mix of uses. The development would also include at least one affordable AFFH unit. For more information on *Westchester 2025* go to <http://westchester2025.westchestergov.com/>.
- The provision of only one affordable AFFH unit for the development, conflicts with County Model Ordinance Provisions, which would require 2 affordable AFFH units.

Impacts to County facilities and services.

- Increased sewage flows from the site into the County sewer system should be offset through inflow and infiltration (I&I) mitigation.
- Sufficient space should be set aside on the site to accommodate the storage of recyclables under the recently expanded County recycling law
- The project may require review from the County Department of Public Works and Transportation because of the site's frontage on a County road.

Additional comments

- The applicant should consider using as much green building technology as possible as well as bicycle parking

- Review from NYS DOT may be required due to proposed curb cuts on Weaver Street (NYS Route 125), a State road.

DETAILS OF COMMENTS

1. Consistency with County Planning Board policies. The proposal is generally consistent with the County Planning Board's long-range planning policies and strategies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the County Planning Board on May 6, 2008, amended January 5, 2010, because it involves a multi-family development to be located in a local center containing a mix of uses, with good pedestrian and transit access.

2. Affordable housing. According to the County's Model Ordinance Provisions, multi-family developments should include no less than 10% affordable AFFH units. Using this guideline, a proposed multi-family building of 11 units should contain two affordable AFFH units. We recommend that the Village work with the applicant to raise the affordable AFFH unit count to two units, to be consistent with the Model Ordinance Provisions.

3. County sewer impacts. The proposed development will increase sewage flows from this site into the existing infrastructure. The increased flow will add to the volume of sewage flow requiring treatment at a wastewater treatment plant operated by Westchester County. As a matter of County Department of Environmental Facilities' policy, we recommend that the Village implement or require the developer to implement measures that will offset the projected increase in flow. The best means to do so is through reductions in inflow/infiltration (I&I) at a ratio of three for one for the market rate units and one for one for the affordable AFFH units.

4. Provisions for recycling. The site plans do not define where trash and recycleables will be stored for both the restaurant and the residential units. The Village should request the applicant to verify that there is sufficient space to accommodate the storage of recyclables under the expanded County recycling program that includes plastics with numbers 1 through 7. New County regulations for plastic recycling may be found at <http://environment.westchestergov.com>

5. County road. Because the site contains frontage along a County road (Heathcote Bypass – CR 143) this project may require approval from the County Department of Public Works and Transportation under Section 239 F of the General Municipal Law. The applicant should contact the County Department of Public Works and Transportation in this regard.

6. Green building technology. We encourage the applicant to consider using as much green building technology as possible in the development. In particular, we note that the plans show large areas of impervious surfaces for the building and parking. We recommend that the proposed roof terrace and "green deck" elements of the building contain green roof elements that can treat and retain stormwater.

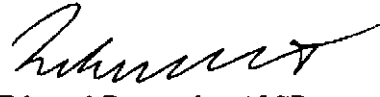
7. Bicycle parking. While the proposed site plan shows parking spaces for automobiles, the plan does not show an accommodation for bicycles. Providing a bicycle rack is a low cost way to promote this

form of non-motorized transportation. We encourage the Village to work with the applicant to provide bicycle parking on this site.

8. NYS DOT review. Weaver Street (NYS Route 125) is a State highway. The Village should forward a copy of the application to NYS DOT to identify any required permits for the proposed project and to evaluate potential traffic impacts.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For:
By: 
Edward Burroughs, AICP
Commissioner

EEB/LH

cc: Michael Dispenza, Contract Administrator, County Department of Public Works
Kevin Roseman, Traffic Engineer, County Department of Public Works
Richard Dillman, PE, SEQR Unit, NYS Department of Transportation, Region 8

PROJECT DESCRIPTION

The proposed project is the redevelopment of a site currently occupied by a one story dance studio and a three story restaurant/office building. The site has 50 surface parking spaces for these uses. The development will include demolition of the dance studio and construction of a three story, eleven unit residential building. The building will also include a structured parking deck with 22 parking spaces for the residential building and 42 parking spaces for the restaurant/office building, which will remain. The project site includes two parcels owned by the Village which are scheduled to be sold to the applicant and merged into a single parcel.

Robert P. Astorino
County Executive

County Planning Board

March 13, 2012

Bill Williams, Building Inspector
Tuckahoe Village Hall
65 Main Street
Tuckahoe, NY 10707

Dear Mr. Williams:

Thank you for the notification concerning the following proposed action:

Project Name/File Number:	The Glenmark — TUC 12-002
Action:	Extension of Special Permit and Area Variance Approvals
Location:	1406, 150 & 160 Main Street and 233 Midland Avenue

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that the extension of these existing approvals are a matter for local determination in accordance with your community's planning and zoning policies.

Prior referrals of this proposal did not indicate if any of the proposed residential units are to be developed as affordable affirmatively furthering fair housing (AFFH) units. We urge the Village and the applicant to consider setting aside a minimum of 10% of the units to meet these requirements. The County Planning Board is aware that the County would welcome the opportunity to meet with representatives of the Village and the applicant to discuss means to allow units within the proposed development to qualify under the requirements for affordable AFFH units.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For:
By: 
Edward Burroughs, AICP
Commissioner

EEB/LH

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

Telephone: (914) 995-4400 Fax: (914) 995-9098 Website: westchestergov.com

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
QUARTERLY REPORT**

For the period: January 1, 2012 through March 31, 2012

Appendix VI-1: 1Q 2012 Financial Report

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
QUARTERLY REPORT**

For the period: January 1, 2012 through March 31, 2012

Appendix VII-1: 1Q 2012 Public Statements Between January 1, 2012 and March 31, 2012

Robert P. Astorino, Westchester County Executive

NEWS RELEASE

Ned McCormack, Communications Director (914) 995-2932

Contact: Donna Greene (914) 995-2935

FOR IMMEDIATE RELEASE: JAN. 9, 2012

WESTCHESTER COUNTY AHEAD OF SCHEDULE ON HOUSING SETTLEMENT 182 units have financing, 108 units have building permits – surpassing 2011 benchmarks

Westchester County remains almost a year ahead of schedule in meeting the fundamental benchmarks of developing affordable housing under terms of its settlement with the federal government, County Executive Robert P. Astorino announced today.

As of this month, the county has 206 housing units approved by the federal housing monitor, of which 182 have all financing in place and 108 units have building permits in place. Under the terms of the settlement with the U.S. Department of Housing and Urban Development (HUD), the county was only required to have 100 units with financing and 50 units with building permits by the end of 2011. The settlement calls for 200 units with financing and 125 with building permits by the *end of 2012*. The county expects to meet these benchmarks by March.

And in the latest indication of the county's progress, a lottery was held Thursday for 18 nearly completed units in Rye City that will be ready for occupancy by April. Previously, lotteries were held for 83 units in Cortlandt, one unit in Pleasantville and a three-family house in Pelham.

"These are important accomplishments and clearly show that the county is more than meeting its obligations under the 2009 housing agreement with the federal government," Astorino said. "Our progress is the result of working cooperatively with our local communities and experienced developers. We have reviewed more than 200 potential sites across every one of the 31 eligible communities that are part of the settlement."

The housing settlement entered into in 2009 by former County Executive Andrew J. Spano, the Board of Legislators and HUD requires the county government to ensure the development of 750 units of fair and affordable housing over a seven-year period in 31 mainly white communities. The agreement includes benchmarks for financing and obtaining building permits that must be in place by the end of each year. It also requires the county to market the housing in a way to reach non-white populations, not only in Westchester but also in New York City and surrounding counties. The county faces severe financial penalties if it fails to meet certain benchmarks.

-- more --

HUD's current dispute with Westchester is not over what is in the settlement but over actions taken by the federal agency attempting to impose requirements the county believes are outside the settlement.

Specifically, the dispute has to do with a document called an Analysis of Impediments (AI). Prior to the settlement, HUD routinely approved the AIs the county submitted. But HUD has rejected the county's AI tied to the settlement five times.

On May 13, 2011, HUD sent a letter to the county saying the AI must go "beyond the four corners of the settlement." The county's position is that it will live up to all of its obligations in the settlement but that HUD has no legal authority to dictate new terms.

"Westchester is a diverse, welcoming community and I will vigorously defend the rights of people to live in any community of their choosing," said Astorino. "But the settlement applies equally to all the parties, which means HUD can't make up its own rules."

The various housing units being developed include both ownership and rental units that are marketed to the public, particularly in minority communities. As they become available, the units are sold or rented based on a lottery of interested applicants who meet certain income criteria. In the order names are drawn, applicants are given appointments to begin the qualification process.

Westchester is the fourth most diverse county in New York in terms of Hispanic and African American population, according to the 2010 U.S. Census. It is virtually tied with Manhattan, ahead of Staten Island and only trails Brooklyn, Queens and the Bronx. If Westchester were a state, it would rank seventh in Hispanic population and 14th in African-American population.

Over the last 10 years, the 31 mostly white communities covered in the settlement have seen their Hispanic and African-American populations increase by 56 percent through natural market forces.

The settlement's units are available to income-eligible individuals and families, irrespective of race or ethnic background. Depending on the unit (and the kind of financing it received) the income limits are set at varying percentages of the county's "area median income" (AMI). A chart with these percentages based on family size can be found at <http://homes.westchestergov.com/resources/hud-income-guidelines>.

Last week, a lottery was held by the Housing Action Council, a non-profit agency with whom the county works closely, for the 18 Rye Cottage Townhomes located at Edgar Place on Cottage Street. These units are comprised of one-bedroom and one-bedroom plus den condominiums that will sell for \$150,000 and \$165,000 respectively.

One of the previous lotteries held was for 83 units as part of the 92 unit development known as Roundtop Commons, located along Rt. 9A in Montrose. These one- and two-bedroom rental units are available to households earning up to 50 and 60 percent of the county's AMI. Rents are expected to range from \$870 to

\$1,067 for a one-bedroom unit and from \$1,035 to \$1,270 for a two-bedroom unit. Separate lotteries were held for the units in Pleasantville and Pelham.

Anyone interested in these or future units is encouraged to start working with a housing counseling agency now so they are credit-ready at the time units become available. People are also encouraged to sign-up to receive information and unit applications on the county's Homeseeker section of its Web site. Last year this site was updated to include a mapping tool that allows interested homeseekers to view developments in construction or available for rent and sale, and see what educational, transportation, job and commercial opportunities are available in the areas surrounding the homes. (See www.westchestergov.com/homeseeker)

The following is a thumbnail sketch of some of the developments that are proceeding:

RYE CITY

This project was the focus of the lottery last week, with 61 families applying.

The Rye Cottage Townhomes, located at Edgar Place on Cottage Street, contain 18 fair and affordable one-bedroom and one-bedroom plus den condominium ownership units, which will sell for \$150,000 and \$165,000 respectively. These units will be available to households earning up to 80 percent of the county AMI. A one-person household can earn up to \$60,400, while a two-person household can earn up to \$69,100.

Financing: The county is providing grants of \$1,356,000 from its Fair and Affordable Housing (FAH) capital fund and \$880,000 in federal HOME funds towards the total development cost of \$5,761,000. The complex will also include four market-rate units, which will be privately funded.

CORTLANDT

This project was the focus of a lottery in September, which drew from 524 entry applications.

Roundtop Commons, located along Rt. 9A in Montrose, contains 91 fair and affordable one- and two-bedroom rental units, all of which will be available to households earning up to 50 and 60 percent of the county's AMI. A one-person household can earn up to \$37,800 for a 50 percent AMI unit or up to \$45,360 for a 60 percent AMI unit; and two-people households can earn up to \$43,200 for a 50 percent AMI unit and \$51,840 for a 60 percent AMI unit. There also will be a unit for the superintendent. Eighty-three units in the complex will count towards the county's commitment to help develop 750 units of fair and affordable housing. Rents are expected to range from \$870 to \$1,067 for a one-bedroom unit and from \$1,035 to \$1,270 for a two-bedroom unit.

Financing: The county is providing loans of \$5,474,000 in FAH funds and \$1,607,000 in federal Community Development Block Grants (CDBG) and a grant of \$1,659,000 in New Homes Land Acquisition (NHLA) funds towards the total development cost of more than \$30 million.

YORKTOWN

The Freedom Gardens for the Handicapped development will provide three fair and affordable rental units for physically handicapped households at or below 60 percent of the AMI, in a new building on a portion of their approximately 5-acre site located at 1680 Strawberry Road in Mohegan Lake. The apartments will rent for \$1,353 a month, with additional assistance being provided through the Section 8 voucher program.

Financing: The county is providing a grant of \$225,000 of federal HOME funds toward the total development cost of \$952,000.

Also in Yorktown, a new 26-unit fair and affordable townhouse development will begin construction in early 2012 on Old Crompond Road. The three bedroom, two and one half bath units will be available for households earning up to 80 percent of the county's AMI. The units are expected to sell for just over \$225,000.

Financing: The county is providing a grant of \$1,420,000 in FAH funds for the acquisition of the land, \$1,500,000 for infrastructure work, and \$500,000 in HOME funds for construction of the modular units.

PLEASANTVILLE

This unit was the focus of a lottery in December, which drew 19 entries.

The Pleasantville Housing Development Fund Company has acquired a two bedroom condominium units within a complex and is offering it for resale at a below market level. The unit at 393 Manville Road will be sold to a family earning at or below 80 percent of the AMI.

Financing: The County contributed a grant of \$52,500 and has given a loan in the amount of \$160,000 to purchase the unit and resell it at a lower sales price. Upon the resale of the unit, the County's \$160,000 loan will be repaid.

Also in Pleasantville, a house, located at 55 Pleasant Avenue in the village of Pleasantville, will be rehabilitated and slightly expanded to allow for an accessory apartment to be added to the original house. The owner's unit will have three bedrooms and will be available for a household earning up to 80 percent of the county's AMI. The one bedroom apartment will be available for a household earning up to 60 percent of the county's AMI. A three-person household can earn up to \$77,700 for the ownership unit, or a four-person household can earn up to \$86,300. The accessory unit would be available for a one person household earning up to \$45,360.

Financing: The county is providing grants of \$100,000 in FAH funds, and \$26,000 in Lead Safe Westchester funds toward the total development cost of about \$435,000.



Robert P. Astorino, Westchester County Executive

New York Times
Letter to the Editor
Jan. 9, 2012

To the Editor:

We take issue with your characterization of Westchester County's affordable housing settlement in "[Westchester's Desegregation Battle](#)" (editorial, Jan. 1). Far from being "ultrawhite,"

Westchester is proud to be the fourth most diverse county in New York. It is virtually tied with Manhattan, in terms of percentage of Hispanic and African-American population, according to the 2010 Census. If Westchester were a state, it would rank seventh in Hispanic population and 14th in African-American population.

If there has been any "stonewalling," it has been by the Department of Housing and Urban Development, which has held up \$7 million in housing and community development grants, hoping to force the county to do things not required in the settlement.

Despite HUD's roadblocks, Westchester is a year ahead of schedule in building the 750 units of affordable housing required by the settlement. Our success is attributable to working cooperatively with municipalities.

HUD would prefer litigation. That's not how communities get built.

ROBERT P. ASTORINO
Westchester County Executive
White Plains, Jan. 9, 2012

NATIONAL REVIEW ONLINE

JANUARY 11 2012 4:00 A.M.

Mr. Astorino Goes to Westchester

Slowly but surely, he's turning the tide

By Patrick Brennan



What might cause the *New York Times* editorial board to find, in New York's suburban Westchester County, an example of "a struggle for racial integration [that] is neither bygone nor exclusively Southern"? Why might "county leaders [be] stonewalling federal authorities over a longstanding housing desegregation case"?

More or less, a Republican executive in a deep blue district. Over the past two years, county executive Rob Astorino has garnered widespread attention and praise for defending his county against racially tinged federal overreach in a mundane affordable-housing case, while also reducing the onerous costs of county government.

In recent decades, Westchester's wealth has fed a gargantuan government, which levies the fifth-highest property-tax rates of any county in America — residents pay a staggering 7.8 percent of the median income in property taxes.

New York State also requires a particularly burdensome system of local government — regional government, county legislatures, county executives, and a wide range of county services all weigh down Westchester with a budget of \$1.8 billion.

In 2009, residents decided that their taxes had grown too oppressive and their government too big, and ended a twelve-year Democratic reign in the executive's office. A year after Obama won more than 65 percent of the vote in the county, Republican Rob Astorino was elected as Westchester's county executive by a margin of 16 points.

Astorino, a successful radio commentator first on ESPN Radio and then with Sirius's Catholic Channel, is a calm but convincing advocate for conservative principles. In an interview in his office with NATIONAL REVIEW ONLINE, Astorino highlighted the three issues he has emphasized as county executive, which he considers the key roles of local government

anywhere: making sure property taxes are reasonable, maintaining essential services, and attracting businesses and economic development.

Astorino's victory in a prominently liberal area garnered him national media attention, but he says that he wasn't aware of his national profile at all until the morning after his election — when “CNN and the networks were outside my front door, and Rush Limbaugh was talking about me.” Limbaugh cited Astorino as a successful candidate crusading against big government in a “deep blue” region.

Prior to Astorino's election, Westchester had begun a large affordable-housing project with funding from the federal Department of Housing and Urban Development (HUD). The previous county executive, Andrew Spano, had settled a 2009 suit by a local anti-discrimination group with the federal government, agreeing that Westchester would build 750 units of housing in predominately white areas, in order to meet its obligation to “affirmatively further fair and affordable housing.”

After Astorino was elected, President Obama's HUD required the county government to submit a document identifying potential “impediments” to the affordable-housing project, and suggesting actions to overcome them. HUD has repeatedly rejected the county's analysis, despite the fact that the settlement-mandated construction of units is ahead of schedule and compliant with Westchester's agreed-upon settlement.

On May 13, 2011, HUD sent another letter to the county government essentially admitting as much, insisting that Westchester go “beyond the four corners of the settlement” in a few ways. Obama's HUD seemed to be unhappy for two reasons: not enough spending, and not enough government control. First, HUD insisted that more than 50 percent of all homes constructed have three bedrooms, which would more than double the county's costs from \$51.6 million to about \$100 million, a price unreasonable for a county with strained finances. Secondly, HUD has requested that the county sue towns to dismantle their zoning laws on, among other things, multifamily housing, despite the fact that the settlement doesn't require it, and towns have been able to cooperate in the housing settlement without demolishing their own local laws.

Astorino has insisted that the county will abide by the terms of the original federal settlement, and emphatically rejected HUD's demands as unaffordable outlays and troubling overreach in response to a non-existent problem. Allocating all of the new housing to members of minority groups would increase Westchester's minority population by just 5 percent, while it naturally increased 56 percent from 2000 to 2010, and the county remains ahead of schedule on financing and constructing the housing units. Astorino explained local residents' dismay with what federal authorities “have called . . . their grand experiment” and their issuance of an “integration order.” (Westchester is the fourth most diverse county in the state — tied with New York County, also known as Manhattan.) Astorino has stood fast, however, and told me the national controversy has not distracted him from his county reforms, which the county government desperately needed.

One almost cannot overstate the tax burden imposed on Westchester residents. Residents of Fairfield, a similarly affluent county next door in Connecticut, pay half as much property taxes as residents of Westchester. Astorino notes, “Ninety-nine out of 100 times, when you talk to someone in this county, whether Democrat or Republican, liberal or conservative, it is ‘Stop this tax madness, now.’”

Westchester has a substantial population of senior citizens, and the combination of once rapidly rising property values and a constantly increasing tax levy has made the situation untenable for many. Astorino explained a truly shocking trend: Many Westchester senior citizens now find themselves paying more money in annual property taxes than they did on their home mortgages, and many are exchanging their New York houses for Florida condos as a result.

Property taxes, for better or worse, aren't like income taxes, whose incentive effects are not always so tangible. When property taxes reach an unsustainable level, citizens are forced to sell their homes and communities are visibly altered. Moreover, property taxes fall upon residents regardless of their current income. No good comes of high taxes, of course, but there is a silver lining to Westchester's property-tax rates: By showing citizens the real cost of their government, they have forced liberals and conservatives alike to address government waste.

Despite constantly rising outlays, Astorino has done his best to maintain or reduce Westchester's tax levy, a marked difference from the constant inflation seen under Democratic executives. (In his first full-year budget, he reduced the total levy by 2 percent, and will hold it steady in his 2012 budget.)

Much of New York's county-level bloat is due to the number of services, including Medicaid, that New York State provides through county governments. But the government is essentially redundant in other respects, as indicated by a couple of the budget reforms he highlights.

Westchester's twelve county homeless shelters were operating well under capacity, thanks to notably successful efforts in relocating homeless citizens to permanent housing. In fact, two shelters were running only about 50 percent full on the average night — but costing the county as if they were filled by homeless every night. Sensibly, Astorino decided to close these two shelters, saving a significant amount of money while leaving the system with plenty of remaining capacity. He noted that, because it involved layoffs, even such an obvious fix was lambasted: "The narrative from the other side was, we're throwing homeless people out in the street."

Another of Astorino's reforms was similarly demonized. The county government was administering Section 8 housing vouchers on behalf of the state, losing about \$700,000 a year over and above state reimbursements, when they could have contracted it to the state. Seeing an opportunity, Astorino cancelled the contract — state employees now provide the same Section 8 services at no loss to the county, and work in the same county office building, for which the state pays the county \$237,000 a year in rent. But even this seemingly obvious solution, which saves the county almost \$1 million a year, was heavily opposed. Siding with the public-sector union involved, the Democratic county legislature insisted unsuccessfully that the government rehire the county workers for what Astorino calls "no-show jobs," since the state now provided the service.

Astorino's profile has not diminished — after unveiling his 2012 county budget in November, he was featured on Fox Business Network to explain why union members' refusal to contribute to their own health-care costs forced 210 layoffs in his 2012 county budget. His combination of personal appeal and policy knowledge seem to suggest great political potential, but when I prompted him about future ambitions, he smiled and demurred, emphasizing his long-term commitment to reform in Westchester. In fact, he appreciates the challenge and opportunity Westchester represents, noting that "there's a lot at stake, there are a lot of smart people in this county, and they understand what we're doing."

He attributes his vigorous approach to government reform to his concern for the problems of his home county, and to his wider beliefs about the proper function of government: "The county is tangled with the state," but Westchester, as a large

county, can be "a model, a laboratory for the rest of the state and the federal government. If we can do it in Westchester, it can be done elsewhere."

Indeed, sentiment in the county about Astorino's performance, despite controversy and austerity, seems to be quite positive: The most obvious vindication of Westchester's new government was November's county-legislature election. In three excruciatingly close races, the Republicans managed to pick up two seats, breaking the veto-overriding Democratic supermajority and securing both a political mandate and a practical way forward for reform.

Rob Astorino's success in Westchester County is due in no small part to unique factors: his charisma and command of the issues, and taxpayers who have emphatically rejected onerous taxes. But as counties and municipalities across America must confront worsening fiscal situations, Astorino has shown that successes are possible anywhere, even Westchester, with smart reforms and political will. Astorino, *agonistes* no longer, has crusaded for small government, and won more converts than anyone would have expected.

Chuck Seaman is the 2014-2015 Public Policy Fellow at NACCA, Inc.

Westchester Ahead of Schedule on Housing Settlement

Last Updated on Thursday, 19 January 2012 15:34

Westchester County remains almost a year ahead of schedule in meeting the fundamental benchmarks of developing affordable housing under terms of its settlement with the federal government, County Executive Robert P. Astorino announced recently.

As of this month, the county has 206 housing units approved by the federal housing monitor, of which 182 have all financing in place and 108 units have building permits in place. Under the terms of the settlement with the U.S. Department of Housing and Urban Development (HUD), the county was only required to have 100 units with financing and 50 units with building permits by the end of 2011. The settlement calls for 200 units with financing and 125 with building permits by the end of 2012. The county expects to meet these benchmarks by March.



And in the latest indication of the county's progress, a lottery was held Thursday for 18 nearly completed units in Rye City that will be ready for occupancy by April. Previously, lotteries were held for 83 units in Cortlandt, one unit in Pleasantville and a three-family house in Pelham.

"These are important accomplishments and clearly show that the county is more than meeting its obligations under the 2009 housing agreement with the federal government," Astorino said. "Our progress is the result of working cooperatively with our local communities and experienced developers. We have reviewed more than 200 potential sites across every one of the 31 eligible communities that are part of the settlement."

The housing settlement entered into in 2009 by former County Executive Andrew J. Spano, the Board of Legislators and HUD requires the county government to ensure the development of 750 units of fair and affordable housing over a seven-year period in 31 mainly white communities. The agreement includes benchmarks for financing and obtaining building permits that must be in place by the end of each year. It also requires the county to market the housing in a way to reach non-white populations, not only in Westchester but also in New York City and surrounding counties. The county faces severe financial penalties if it fails to meet certain benchmarks.

HUD's current dispute with Westchester is not over what is in the settlement but over actions taken by the federal agency attempting to impose requirements the county believes are outside the settlement.

Specifically, the dispute has to do with a document called an Analysis of Impediments (AI). Prior to the settlement, HUD routinely approved the AIs the county submitted. But HUD has rejected the county's AI tied to the settlement five times.

On May 13, 2011, HUD sent a letter to the county saying the AI must go "beyond the four corners of the settlement." The county's position is that it will live up to all of its obligations in the settlement but that HUD has no legal authority to dictate new terms.

"Westchester is a diverse, welcoming community and I will vigorously defend the rights of people to live in any community of their choosing," said Astorino. "But the settlement applies equally to all the parties, which means HUD can't make up its own rules."

The various housing units being developed include both ownership and rental units that are marketed to the public, particularly in minority communities. As they become available, the units are sold or rented based on a lottery of interested applicants who meet certain income criteria. In the order names are drawn, applicants are given appointments to begin the qualification process.

Westchester is the fourth most diverse county in New York in terms of Hispanic and African American population, according to the 2010 U.S. Census. It is virtually tied with Manhattan, ahead of Staten Island and only trails Brooklyn, Queens and the Bronx. If Westchester were a state, it would rank seventh in Hispanic population and 14th in African-American population.

Over the last 10 years, the 31 mostly white communities covered in the settlement have seen their Hispanic and African-American populations increase by 56 percent through natural market forces.

The settlement's units are available to income-eligible individuals and families, irrespective of race or ethnic background. Depending on the unit (and the kind of financing it received) the income limits are set at varying percentages of the county's "area median income" (AMI). A chart with these percentages based on family size can be found on HUD Income, Sales and

Rent Limits.

Last week, a lottery was held by the Housing Action Council, a non-profit agency with whom the county works closely, for the 18 Rye Cottage Townhomes located at Edgar Place on Cottage Street. These units are comprised of one-bedroom and one-bedroom plus den condominiums that will sell for \$150,000 and \$165,000 respectively.

One of the previous lotteries held was for 83 units as part of the 92 unit development known as Roundtop Commons, located along Rt. 9A in Montrose. These one- and two-bedroom rental units are available to households earning up to 50 and 60 percent of the county's AMI. Rents are expected to range from \$870 to \$1,067 for a one-bedroom unit and from \$1,035 to \$1,270 for a two-bedroom unit. Separate lotteries were held for the units in Pleasantville and Pelham.

Anyone interested in these or future units is encouraged to start working with a housing counseling agency now so they are credit-ready at the time units become available. People are also encouraged to sign-up to receive information and unit applications on the county's Homeseeker section of its Web site. Last year this site was updated to include a mapping tool that allows interested homeseekers to view developments in construction or available for rent and sale, and see what educational, transportation, job and commercial opportunities are available in the areas surrounding the homes. (See www.westchestergov.com/homeseeker)

The following is a thumbnail sketch of some of the developments that are proceeding:

Rye City

This project was the focus of the lottery last week, with 61 families applying.

The Rye Cottage Townhomes, located at Edgar Place on Cottage Street, contain 18 fair and affordable one-bedroom and one-bedroom plus den condominium ownership units, which will sell for \$150,000 and \$165,000 respectively. These units will be available to households earning up to 80 percent of the county AMI. A one-person household can earn up to \$60,400, while a two-person household can earn up to \$69,100.

Financing: The county is providing grants of \$1,356,000 from its Fair and Affordable Housing (FAH) capital fund and \$880,000 in federal HOME funds towards the total development cost of \$5,761,000. The complex will also include four market-rate units, which will be privately funded.

Cortlandt

This project was the focus of a lottery in September, which drew from 524 entry applications.

Roundtop Commons, located along Rt. 9A in Montrose, contains 91 fair and affordable one- and two-bedroom rental units, all of which will be available to households earning up to 50 and 60 percent of the county's AMI. A one-person household can earn up to \$37,800 for a 50 percent AMI unit or up to \$45,360 for a 60 percent AMI unit; and two-people households can earn up to \$43,200 for a 50 percent AMI unit and \$51,840 for a 60 percent AMI unit. There also will be a unit for the superintendent. Eighty-three units in the complex will count towards the county's commitment to help develop 750 units of fair and affordable housing. Rents are expected to range from \$870 to \$1,067 for a one-bedroom unit and from \$1,035 to \$1,270 for a two-bedroom unit.

Financing: The county is providing loans of \$5,474,000 in FAH funds and \$1,607,000 in federal Community Development Block Grants (CDBG) and a grant of \$1,659,000 in New Homes Land Acquisition (NHLA) funds towards the total development cost of more than \$30 million.

Yorktown

The Freedom Gardens for the Handicapped development will provide three fair and affordable rental units for physically handicapped households at or below 60 percent of the AMI, in a new building on a portion of their approximately 5-acre site located at 1680 Strawberry Road in Mohegan Lake. The apartments will rent for \$1,353 a month, with additional assistance being provided through the Section 8 voucher program.

Financing: The county is providing a grant of \$225,000 of federal HOME funds toward the total development cost of \$952,000.

Also in Yorktown, a new 26-unit fair and affordable townhouse development will begin construction in early 2012 on Old Crompond Road. The three bedroom, two and one half bath units will be available for households earning up to 80 percent of the county's AMI. The units are expected to sell for just over \$225,000.

Financing: The county is providing a grant of \$1,420,000 in FAH funds for the acquisition of the land, \$1,500,000 for infrastructure work, and \$500,000 in HOME funds for construction of the modular units.

Pleasantville

This unit was the focus of a lottery in December, which drew 19 entries.

The Pleasantville Housing Development Fund Company has acquired a two bedroom condominium units within a complex and is offering it for resale at a below market level. The unit at 393 Manville Road will be sold to a family earning at or below 80 percent of the AMI.

Financing: The County contributed a grant of \$52,500 and has given a loan in the amount of \$160,000 to purchase the unit and resell it at a lower sales price. Upon the resale of the unit, the County's \$160,000 loan will be repaid.

Also in Pleasantville, a house, located at 55 Pleasant Avenue in the village of Pleasantville, will be rehabilitated and slightly expanded to allow for an accessory apartment to be added to the original house. The owner's unit will have three bedrooms and will be available for a household earning up to 80 percent of the county's AMI. The one bedroom apartment will be available for a household earning up to 60 percent of the county's AMI. A three-person household can earn up to \$77,700 for the ownership unit, or a four-person household can earn up to \$86,300. The accessory unit would be available for a one person household earning up to \$45,360.

Financing: The county is providing grants of \$100,000 in FAH funds, and \$26,000 in Lead Safe Westchester funds toward the total development cost of about \$435,000.

 [SHARE](#)    ...

Westchester County Housing Settlement



Robert P. Astorino, Westchester County Executive




31 Eligible
Communities

750 Units

Affirmatively
market units to
racially and
ethnically diverse
households *

7 years

** Marketed to a 9-county area (5 NYC, Westchester, Fairfield, Rockland and Putnam)*

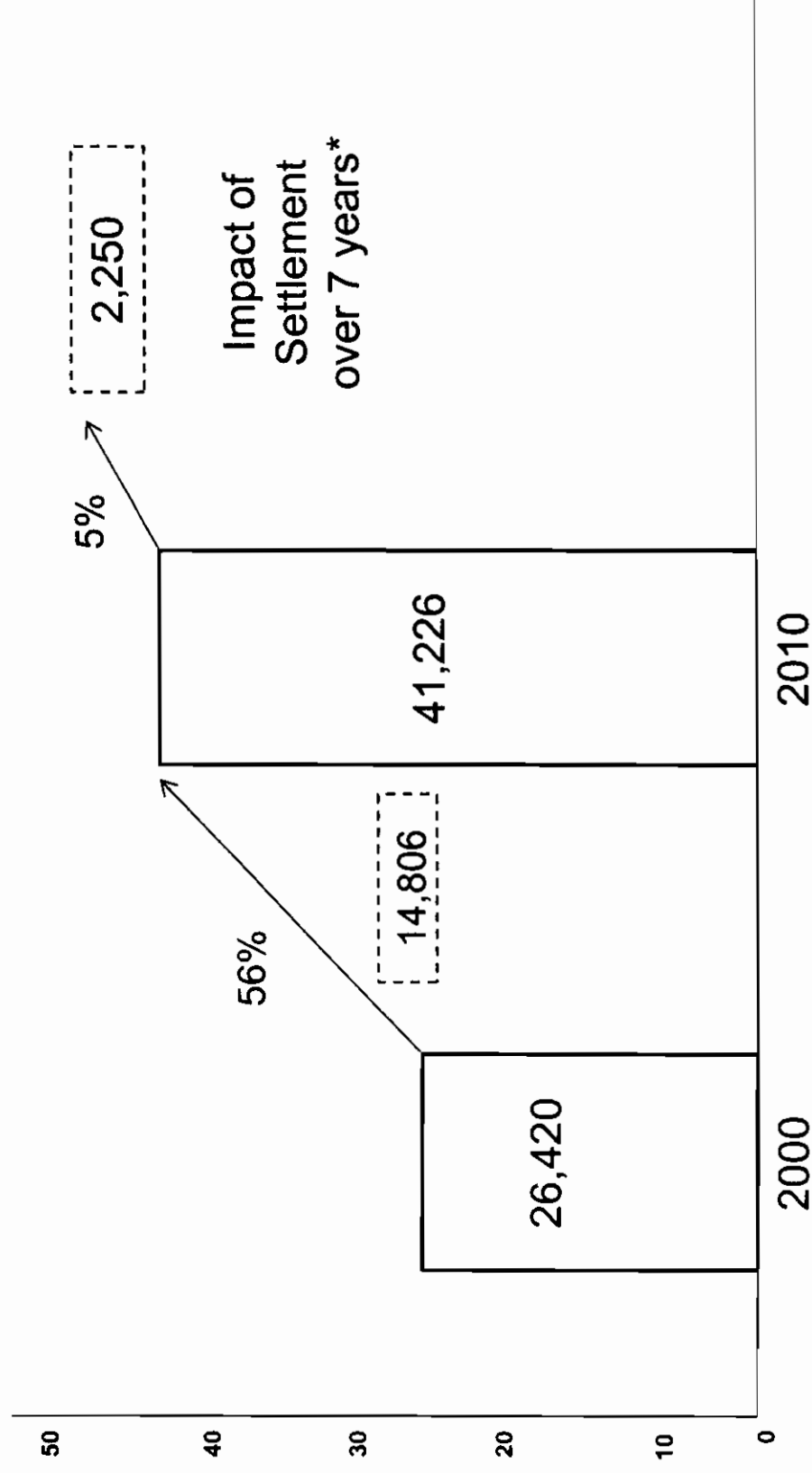


✓ Westchester is the **4th** most diverse county in New York- behind Brooklyn, Queens, and the Bronx, and tied with Manhattan, and ahead of Staten Island.

✓ If Westchester were a state, it would be the **7th** most diverse in terms of Hispanic representation.

✓ If Westchester were a state, it would be the **14th** most diverse in terms of black representation.

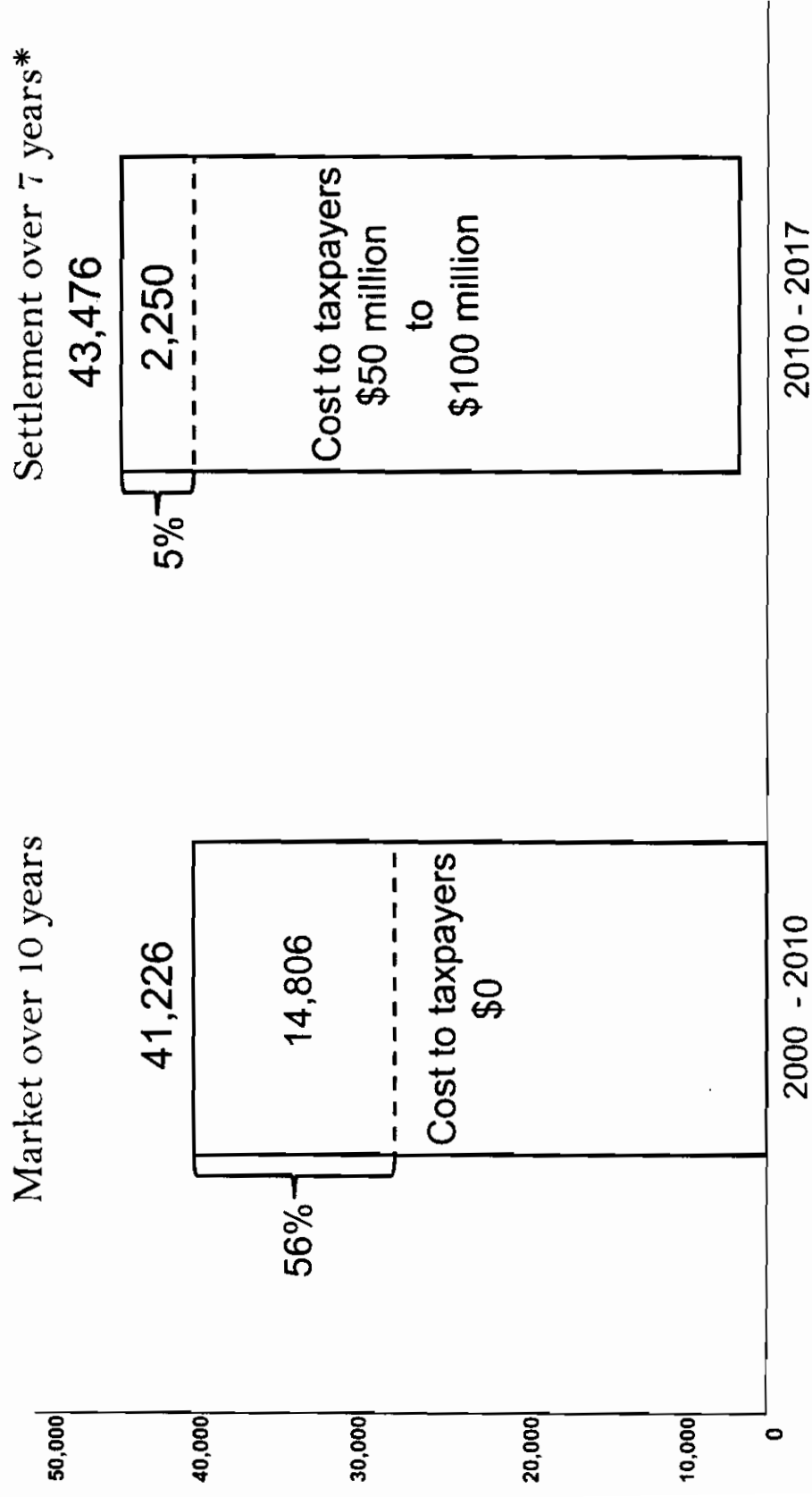
African Americans and Hispanics living in 31 “eligible” municipalities



*If all units are filled with African Americans and Hispanics and have a 3 person occupancy.

Source: 2010 Census and Westchester County Planning Department

African Americans and Hispanics living in 31 “eligible” municipalities



*If all units are filled with African Americans and Hispanics and have a 3 person occupancy.

Source: 2010 Census and Westchester County Planning Department



Key 2011 benchmarks

- **206 units approved**
- **196 have financing in place (100 required)**
- **108 have building permits (50 required)**
- **3 units completed (3-family in Pelham)**
- **200 sites reviewed (At least 1 in all 31 eligible communities)**
- **540 units in the pipeline (72% to meeting settlement goal)**



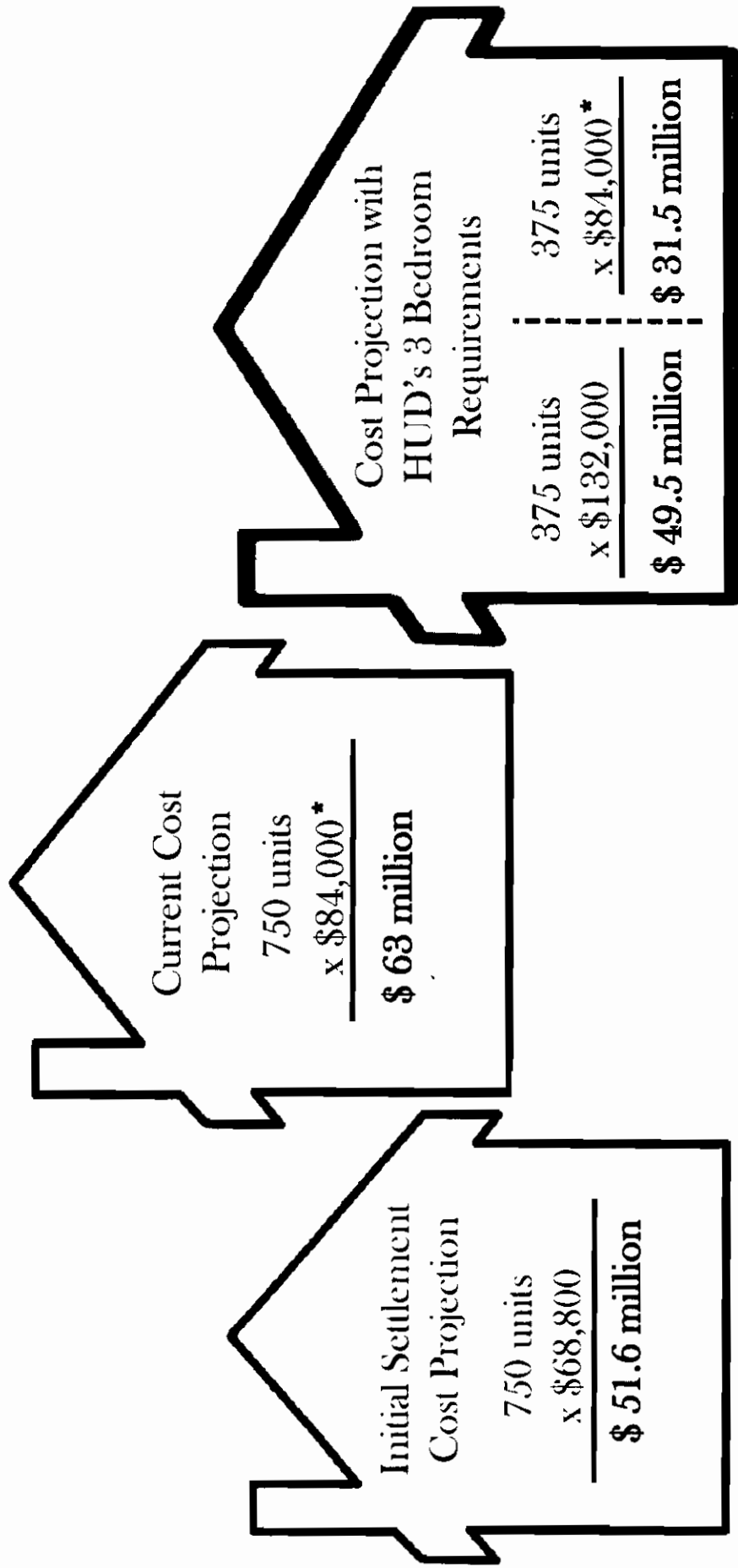
Legal

- Promotion of Source of Income Legislation
- Dismantling local zoning

Financial

- HUD is withholding \$7 million in grants
- Unclear what happens after the \$51.6 million runs out

Current projections show building 750 units will cost more than \$51.6 million



\$ 81 million

*Includes subsidies from FAH, NHLA, HIF, HOME, CBDG

NEWS RELEASE

Ned McCormack, Communications Director (914) 995-2932

Contact: Donna Greene (914) 995-2935

FOR IMMEDIATE RELEASE: Feb. 6, 2012

QUARTERLY HOUSING REPORT SHOWS 72% OF SETTLEMENT UNITS IN PIPELINE County ahead of schedule in complying with federal housing agreement, according to latest data

Westchester County continues to outpace expectations with 540 units of fair and affordable housing in the development pipeline – 72 percent of the way to meeting its commitment in the 2009 settlement with the federal government.

The latest progress appears in the county's 2011 fourth quarter report to the U.S. Department of Housing and Urban Development and the federal appointed monitor overseeing the settlement. Last month, the county announced that it was about a year ahead of schedule in meeting the settlement's fundamental benchmark of developing 750 units of affordable housing in 31 so-called eligible or mostly white communities over seven years. The quarterly report, which was completed last week, includes additional information, such as details about the units in the pipeline and the county's success in reaching out to prospective homebuyers and renters. (See report at: <http://tinyurl.com/housingreport4thquarter>)

At the end of the 2011, the county had 206 housing units approved by the federal housing monitor – 182 with all financing in place and 108 with building permits in place. Under the terms of the settlement, which was entered into by former County Executive Andrew J. Spano and the Board of Legislators at the time, the county was only required to have 100 units with financing and 50 units with building permits by the end of 2011. The settlement calls for 200 units with financing and 125 with building permits by the end of 2012. With the strong housing pipeline in place, the county expects to meet these benchmarks by spring.

"The county has made extraordinary progress and it is the result of our approach to work closely and cooperatively with municipalities, developers and non-profits around common goals," said County Executive Robert P. Astorino. "This will continue to be the county's approach until we have fully met our obligations under the settlement. The numbers tell the story."

All of the 31 eligible communities have sites under review and more that 200 site reviews have taken place. As detailed in the quarterly report to HUD, the county currently has 540 fair and affordable units in the

pipeline, or 72 percent of the units required by the settlement. Those units, located in 15 municipalities, represent 23 developments that are now in various stages of approval and or construction. The units are in Ardsley, Briarcliff Manor, Cortlandt, Hastings, Larchmont, New Castle, North Castle, North Salem, Pelham, Pleasantville, Rye Brook, Rye City, Somers, and Yorktown. The housing pipeline also lists a rental building in Bedford as potentially yielding eligible units

The settlement includes benchmarks for financing and obtaining building permits that must be in place by the end of each year. The county faces severe financial penalties if it fails to meet the benchmarks. To facilitate the development process, the county has established a \$2.5 million revolving loan fund to acquire and rehabilitate foreclosures in eligible municipalities and resell them with the affordability requirements in place so they will also count toward this program. The county expects to acquire and rehabilitate an additional 14 units under this program.

Central Intake Attracts Large Numbers

On another positive front, the county said that its “central intake” page on the Homeseekers section of its Web site has been very successful in attracting people to sign up for information about affordable housing opportunities. This site was expanded in late 2011 to include new mapping components. In the first 14 months of operation of this site, it drew 9,033 viewers.

Overall, 1,576 households have signed up for information. Those interested come from 15 states, New York City, other Hudson Valley counties and all over Westchester. Under the settlement, the county is required to market the housing in a way to reach non-white populations, not only in Westchester but also in New York City and surrounding counties.

Loss of HUD Funds

On a negative note, the report states that HUD’s failure to approve the county’s Analysis of Impediments has resulted in the blockage of \$7 million in federal funding. HUD, which had routinely approved the process document in the past, has rejected the county’s submission five times since the settlement was signed. HUD’s actions have led to layoffs in the Planning Department, a reduction in support for non-profit housing agencies that work with the county to develop affordable housing and a loss of community investment in Westchester’s poorest communities.

“If not resolved, the loss of HUD funds will restrict the ability of the county to leverage those federal dollars to complete the building obligations set forth in the settlement agreement with the agreed upon \$51.6 million,” the report concludes. “The county is engaged in the dispute resolution process set forth in the settlement agreement and is optimistic that the matter will be resolved in an appropriate manner.”

Report: 72 Percent of Required Settlement Units in Pipeline

Last Updated on Thursday, 16 February 2012 09:23

Westchester County continues to outpace expectations with 540 units of fair and affordable housing in the development pipeline – 72 percent of the way to meeting its commitment in the 2009 settlement with the federal government

The latest progress appears in the county's 2011 fourth quarter report to the U.S. Department of Housing and Urban Development and the federal appointed monitor overseeing the settlement. Last month, the county announced that it was about a year ahead of schedule in meeting the settlement's fundamental benchmark of developing 750 units of affordable housing in 31 so-called eligible or mostly white communities over seven years. The quarterly report, which was completed last week, includes additional information, such as details about the units in the pipeline and the county's success in reaching out to prospective homebuyers and renters.



At the end of the 2011, the county had 206 housing units approved by the federal housing monitor – 182 with all financing in place and 108 with building permits in place. Under the terms of the settlement, which was entered into by former County Executive Andrew J. Spano and the Board of Legislators at the time, the county was only required to have 100 units with financing and 50 units with building permits by the end of 2011. The settlement calls for 200 units with financing and 125 with building permits by the end of 2012. With the strong housing pipeline in place, the county expects to meet these benchmarks by spring.

"The county has made extraordinary progress and it is the result of our approach to work closely and cooperatively with municipalities, developers and non-profits around common goals," said County Executive Robert P. Astorino. "This will continue to be the county's approach until we have fully met our obligations under the settlement. The numbers tell the story."

All of the 31 eligible communities have sites under review and more than 200 site reviews have taken place. As detailed in the quarterly report to HUD, the county currently has 540 fair and affordable units in the pipeline, or 72 percent of the units required by the settlement. Those units, along with others listed in the report but not yet included in the unit count, are located in 15 municipalities and represent 23 developments that are now in various stages of approval and/or construction.

The units are in Ardsley, Briarcliff Manor, Cortlandt, Hastings, Larchmont, New Castle, North Castle, North Salem, Pelham, Pleasantville, Rye Brook, Rye City, Somers, and Yorktown. The housing pipeline also lists a rental building in Bedford as potentially yielding eligible units. The settlement includes benchmarks for financing and obtaining building permits that must be in place by the end of each year. The county faces severe financial penalties if it fails to meet the benchmarks. To facilitate the development process, the county has established a \$2.5 million revolving loan fund to acquire and rehabilitate foreclosures in eligible municipalities and resell them with the affordability requirements in place so they will also count toward this program. The county expects to acquire and rehabilitate an additional 14 units under this program.

Central Intake Attracts Large Numbers

On another positive front, the county said that its "central intake" page on the Homeseekers section of its Web site has been very successful in attracting people to sign up for information about affordable housing opportunities. This site was expanded in late 2011 to include new mapping components. In the first 14 months of operation of this site, it drew 9,033 viewers.

Overall, 1,576 households have signed up for information. Those interested come from 15 states, New York City, other Hudson Valley counties and all over Westchester. Under the settlement, the county is required to market the housing in a way to reach African Americans and Hispanics, among others, not only in Westchester but also in New York City and surrounding counties.

Loss of HUD Funds

On a negative note, the report states that HUD's failure to approve the county's Analysis of Impediments has resulted in the blockage of \$7 million in federal funding. HUD has rejected the county's submission five times since the settlement was signed. HUD's actions have led to layoffs in the Planning Department, a reduction in support for non-profit housing agencies that work with the county to develop affordable housing and a loss of community investment in Westchester's poorest communities.

"If not resolved, the loss of HUD funds will restrict the ability of the county to leverage those federal dollars to complete the building obligations set forth in the settlement agreement with the agreed upon \$51.6 million," the report concludes. "The county is engaged in the dispute resolution process set forth in the settlement agreement and is optimistic that the matter will be resolved in an appropriate manner."

SHARE   

Robert P. Astorino, Westchester County Executive

NEWS RELEASE

Ned McCormack, Communications Director (914) 995-2932

Contact: Donna Greene (914) 995-2935

FOR IMMEDIATE RELEASE March 16, 2012

COURT BACKS ASTORINO IN DISPUTE WITH HUD Ruling relates to source of income veto

Westchester County won a major victory today in its fight with the U.S. Department of Housing and Urban Development over the affordable housing settlement, when a federal magistrate ruled that the monitor in the case selected by HUD "erred in concluding that the County Executive violated the settlement."

County Executive Robert P. Astorino said the decision by the magistrate showed that HUD had clearly overreached in the demands it was trying to impose on the residents of Westchester.

"My position from the beginning has been that the county will fulfill its obligations under the settlement, but it will not be bullied by the federal government into doing things that were never agreed to," said Astorino. "I have taken principled stands where I believe the government has overreached, and I am pleased and heartened that the magistrate's decision vindicates my actions."

In the case before United States Magistrate Gabriel Gorenstein, HUD and the monitor had argued that the 2009 housing settlement compelled Astorino to sign source of income legislation that would have required property owners to accept government vouchers as rental payments.

Astorino argued that the settlement only called for the county executive to "promote" source of income legislation "currently before the Board of Legislators" back in 2009 and that former County Executive Andrew Spano, who approved the settlement, met that obligation at that time.

Siding with Astorino's position, the magistrate wrote: "We conclude that the parties did not intend the County's duty to 'promote' obligated the County Executive to sign source-of-income legislation passed by the BOL."

The magistrate also said that Astorino was within his rights to veto source of income legislation that came before him in July 2010 and backed up his decision with case law stating: "Courts must abide by the press terms of a consent decree and may not impose supplementary obligations on the parties even to fulfill the purposes of the decree more effectively."

-- more --

Gorenstein's opinion then goes on to state: "Accordingly, we conclude that the able Monitor erred in concluding that the County Executive violated the Settlement by vetoing the source-of income legislation enacted by the BOL."

Astorino vetoed the source of income legislation that came before him in 2010 calling it "hopelessly flawed."

"My decision was based on my belief that the legislation was a violation of basic property rights," Astorino said. "Landlords who want to accept federal vouchers are free to do so, but they should not be required to do so. This was a governmental intrusion that would have had the unintended consequence of actually working against the settlement because it would have made housing more expensive and less available."

With respect to the zoning portion of the case, the magistrate ruled that the monitor is entitled to information with respect to zoning practices. The county believes this requirement was met on Feb. 29 (after the court papers were filed) when it submitted to the monitor its review of 43 municipal zoning ordinances covering 853 zoning districts.

The housing settlement requires the county government to ensure the development of 750 units of fair and affordable housing over a seven-year period in 31 mainly white communities. The agreement includes benchmarks for financing and obtaining building permits that must be in place by the end of each year. It also requires the county to market the housing in a way to reach non-white populations, not only in Westchester but also in New York City and surrounding counties. The county faces severe financial penalties if it fails to meet certain benchmarks.

As of this month, the county has 206 housing units approved by the federal housing monitor, of which 196 have all financing in place and 108 units have building permits in place. Under the terms of the settlement with HUD, the county was only required to have 100 units with financing and 50 units with building permits by the end of 2011. The settlement calls for 200 units with financing and 125 with building permits by the end of 2012. The county expects to meet these benchmarks this spring, placing almost a year ahead of schedule.

Robert P. Astorino, Westchester County Executive

NEWS RELEASE

Ned McCormack, Communications Director (914) 995-2932

Contact: Donna Greene (914) 995-2935

FOR IMMEDIATE RELEASE: March 19, 2012

ASTORINO CALLS ON HUD TO RELEASE \$7 MILLION IN HOUSING FUNDS Immediate action sought after county wins major victory in federal court

As a follow up to the victory in federal court, Westchester County Executive Robert P. Astorino today called on the U.S. Department of Housing and Urban Development to immediately release the \$7 million in affordable housing money that it has withheld in an attempt to force Westchester to take actions that go beyond the terms of the 2009 housing settlement.

Astorino said that the U.S. magistrate's ruling last week clearly showed that Westchester County has been complying with the settlement and that it was time for HUD to start undoing the damage caused by its unilateral decision in May to withhold previously approved housing funds.

The county was forced to lay off five workers, abolish 10 jobs and curtail funds for various community organizations and many local governments as a result of HUD's action to withhold what are called Community Development Block Grants (CDBG).

"HUD's preemptive move to try to punish the county before the court had ruled in the case was unconscionable," said Astorino. "The primary purpose of the money was to advance the progress of the settlement, so HUD was only hurting the people it claims to help. HUD's actions were purely an attempt to get the county to do things that were not in the settlement. I took a principled stand to say HUD was overreaching. The court agreed. Now it is time for HUD to release the money and put its energies toward actually helping to build affordable housing."

On Friday, Westchester County won a major victory in court when the federal magistrate in the case ruled that the monitor selected by HUD "erred in concluding that the County Executive violated the settlement."

Astorino said he is sending a letter to HUD Secretary Shaun Donovan asking him to release the money immediately and he is also calling on the entire Westchester congressional delegation to intervene if the money not released promptly.

-- more --

"Going up against HUD has been like David against Goliath," said Astorino. "But with the ruling by the magistrate, there is no good reason for HUD to withhold affordable housing money that it had promised to the county and our communities three years ago. It is time for the Congressional delegation to step up and be counted on the side of Westchester's residents."

HUD and the monitor had argued that the 2009 settlement compelled Astorino to sign source of income legislation that would have required property owners to accept government vouchers as rental payments, as well as the regulatory obligations that go with them.

Astorino challenged the federal government's contention, saying that the settlement only called for the county executive to "promote" the source of income legislation "currently before the Board of Legislators" back in 2009 and that former County Executive Andrew Spano, who approved the settlement, met that obligation at that time.

U.S. Magistrate Gabriel Gorenstein sided with Astorino, saying: "We conclude that the parties did not intend the County's duty to 'promote' obligated the County Executive to sign source-of-income legislation passed by the BOL."

The magistrate also said that Astorino was within his rights to veto source of income legislation in July 2010 and supported that decision with case law, stating: "Courts must abide by the express terms of a consent decree and may not impose supplementary obligations on the parties even to fulfill the purposes of the decree more effectively."

Gorenstein's opinion then goes on to state: "Accordingly, we conclude that the able Monitor erred in concluding that the County Executive violated the Settlement by vetoing the source-of income legislation enacted by the BOL."

Astorino vetoed the source of income legislation that came before him 2010 calling it "hopelessly flawed."

"My decision was based on my belief that the legislation was a violation of basic property rights," Astorino said. "Landlords who want to accept federal vouchers are free to do so, but it should not be compelled. This was a governmental intrusion that had the unintended consequence of actually working against the settlement because it would have made housing more expensive and less available."

With respect to the zoning portion of the case, the magistrate ruled that the monitor is entitled to information with respect to zoning practices. The county believes this requirement was met on Feb. 29 (after the court papers were filed) when it submitted to the monitor its extensive review of 43 municipal zoning ordinances covering 853 zoning districts.

The county is awaiting HUD's response and will continue to work cooperatively with the monitor and HUD going forth, Astorino said.

Despite HUD's legal challenges, the county is ahead of schedule with respect to the settlement's fundamental requirement of developing 750 units of fair and affordable housing over seven years in 31 mainly white communities. The agreement includes benchmarks for financing and obtaining building permits that must be in place by the end of each year. It also requires the county to market the housing in a way to primarily reach African Americans and Hispanics not only in Westchester but also in New York City and surrounding counties. The county faces severe financial penalties if it fails to meet certain benchmarks.

As of this month, the county has 206 housing units approved by the federal housing monitor, of which 196 have all financing in place and 108 units have building permits in place. Under the terms of the settlement with the U.S. Department of Housing and Urban Development (HUD), the county was only required to have 100 units with financing and 50 units with building permits by the end of 2011. The settlement calls for 200 units with financing and 125 with building permits by the end of 2012. The county expects to meet these benchmarks this spring, almost a year ahead of schedule.

**Westchester County Fair and Affordable Housing Implementation Plan
Quarterly Report**

For the period: October 1, 2011 through December 31, 2011

Overview

December 31, 2011 marks the end of the second year of the County's implementation of the Settlement Agreement entered into in connection with the *United States ex. rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County* lawsuit. Westchester County has made significant progress toward meeting the obligations of the Settlement Agreement.

- The County has exceeded the Settlement Agreement's 2011 benchmarks for ensuring the development of 750 affordable housing units, and can report the following:
 - 182 Affirmatively Furthering Fair Housing ("AFFH") units have all their financing in place; and
 - 108 AFFH units have their building permits.
 - The Settlement Agreement required that 100 AFFH units have financing in place and that 50 of the 100 AFFH units have building permits by the end of 2011.
- The first sale of an AFFH unit took place before the end of 2011, and the two AFFH rental units within that three-family house are expected to be leased and occupied in January 2012.
- Sites reviewed have been in each of the 31 eligible municipalities, for a total of more than 200 site evaluations.
- Currently 540, or 72%, of the required 750 AFFH units are in the pipeline, representing sites in 15 municipalities. Currently 232 of these 540 units are in blocks that had zero percent African American and zero percent Hispanic population according to the 2000 Census.
- The County has established a \$2.5 million revolving loan fund to purchase and rehabilitate foreclosed properties that will be marketed and sold as AFFH units. The \$2.5 million will be able to leverage another \$680,000 from the New York State Affordable Housing Corporation that has been awarded to the County for this purpose.
- The banks that issue the mortgages for the homebuyers of the affordable AFFH units have agreed to review their practices with the goal of better communication between internal banking departments to streamline the approval process and timing for prospective homebuyers. The County met with the banks to raise their awareness of their administrative processes that hinder the smooth sale of units.
- The County's centralized intake system for those who wish to signify their interest in and get direct information about the AFFH units has been a tremendous success. It

was expanded in the last quarter of 2011 to include a new mapping component that will help interested users view the neighborhoods in which AFFH developments are located. The site is located on-line at www.westchestergov.com/homeseeker. Over 1,576 households have signed up on this website for information. Those interested come from 15 states, New York City, other Hudson Valley counties and all over Westchester County. In the first 14 months of operation 9,033 viewers have visited the Homeseeker website.

- Important components of the County's Implementation Plan have been approved by the Monitor.
 - The Model Ordinance Provisions were approved by the Monitor and have now been adopted in some form by six municipalities with almost every other municipality conducting a review of the ordinance provisions. These zoning provisions will standardize the definition of affordable housing, encourage inclusionary zoning so new developments will have an affordable component and require affirmative marketing.
 - The Affirmative Fair Housing Marketing Plans have been approved by the Monitor. These plans establish the requirements for outreach and marketing to be conducted to encourage interested households to apply to rent or own available units. Two plans were approved, one for the County and one for developers, recognizing the different roles of the County and developers in the marketing process. Initial marketing efforts for early developments using an approved Affirmative Fair Housing Marketing Plan have resulted in a racially and ethnically diverse pool of applicants for those developments.
 - The Discretionary Funding Policy was approved by the Monitor in January 2012. This policy will require municipalities to demonstrate their commitment to affirmatively further fair housing through adopting policies consistent with the Model Ordinance Provisions and to abolish any local preferences that do not AFFH in order to receive discretionary funding from the County going forward. It also provides for the County to be granted the right of first refusal on any *in rem* properties.
- The County has approved the use of \$18,365,500 of the \$51.6 million it is required to spend on the 750 units. The average cost of the units with all their financing in place is approximately \$84,000. Included in the \$18 million approved is the Acquisition and Rehabilitation Revolving Loan Fund, where specific sites and costs are not yet identified. To date, costs have varied significantly from development to development depending on the size and type of development, infrastructure requirements and land costs. Experience has shown that rental developments have more non-County funding subsidy sources to leverage and therefore require less of a County contribution than home ownership developments. The average cost to the County of a home ownership unit to date is approximately \$106,500; the average cost to the County for a rental unit has been \$60,800. The ability to leverage savings through rehabilitation of existing housing units has been extremely limited by the inability to date to count AFFH units

with existing tenants as eligible (an interpretation of the Settlement Agreement that the County has appealed to the Monitor).

- Since the market rate housing market has not rebounded, there has been no production of new AFFH units under inclusionary zoning provisions.

In the past ten years, Westchester's population of African Americans increased at a time when the number of African Americans living in northern metropolitan areas decreased. Moreover, the increased racial and ethnic diversity that occurred in Westchester over the last decade included communities eligible under the Settlement Agreement.

The predominantly good news presented above is overshadowed by the failure of HUD to approve the County's Analysis of Impediments, which has resulted in the blockage of FY2011 funding for the County's Action Plan. This in turn has led to Planning Department staff layoffs, reduction in non-profit housing agency support services and loss of community investment in Westchester's poorest communities. Further, if not resolved, the loss of HUD funds will restrict the ability of the County to leverage those federal dollars to complete the building obligation set forth in the Settlement Agreement with the agreed upon \$51.6 million. The County is engaged in the dispute resolution process set forth in the Settlement Agreement, and is optimistic that the matter will be resolved in an appropriate manner.

Astorino Exige \$7 Millones de HUD

A consecuencia de la victoria en la corte federal el ejecutivo del Condado de Westchester Robert P. Astorino, el lunes, instó al Departamento de Vivienda y Desarrollo Urbano de los EE.UU. (HUD por sus siglas en inglés) a que desbloqueara inmediatamente los \$7 millones para vivienda asequible que había retenido en un intento de obligar a Westchester a acciones que iban más allá de los términos del acuerdo de vivienda del 2009.

Astorino dijo que la decisión tomada la semana pasada por el magistrado de los EE.UU. demostró claramente que el Condado de Westchester ha estado cumpliendo con el acuerdo y que ya era tiempo de que HUD empezara a reparar el daño que causó con su decisión unilateral en mayo de retener fondos anteriormente aprobados.

El Condado se vio forzado a despedir cinco trabajadores, abolir 10 puestos y a recortar fondos para varias organizaciones comunitarias y muchos gobiernos locales como resultado de que HUD retuviera los otorgamientos llamados "Community Development Block Grants" (CDBG)

"La medida preventiva de HUD tratando de castigar al Condado antes de que la corte fallara en el caso fue una falta de consciencia", dijo Astorino. El propósito principal del dinero era avanzar el progreso del acuerdo, así que HUD sólo lastimó a las personas que dice ayudar. Los hechos de HUD simplemente intentaron lograr que el Condado hiciera cosas que no están en el acuerdo. Yo me mantuve firme en mis principios al decir que HUD se extralimitaba. La corte estuvo de acuerdo. Ahora es el momento de que HUD libere el dinero y ponga sus energías en construir la vivienda a precios razonables".

El viernes, el Condado de Westchester ganó una gran victoria en la corte cuando el magistrado en el caso falló que el monitor elegido por HUD "erró al concluir que el Ejecutivo del Condado había violado el acuerdo".

Astorino dijo que enviaba una carta al Secretario de HUD Shaun Donovan pidiendo que desbloqueara inmediatamente el dinero y también instaba a toda la delegación congresista de Westchester a que interviniera si el dinero no era despachado prontamente.

**MINUTES OF THE MEETING
WESTCHESTER COUNTY PLANNING BOARD**

Cassella Conference Room
Michaelian Office Building
White Plains, New York
Tuesday, February 7, 2012

BOARD MEMBERS PRESENT:

Susan Konig, Chair (Village)
Dwight Douglas, Vice Chair (City)
Douglas Hocking (City)
Steven Schoenfeld (Town)
Neil Sullivan (City)
Bernard Thombs (Town)
Jay Pisco, Commissioner, Department of Public Works and Transportation
Lou Vetrone for Thomas Lauro, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

James Arndt (City)
David Menken (Town)
Kathleen O'Connor, Commissioner, Department of Parks, Recreation
Vacant board position

STAFF PRESENT:

Edward Buroughs, Commissioner
Norma Drummond, Deputy Commissioner
Patrick Natarelli, Chief Planner
Anthony Zaino, Director of Urban Design
Tracey Corbitt, Principal Planner
William Brady, Associate Planner
Lukas Herbert, Associate Planner
Megan Miller, Planner
Katherine Eisenman, Planner
Ellen Brief, Program Specialist

GUESTS:

Joseph Kenner, Assistant to the County Executive
Joseph Hankin, President, Westchester Community College
Kevin Garvey, Westchester Community College
Robert Cirillo, Westchester Community College
Mario Cavali, Westchester Community College
Pat D'Imperio, Westchester Community College
Marge Glusker, Westchester Community College
Tony Scordino, Westchester Community College
Christopher Crane, Assistant to the Board of Legislators

Westchester County Planning Board
Meeting of February 7, 2012
Page 2

I. Call to Order

The meeting was called to order at 8:00 a.m. by the Chair, Susan Konig.

II. Meeting Dates

Ms. Konig noted that the next Board meetings would be held on March 6, April 3 and May 1. She asked that members e-mail if they had any interest in meeting at other dates and times.

III. Adoption of Minutes

[Ms. Konig requested that Westchester Community College (WCC) representatives present their 2012-2013 Proposed Capital Budget prior to other agenda topics.]

As Mr. Douglas, Mr. Thombs and Ms. Konig were not present at the December 6 meeting, there was not an adequate count of members in attendance to approve the minutes; the vote on this matter was held over for the March meeting.

IV. Chairman's Remarks

Ms. Konig informed members that today's meeting was the start of her stewardship as Chair of the Planning Board. She said that she is grateful to County Executive Robert Astorino for his faith in her abilities and for appointing her to serve. She was congratulated by members for her appointment.

Ms. Konig said that a task the Board could undertake is to update and refine the Planning Board Manual and to revise or reaffirm the Board's priorities.

Later in the meeting, Ms. Konig acknowledged the resolution passed by members last month that honored Ms. Lewy's service as Chair of the Board. She solicited suggestions on how to further acknowledge her service. Mr. Douglas recommended nominating Ms. Lewy for a WMPF Outstanding Citizen Planner Award and others thought this an excellent idea.

V. Commissioner's Remarks

Mr. Buroughs welcomed Mr. Pisco, the Commissioner of the Department of Public Works and Transportation to the Planning Board.

Later in the meeting he updated the Board on Department staffing changes. He noted that six positions funded by Department of Housing and Urban Development (HUD) grants were terminated at the end of the year, and that one planner in one of the abolished positions had qualified to move to fill the position vacated by Christopher Gomez who left the Department at the end of the year to accept the position of Director of Planning and Development for

Port Chester. Mr. Buroughs said that if the HUD issue remains unresolved and more trust accounts which fund salaries are withheld, additional staff reductions will occur.

Mr. Buroughs informed the Board that a zoning review of all 43 county municipalities, for inclusion in a February 29 report to the federal housing Monitor, was underway. He said he hoped that this comprehensive report would resolve the zoning issue - an area of concern for HUD.

Mr. Buroughs remarked that the Westchester Municipal Planning Association's Land Use Training Institute (LUTI) would be held on March 12, 15 and 22, and that a "hold the date" flyer would be e-mailed today. He said that Floyd Lapp would be the keynote speaker and address the topic: Robert Moses, Visionary or Villain.

Ms. Konig noted that attendance at the LUTI would provide continuing education hours for Planning Board members.

Mr. Buroughs said that the public hearing on the Tappan Zee Hudson River Crossing Project Draft Environmental Impact Statement is scheduled for March 1 and that the deadline for submission of comments is March 15. A notice about this will be circulated to board members.

VI. Referrals

Ratification of actions taken by staff in response to planning and zoning actions referred to the County Planning Board –November 16, 2011 through December 15, 2011 and December 16, 2011 through January 15, 2012.

Ms. Konig invited comments or questions on the referrals. Mr. Schoenfeld commented on the Town of New Castle's proposed Town Code amendment to create a Green Building Law to mandate green building practices for municipal, commercial and high rise multi-family buildings greater than 5, 000 square feet. He stated that in economically challenging times, potential impediments to development should not be mandated, that each project should be evaluated based on economic feasibility. He said that it would be beneficial to work with a building's applicant, to encourage rather than mandate "green" practices.

Mr. Hocking noted that the definition of green technology can differ and that knowing the details would better provide an accurate assessment of what "green" means in this case. He noted that Arlington Virginia has a progressive and realistic approach to balancing green technology and development. He said that the imposition of extra building requirements may be only possible through an incentive approach, not a mandate.

Mr. Buroughs said that staff would look into this further and he recommended that the board hold off the approval of New Castle referral response at this time.

A motion to approve both of the Referrals Reports (minus the New Castle referral response) was made by Mr. Douglas, seconded by Mr. Schoenfeld and passed by the board.

Referral of Interest

DBF 12-001 Rivertowns Square, Site Plan; Draft Environmental Impact Statement

Mr. Buroughs informed the board that the public hearing for the Rivertowns Square site plan draft environmental impact statement was held last week and that the comment period remains open until February 29. He noted that a copy of the draft referral response letter is in the day-of-meeting folders for review by the board. Mr. Buroughs remarked that the project, as an isolated site plan, works well and that the development would become a new center, in accordance with Village planning policy. However, he said, that the question remains, what will be the visual impact on the Saw Mill River Parkway? Some buildings will be located closer to the parkway than existing buildings and very little landscape screening is proposed. The visibility of signage is also a concern raised in the draft letter.

Mr. Douglas cited involvement with the project and recused himself from discussion and any vote. Ms. Konig asked if there was any precedent for large buildings along the parkway.

Mr. Thombs stated that the project, as it stands, exposes the roadway to advertizing. Mr. Hocking stated that one approach would be to treat this as a signage issue. Mr. Buroughs remarked that the village could request a signage plan from the developer and that this item could be added to the referral response letter in order to allow for a more specific consideration of the potential impacts of signs and lighting. The addition could recommend that the Village condition the approval of the site plan on the subsequent submission by the applicant of a detailed signage and lighting plan and its approval by the Village. The letter could include a request that the County Planning Board have the opportunity to participate in any required review. Mr. Buroughs asked Mr. Herbert to revise the letter and circulate it to members for comment.

VII. Matters for Board Action

A. Fiscal Year 2012 Action Plan Amending FY 2009-2013 Consolidated Plan

[Presented after Matter for Discussion: WCC 2012-2013 Proposed Capital Budget]

Ms. Drummond projected PowerPoint slides and presented the summary of applications and the funding recommendations for the Community Development Block Grant (CDBG) 2012 Fiscal Year Action Plan. She noted that, if an agreement on the rejected certification with the Department of Housing and Urban Development (HUD) over the Housing Settlement was not reached by September 30, funding dollars would be lost. She remarked that 10% of the total grant funding is reserved for the 31 eligible communities targeted in the Settlement.

She noted that the dollar amounts available for funding projects was reduced over the years from a high point in FY 2002 of \$7,004,000 to the current amount for FY 2012 of \$3,929,158. She attributed this reduction to Congress' cutting of funding by 10% and the loss of four municipalities from the Consortium; Bronxville, Larchmont, Mamaroneck Town

and Tuckahoe had opted out. Ms. Drummond suggested that they may be waiting to see the “dust settle” in the Housing Settlement dispute before they will consider reenlisting.

Ms. Drummond stated that of the FY 2012 budget, \$749,452 would go towards operating expenses, \$802,000 towards rehabilitation program expenses, and that \$100,000 - the unallocated portion of the \$400,000 set aside for Affirmatively Furthering Fair Housing (AFFH) - would go to the Property Improvement Program (PIP). Project grants would receive \$1,938,018 and design services \$339,050. She said that the non-profit agency or municipality would need to contribute a 25% match to the funding amount received for each project.

Ms. Drummond reported that 157 applications were received by the June 1, 2011 deadline and that, of these, 20 municipalities submitted 96 applications and 34 non-profit agencies submitted 61 applications. She contrasted these amounts to the 2008 numbers. In that year, 28 municipalities submitted 146 applications and 38 non-profits submitted 80 applications. She noted that 103 of the 157 applications were from Westchester’s 10 most distressed communities. Ms. Drummond said that the technical assistance offered by staff to communities resulted in the submission of more focused and realistic applications.

Ms. Drummond stated that the three funding priorities for selection were: affordable housing, investing in sustainable communities and opportunities for youth. She said that the ten most distressed communities (*2000 census data*) in the county submitted 65% of the applications – 58 from municipalities and 45 from non-profit agencies. Thirty of these applications were recommended for funding - a total \$3,231,609 or 69% of all the available funds.

Ms. Drummond noted the timeline for the review process: a public hearing was held on January 12, the comment period will close on February 12 and Planning Board approval is needed today. If approved, the matter would go before the Board of Legislators in February or March and be submitted to the department of Housing and Urban Development (HUD) on March 15, or by the latest August 15, 2012. The fiscal year begins on May 1 or, if circumstances dictate, 45 days later.

In addition to the quality of the project, Ms. Drummond stated that the previous experience of the applicant, their ability to work on multiple projects simultaneously, the municipality’s progress with AFFH, and the completeness of the application were taken into consideration when deciding to award funding. The municipalities receiving the most award dollars were Port Chester, Peekskill, Ossining Village, and Sleepy Hollow.

Ms. Drummond noted that Requests for Proposals were needed for Emergency Solutions (*formerly Shelter*) Grants (ESG) for the homeless or those in imminent danger of becoming homeless. This program’s components and regulations had changed in December 2011 - limiting eligibility - and now only households with 30% of the county’s Annual Median Income (AMI) are eligible. She said that HUD cut the HOME program by 37% this year, and that all these funds would be needed to meet the 750 units required in the Settlement.

A motion to support the recommendations for the goals and funding in the Fiscal Year 2012 Action Plan was made by Mr. Douglas and seconded by Mr. Thombs and passed by the board.

B. Capital Project RGC14 Golf Course Irrigation, Dunwoodie Golf Course; Capital Budget Amendment

Mr. Natarelli stated that, last year, the Planning Board approved two resolutions for a Capital Budget Amendment for the Dunwoodie Golf Course Irrigation, but the resolutions were not submitted to the Board of Legislators in 2011. The County Executive wants to resubmit the resolution for 2012. Mr. Natarelli noted that there is no change in scope, location or the dollar amount in the revised resolution now before the Board; only the budget year is changed to 2012.

Mr. Sullivan made a motion, which Mr. Pisco seconded, to rescind resolutions 11-026 and 11-030 and amend the Planning Board report on the 2012 Capital Project Requests to include the additional sum of \$2,360,000 for Capital Project RGC14 Golf Course Irrigation Rehabilitation.

C. 1 Lawrence Street, Town of Greenburgh – Disposition of Property

Mr. Natarelli said that when Akzo Nobel Chemicals, Inc., attempted to sell a lot, the company had a title search performed and it reported that a map had been filed in the County Clerk's office in 1926 indicating that the County was to acquire the approximately seven acre lot. However, no record has been found of the transfer of the deed and a second later map was located by the Law Department that indicated that the County did not acquire the property. He said the County has no interest in the property and, according to the Charter, to dispose of the acreage properly a report from the Planning Board is required. Mr. Natarelli said that the County's claim on the property needs to be relinquished to allow for a clear sale and the resolution before the Board supports the conveyance of a quitclaim deed to accomplish this.

A motion to support the conveyance of a quitclaim deed for the property, 1 Lawrence Street in the Town of Greenburgh, was made by Mr. Douglas, seconded by Mr. Schoenfeld and approved by the Board.

VIII. Westchester Community College, 2012-2013 Proposed Capital Budget
[Presented after the Chairman's Remarks]

Mr. Garvey introduced the visitors from WCC to the board members. Accompanied by a PowerPoint slide show, he spoke about WCC's four proposed projects with Capital Budget funding requests for the 2012-2013 fiscal year:

1. WCC-75, which introduces new and replacement technologies at the off campus locations for funding totaling \$506,000. (\$108,000 for 2012/13)
2. WCC-76, which introduces new and replacement technologies at the Valhalla campus – for the purchase of computer equipment and peripherals, the meeting of IT

infrastructure requirements, and the installation of “state of the art” technologies. This funding totals \$5,484,000. (\$1,172,000 for 2012/13)

3. WCC-79, for roof replacement of the Children’s Center, Classroom Building, and Bookstore for funding totaling \$8,722,000. (\$1,210,000 for 2012/13)

4. Various Planning Studies to assist in the planning and development of WCC’s Capital Projects which protect and preserve the College’s infrastructure, assure compliance with regulations and codes, and which will enable WCC to undergo a sustainable energy feasibility study to investigate the cost benefits of new energy sources and their potential cost savings. The total funding requested is \$375,000. (\$75,000 is requested each year, including 2012-13)

Mr. Garvey then updated members on the college’s satellite locations in Peekskill, Yonkers, Ossining, Mt. Vernon and the WCC Center for the Arts in White Plains:

- Ossining Extension Center now offers courses required for a new Veterinary Technology Associate in Applied Science degree. The Center continues to partner with hospitals, nursing homes and various community organizations to provide training and externship opportunities for students.
- The Mount Vernon Extension Center has been steadily growing for the last 8.5 years and offers credit programming in Liberal Arts, Business, and Culinary Arts and non-credit programming in English as a Second Language, and Culinary Arts.
- The Peekskill Extension Center serves over 3,000 students per year. The Center’s keystone programs are digital filmmaking, digital art and design, and music technology.
- WCC Center for the Arts serves an average of 4000 credit enrollments and 950 non-credit enrollments annually. Recently, the Center added a range of general education courses to its extensive offerings in the visual arts, design, photography, digital arts, and crafts.
- The Yonkers Extension Center has grown approximately 30% in credit enrollment nearly every year since opening in 2001. The Center subsequently increased needed student services such as academic and financial aid advising, placement testing and academic support.

Mr. Garvey updated members on the progress of the campus’ previously approved capital construction projects:

- The WCC-20, Student Center Improvements/Expansion includes an 8,000 sq. feet addition to the building, new high efficiency boilers, HVAC equipment, upgrades to the existing fire alarm panel, and the installation of a building wide fire sprinkler system. The renovations are expected to be completed in January of 2013.
- The WCC- 43, Technology Building installation of energy efficient windows is completed. The elevator renovation is scheduled for completion next week.
- The WCC-45, Academic Arts Building renovations were completed in September of 2011. New HVAC systems with computerized controls, new fire alarm panels and stage flooring were installed. The building had its boilers replaced in the summer of 2009.

- The WCC-56, Physical Education Field Improvements include new drainage, an emergency access road, and lighting and bleacher renovations. This project, currently under design, is the final 2-phases of a 3-phased project.
- The WCC-66, Science Building renovations were completed in September of 2011. The Science Building shares the boiler plant and chiller plant with the Academic Arts building. These plants, and laboratory tables and exhaust fume hoods were replaced.
- The WCC-68, Administration Building renovations, currently in design, will include upgrades to the building lighting, floor surfaces, door hardware and interior signage for ADA compliance. An upgrade to the fire alarm panel is also included.
- The WCC-69, Hartford Hall renovations, scheduled for completion in July of 2012, include interior repair work, concealment of required mechanical and electrical systems, and installation of a new fire alarm panel. The window air conditioning units will be replaced with ductless split system units and the tile roof system will be repaired.
- The WCC-70, Physical Education Building renovations includes the installation of an air conditioning system, upgrades to the electrical services, a new high pressure gas service and a new fire alarm panel. Bids are currently under review and construction is scheduled to begin in April of 2012.
- The WCC-78, campus-wide Safety and Security Improvements, currently under design, will include the installation of emergency communications such as installing PA systems, alert sirens, and digital signage at strategic locations throughout the campus.

Ms. Konig solicited questions and comments from members, and a brief discussion ensued. Mr. Douglas asked about the economic viability of WCC. Mr. Hankin stated that economic necessity required the reduction of operating expenses and an increase in tuition rates. He said that, in the past, budget costs were split into thirds between the county, the state and the student population. However, due to recent reductions in state and county contributions, students now carried 49% of the costs. He stated that enrollment continues to be robust.

Mr. Garvey expressed gratitude to the Planning Board for their time and support. Ms. Konig thanked the representatives from WCC for their presentation and asked Ms. Drummond to present next on the Fiscal Year 2012 Action Plan.

IX. Matters for Board Information

[Mr. Burroughs spoke after Mr. Natarrelli's presentation on 1 Lawrence Street, Town of Greenburgh – Disposition of Property]

A. Stormwater Management Law

Mr. Burroughs gave a brief overview of the County's Stormwater Management Law, Article II-A of Chapter 241 of the Laws of Westchester County. He spoke about the requirement to create a Reconnaissance Plan that would identify flood or stormwater management problems and existing mitigation measures and would propose capital improvements to reduce flooding damage in the county's six major watersheds. He said that the legislation, as written, created a partnership by stipulating that a minimum 50% financial cost sharing be provided by municipalities meeting the eligibility criteria. The plan, he said, would need to be developed by staff in consultation with the Stormwater Advisory Board and ultimately need to be adopted by the Board of Legislators.

Mr. Buroughs noted that the board could capitalize on organizations, such as the Long Island Sound Watershed Inter-municipal Council (LISWIC), the Saw Mill Watershed Advisory Board and the Northern Westchester Watershed Committee, which are already in place and are addressing flooding issues and use their work as a model to apply to other watersheds.

[Mr. Buroughs next made additional Commissioner's Remarks]

IX. Other Business

There was no new business.

X. Adjournment

The meeting adjourned at 9:45 a.m.



FY 2012-2014 CDBG

Applications Summary and Funding Recommendations



CDBG Funding

- High point in funding: **FY 2002** \$7,004,000
- **FY 2010:** \$6,412,512
- **FY 2011:** \$5,378,557
 - Congress cut program funding about 16%
- **FY 2012:** \$3,929,158
 - Congress cut program funding 10%
 - Loss of 4 municipalities



FY 2012 Budget - \$3,929,158

- Administrative/Operating Expenses
 - \$749,452
- Rehabilitation Program Expenses
 - \$802,000
- 10% AFFH Set-Aside
 - \$400,000
 - \$300,000 in projects – not enough applications
 - \$100,000 to PIP
- Project Grants
 - \$1,938,018 plus \$339,050 in design services



FY 2013 and 2014

- Projections include additional 10% cuts in each year
 - FY 2013 - \$3,536,250
 - \$1,390,591 + \$353,625 in bonus (15 projects)
 - FY 2014 - \$3,182,620
 - \$1,251,532 + \$318,262 in bonus (13 projects)



CDBG FY 2012-2014

- 157 Applications received by 6/1/11 deadline
 - 20 Municipalities submitted 96 apps
 - 2008 – 28 municipalities submitted 146 applications
 - 34 Non-profit agencies submitted 61 apps
 - 2008 – 38 agencies submitted 80 applications
- Requests totaling \$28.5 million
 - \$41.3 M in 2008, \$32 M in 2005
 - 226 apps in 2008, 162 in 2005



Consortium Members and Priorities for Funding

- 36 Municipalities
 - OPTED OUT: Bronxville, Larchmont, Mamaroneck Town and Tuckahoe
- Affordable Housing
- Investment in Sustainable Communities
- Opportunities for Youth

10 Most Distressed Communities (2000 Census Data)

Community	L/M %	M	NP
Port Chester	65%	13	11
Peekskill	62%	11	7
Ossining Village	56%	2	10
Sleepy Hollow	55%	7	3
Mount Kisco	50%	6	1
Mamaroneck Village	44%	9	7
Buchanan	44%	2	0
Tuckahoe	41%	0	0
Tarrytown	41%	4	6
Elmsford	39%	4	0
		58	45

10 Most Distressed Communities (2000 Census Data)

58 applications from these municipalities

45 applications from non-profit agencies representing these communities

= 65% of all applications received (103)

30 of these applications are recommended for funding with a total value of \$3,231,609 (69%)

10 Least Distressed Communities

Community	L/M %	M	NP
Rye City	22%	0	0
North Castle	20%	0	0
Mamaroneck T	20%	0	0
Larchmont	20%	0	0
Lewisboro	17%	0	0
Briarcliff Manor	16%	0	0
New Castle	14%	0	0
Bronxville	13%	0	0
Pound Ridge	12%	0	0
Scarsdale	11%	0	0

Review Process

- Applications Received June 1, 2011
- Public Hearing for Recommendations January 12, 2012
- Public Hearing to close comment period February 12th
- County Planning Board approval February 1st
- Community Development Advisory Group January 31st
- Board of Legislators Review and Approval Feb/Mar
- Submission to HUD – March 15th (or until August 15th)
- Start of Fiscal Year - May 1st (or 45 days later)

Project Considerations

- **Budget**
 - Consideration of all costs
 - Other funding in place
 - Cost benefit analysis
 - Continuation or new project
- **Site Control**
 - Lease to cover life of improvements
- **Timing**
- **Long term benefit/sustainability**

Applicant Considerations

- Previous Project/Service Experience
- Previous Paperwork Experience
- Ability to do multiple projects
- Affordable Housing progress
- Surveys/design work in progress
- 501(c)(3) or municipality
- Complete Application

By municipality... (top 10)

	<u>M</u>	<u>NFP</u>
■ Port Chester	405,000	490,591
■ Peekskill	402,000	
■ Ossining V	335,000	55,000
■ Sleepy Hollow	305,000	40,000
■ Tarrytown	250,000	100,000
■ Elmsford	175,000	
■ Mamaroneck	160,000	40,000
■ Mount Kisco	155,000	
■ Buchanan	90,000	

By municipality... (others)

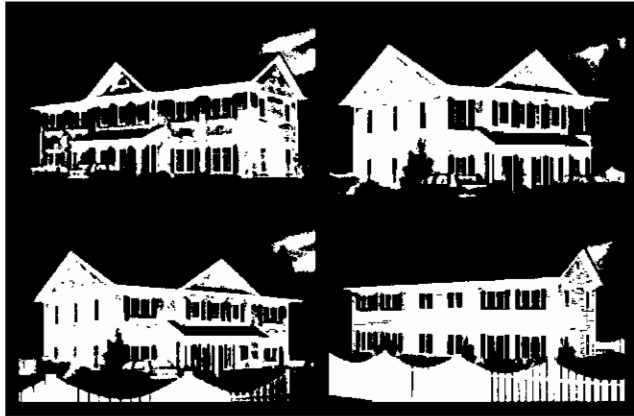
	<u>M</u>	<u>NFP</u>
■ Yorktown	238,000	
■ Cortlandt	225,000	
■ Greenburgh	215,032	76,000
■ Rye Brook	65,500	
■ Dobbs Ferry	60,000	
■ Pelham	50,000	

ESG and HOME

- We need to RFP for ESG services
 - Regulations/program components changed with notice in December 2011
 - No planning estimate from HUD for 2012
- HOME is first come first served
 - Priority on AFFH units
 - \$839,123 planning estimate for 2012

WESTCHESTER COUNTY PLANNING BOARD ANNOUNCEMENTS & UPDATES February 2012

Lottery Held for New Fair and Affordable Residences in City of Rye

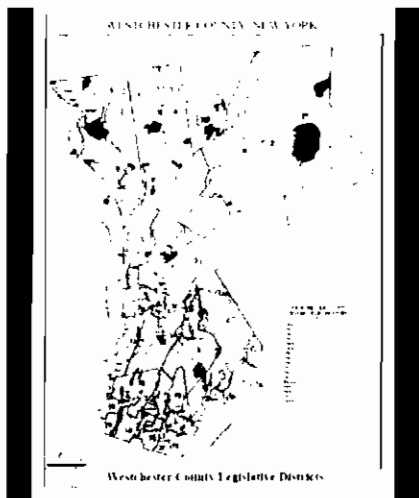


credit status and home ownership counseling status. The process will continue through the names on the list until 18 buyers qualify and enter into an agreement to purchase a home.

A lottery for the selection of prospective purchasers of homes in the fair and affordable housing development known as Cottage Landings at Edgar Place in the City of Rye was held on January 5 in the Rye Reading Room. The event was hosted by the Housing Action Council. The names of the 64 applicants for the 18 units were chosen at random and then placed in order of selection on a list to purchase the units. The applicants now proceed to the qualification phase which includes determination of income eligibility,

The development includes 22 new condominiums of which 18 are to be sold under County guidelines as fair and affordable homes. The other four will be sold at market rate. No County assistance was provided to the market rate units. The 18 units will be affordable to families at or below 80% of area median income and will remain affordable for 50 years. These units are eligible units under the Housing Settlement under which the County is to provide for the development of 750 affordable units that affirmatively further fair housing. The County provided funding for the acquisition of the affordable portion of the site and related site work. Occupancy is expected in the spring. (*Rendering of Cottage Landings shown above.*)

Map Produced to Show New Districts for County Board of Legislators



As a result of the 2010 Census, County Legislative Districts were redrawn and adopted into law by the County Board of Legislators in May 2011. A new map was created by the Planning Department showing the new districts and listing the 17 legislators who were elected in November 2012 and took office January 1, consisting of 13 incumbents and four new members.

The color map can be viewed and downloaded online at:
<http://planning.westchestergov.com/maps-and-aerial-photographs>

Individual district maps are now being produced of each of the 17 legislative districts. These will also be made available online.

Weatherization Assistance Program Is Nearing Completion



The Department is nearing completion of administering a \$4.5 million grant received under the Weatherization Assistance Program (WAP) funded from the American Recovery and Reinvestment Act through the NYS Division of Housing and Community Renewal.

The WAP grant has been used to conduct energy audits which analyze existing water, fuel and energy consumption in residences occupied by low income households. The energy audits produce recommendations for specific work that can be undertaken to improve energy efficiency. So far audits have been completed on more than 800 rental units and improvements have been implemented in almost 30 buildings owned and operated by nonprofit agencies, including buildings owned by A-HOME in northern Westchester and by Children's Village in the Village of Dobbs Ferry.

Improvements are also underway in residential units in Yonkers and in properties owned by housing authorities in Port Chester and White Plains. WAP improvements are expected to be completed by March.

January Is Addition Month for the County Agricultural District

Applications to add land to the Westchester County Agricultural District may only be submitted in January of each year. The County's plan to modify the district, restricting it to northern Westchester and the western portion of Mount Pleasant, was certified by the New York State in November. While the reconfigured district encompasses over 93% of the land under the prior district, owners of only about half of the land (roughly 6,500 acres) have requested to remain in the district. Landowners within eligible municipalities may apply to include additional parcels within the district by submitting an application before January 31. The County Agriculture and Farmland Protection Board reviews the applications and makes a recommendation to the Board of Legislators, which in turn may act to make a recommendation to the state for district modifications.

Ribbon Cutting Held at the Mews in the Town of Somers



A ribbon cutting ceremony and grand opening for The Mews senior affordable housing in the hamlet of Baldwin Place in the town of Somers took place on November 18. The new 72-unit rental development in two elevator buildings is located on 5.7 acres. It is the first construction in a much larger planned hamlet development that has been granted master plan approval by the Town. Each apartment has one bedroom. The development is adjacent to the Somers Commons shopping center, making it a good site for senior independent living within walking distance to shopping, grocery, pharmacy and a fitness club. In order to qualify for

WESTCHESTER COUNTY PLANNING BOARD
Announcements & Updates
February 2012
Page 3

the rental apartments, one's household income must be at or below 30% and up to 60% of area median income for Westchester County based on HUD guidelines. Rents range between \$470 and \$895 per month. Tenants pay for their own heat, hot water and electric for cooking, lights and air conditioning. Amenities include terraces and Energy Star appliances in each apartment. Each building also has a management office, laundry facilities, a community room and parking. The development is currently 100% leased up and is accepting applications for a waiting list. The property will remain affordable for 50 years.



Westchester County provided \$2,000,000 from the New Homes Land Acquisition Fund to cover the land costs, \$1,100,000 from the Housing Implementation Fund for the new road and \$650,000 from HUD's HOME program to cover construction costs for 11 units. Additional funding for the project includes NYS HCR Housing Tax Credits, Housing Trust Fund and private financing. As the local approval of the development predated the Housing Settlement, the units are not eligible under the Settlement.

FY 2012 HUD Action Plan Begins Approval Process



With a January 12 public hearing, the Department began the approval process to amend the FY 2009-2013 Consolidated Plan so as to submit a FY 2012 Action Plan to the U.S. Department of Housing and Urban Development (HUD) covering the Community Development Block Grant, HOME Investment Partnership and Emergency Solutions Grant programs. The hearing remains open for a 30-day comment period that will end with a second public hearing on February 17.

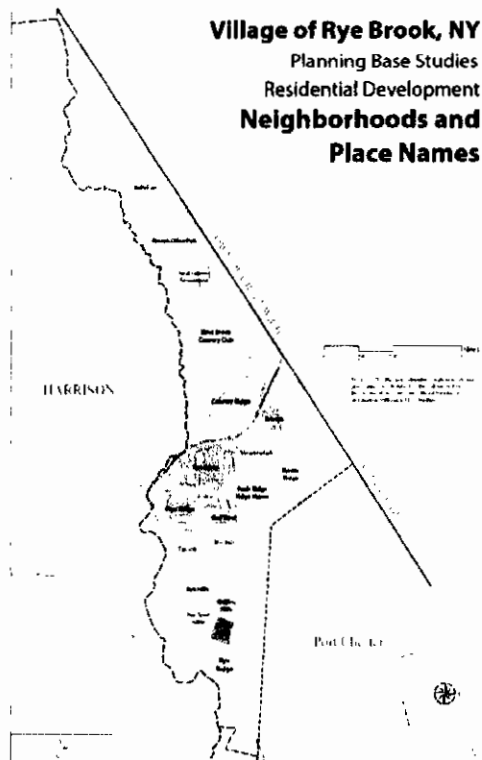
The proposed FY 2012 Action Plan will be reviewed by the Community Development Advisory Group, the Urban County Council and the County Planning Board before submission to the Board of Legislators for action to authorize its submission to HUD. HUD's Community Planning and Development Assistant Secretary Mercedes Marquez has advised the County that funding has been allocated to the Westchester Consortium as follows: CDBG - \$3,915,674, HOME - \$839,066 and ESG - \$465,769. The County's fiscal year for these programs should begin on May 1. (Yonkers, White Plains, New Rochelle and Mount Vernon apply for separate allocations from HUD.)

Second Bronx River Streambank Stabilization Project Now Underway

Construction activity began in January on the second streambank stabilization project on the Bronx River in the County Center area in the City of White Plains. A stabilization project on the west bank of the river was completed by the Army Corps of Engineers in December. The new east bank project will involve the eradication of invasive plants, stabilization of streambank and restoration of wetlands along 3,000 feet of the river. The project, designed by Department staff, is scheduled to be

completed by summer. It is being funded through County bonding and a grant received through the County Soil and Water Conservation District.

Pilot Program Underway for Local Comprehensive Plan Support



Department staff continues to assemble written and graphic materials and analysis as part of a pilot “comprehensive plan foundation” for the Village of Rye Brook prior to the Village hiring a consultant to develop a comprehensive plan. Staff recently provided the Village with data and maps for the Zoning Build-Out Analysis as part of the county-wide *Westchester 2025* effort. The Department agreed to assemble many of the additional “planning base studies” that traditionally make up a substantial part of a comprehensive plan project – and the project’s cost. A sampling of the 16 chapters the Department is preparing include: Population Characteristics, Natural Resources, Infrastructure and Utilities, Fiscal Impacts, Transportation and Commercial Development/Major Employers. Each chapter utilizes County and non-County data, County GIS mapping and analysis of compiled resources.

This “foundation,” in the form of Web pages, could serve two purposes. First, interested residents and businesses can access it and begin to think about the issues and choices that the Village may have. Second, the Village can ask consultants to use it to shape a

proposal for preparing a plan and a public outreach process that uses the data as a starting point to engage residents and businesses. The consultant can then focus on looking to the future, policy options and alternatives instead of data collection and synthesis.

Census and Statistics

The US Census Bureau released new American Community Survey data reflecting sample data collected during 5-year (2006-2010), 3-year (2008-2010) and 1-year (2010) periods. The Bureau also completed its transition to its new American FactFinder “2” Web site, fully migrating all data from the old site onto a single new portal. This also includes bug fixes. The site can be accessed at <http://factfinder2.census.gov>. Department staff continues to provide resources customized for Westchester and its municipalities at <http://planning.westchester.gov/census-and-statistics>.



**AMERICAN
COMMUNITY
SURVEY**

U.S. CENSUS BUREAU

Referrals to the Planning Board

Referrals November 16 to December 31, 2011

Between November 16 and December 31, 2011 the County Planning Board received 64 referrals of proposed planning and zoning actions from Westchester's municipalities. These referrals include notifications submitted pursuant to the NYS Environmental Quality Review Act (SEQR). Of the referrals received, 48 were determined to be jurisdictional and 16 were determined to be non-jurisdictional.

Of the jurisdictional referrals, 33 were for an actions pre-determined by the County Planning Board to be a matter of local determination that require notification only; acknowledgements of receipt were sent back to the referring municipality. No further action is required on these matters.

For the entire year 2011, the County Planning Board received 661 referrals; 535 of these have been jurisdictional. Of the jurisdictional referrals, 306 (57%) were for actions pre-determined by the County Planning Board to be matters of local determination that require notification only.

Planning Board action is needed at the February meeting to approve actions taken by staff in response to 11 referrals received with response letters dated between November 16 and December 31, 2011:

- *Comment* (LWC) letters sent in response to 8 referrals.
- *Local Determination/No Comment* (LDT) letters sent in response to 2 referrals.
- *Non-Jurisdictional with Comment* (NJR-WC) letter sent in response to 1 referral.

Referrals of Interest

1. Village of Elmsford — Construction and Demolition Debris Recycling Facility (ELM 11-002B)

Description: The project involves the conversion of an existing cardboard recycling facility into a construction and demolition debris recycling facility with construction of a 34,615 square foot addition to an existing building along with placement of two truck weighing scales, sliding gates and on-site drainage improvements. The facility will be designed to operate at a capacity of 1,000 tons per day. Cardboard recycling will continue at the site until construction and debris recycling exceeds 500 tons per day.

The subject site is 2.89 acres located at 13 Hayes Street. A portion of the site extends beyond the limits of the Village of Elmsford into the Town of Greenburgh. The site abuts the Saw Mill River along its western boundary.

Comments: The response letter states that the project is consistent with *Westchester 2025* because it involves the construction of a recycling facility that will reduce the waste stream for construction materials in Westchester.

The letter recommends that the Village require the plans to be revised to confirm the location of the floodplain associated with the Saw Mill River. Because the Saw Mill River is a County stream, a

stream control permit will be required. The applicant should be required to demonstrate that the development will not worsen flood conditions along the Saw Mill River.

The letter notes that the eastern portion of the site is crossed by an easement containing a County trunk sewer line. The applicant must work with WC DEF to ensure the line is protected both during and after construction. In addition, any manholes related to the trunk sewer line impacted by construction must remain accessible, be adjusted to finished grade and may not be buried during or after construction. The letter also notes that the current facility is subject to industrial pre-treatment requirements for discharge into the sanitary sewer. The adequacy of provisions for the new facility must be reviewed with WC DEF.

The letter notes that a portion of the site located on the west side of the Saw Mill River could hold potential for the final phase of the South County Trailway and encourages the Village and the applicant to work with the County to determine the feasibility of placing the trailway through this area.

2. Town of New Castle – Green Building Law (NWC 11-006)

Description: Proposed local law to amend the New Castle Town Code to create a new Chapter 47 entitled Green Building Law. The intent of this chapter is to mandate green building practices designed to encourage resource conservation, waste reduction, reduction in energy use and energy efficiency and promoting the health and productivity of the public. The law will apply to all applications for building permits for municipal, commercial and high rise multi-family residential buildings greater than 5,000 square feet.

Comments: The response letter commends the Town for its commitment to creating a sustainable community by incorporating these green building measures into its building code.

3. Village of Tuckahoe — Crestwood Station Plaza (TUC 11-002)

Description: The proposal calls for the construction of a three-story structure which would consist of 3,600 square feet of commercial space on the ground floor and 44 residential units (37 studio, 4 one-bedroom and 3 two bedroom apartments). The subject site is 32,473 square feet located at the intersection of Lincoln Avenue and Columbus Avenue across from the Crestwood Metro-North station. The site currently contains two gasoline stations which would be removed to accommodate the project. The proposed building would have frontage on both Lincoln Avenue and Columbus Avenue with vehicular access from the rear of the site along Fisher Avenue.

The Village zoning code requires that the development provide 106 spaces; 73 spaces are proposed. 61 parking spaces would be provided behind and underneath the proposed building to provide parking for both the residential and commercial components of the building; six of these spaces would be tandem spaces dedicated to the 2-bedroom units. On-street parking along Columbus Avenue would be reconfigured to provide 12 angle spaces

Comments: The response letter states the project is consistent with *Westchester 2025* because it involves a transit-oriented development that is street-oriented and pedestrian scaled with parking behind and underneath the building. The letter notes that the proposal does not indicate if any of the

WESTCHESTER COUNTY PLANNING BOARD
Announcements & Updates
February 2012
Page 7

proposed residential units are proposed to be developed as AFFH units and urges the Village and the applicant to consider setting aside a minimum of 10% of the proposed units for affordable AFFH. The letter encourages the Village to consider adopting the Model Ordinance Provisions for affordable AFFH.

The letter notes the project's likely impacts on County sewers and recommends that I&I mitigation be performed and that the proposed trash enclosure be of sufficient size to accommodate the expanded County recycling program that includes plastics with numbers 1 through 7.

The letter also points out that while the Village code requires that the development provide 106 parking spaces, the Village should consider granting a variance for some of the parking spaces since this is a transit-oriented development. Without a variance of some number of parking spaces, it may be a challenge to design the building so as to retain the desirable street-oriented design. In addition, the letter encouraged the addition of more on-site stormwater management infrastructure, bicycle parking and green building technology.

Referrals January 1 to January 15, 2012

Between January 1 and January 15, 2012 the County Planning Board received 27 referrals of proposed planning and zoning actions from Westchester's municipalities. These referrals include notifications submitted pursuant to the NYS Environmental Quality Review Act (SEQR). Of the referrals received, 21 were determined to be jurisdictional and 6 were determined to be non-jurisdictional.

Of the jurisdictional referrals, 12 were for an actions pre-determined by the County Planning Board to be a matter of local determination that require notification only; acknowledgements of receipt were sent back to the referring municipality. No further action is required on these matters.

Planning Board action is needed at the February meeting to approve actions taken by staff in response to 4 referrals received with response letters dated between January 1 and January 15, 2012:

- *Comment* letters sent in response to 8 referrals.
- *Local Determination* letters sent in response to 2 referrals.

Referrals of Interest

1. Town of Bedford — Affordable Affirmatively Furthering Fair Housing Units Ordinance (BED 12-011)

Description: Zoning text amendment intended to incorporate Westchester County's Affordable AFFH Model Ordinance Provisions in the Town's regulations. The Town proposes to go beyond the Model Ordinance Provisions by requiring a minimum 20% affordable AFFH component in all multi-family districts. Also, the draft regulations provide several original concepts to encourage and support the development of AFFH units in that the town planning board would be authorized to:

- Waive or reduce certain fees for applicants,
- Consider such other forms of assistance which may be under the control of the Town,

- Actively assist in obtaining assistance of federal, state or other agencies in support of affordable housing development and
- Allow the reduction of dimensional requirements by not more than 25% and an allowance for shared parking so as to reduce infrastructure costs.

The Town has also proposed payment of a fee-in-lieu of construction of affordable units applicable only in proposed single-family developments of less than 5 units. Affordable AFFH units are not required in such developments under the Model Ordinance Provisions. This additional mechanism can be used to create a fund for the future construction of affordable AFFH units.

Comments: The proposed amendments are consistent with the County Model Ordinance Provisions. One provision which should be reconsidered is the allowance for construction of required AAFH units off the site of a proposed development. Though the draft ordinance makes this option subject to approval by the Planning Board, experience has found that implementation of off-site affordable housing can generate unforeseen specific problems that delay or prevent construction of the affordable units.

2. City of Mount Vernon — The Mount Vernon Modern (MTV 12-001)

Description: The proposed development consists of the construction of an 11-story mixed-use building containing 81 apartments (9 studio, 27 one-bedroom and 45 two-bedroom units) with 78 parking spaces on three levels behind the building. The proposed building would contain 9,237 square feet of commercial space and 1,695 square feet of community space on the first two floors with the residential units on the above nine floors. The 20,241 square foot site is located on the southeast corner of Mount Vernon Avenue and MacQuesten Parkway, across from the Mount Vernon West train station. The proposal requires a use variance to allow residential units in the CB-Commercial Business zone. In addition, area variances are sought for building height, impervious coverage, parking and driveway width. Site plan approval will also be required from the City Planning Board.

Comments:

- The project is consistent with County Planning Board policies because it is a transit-oriented development containing residential units and street level retail within close proximity of a train station. The proposed street-oriented building with parking in the rear is also consistent with these policies.
- The project will increase sewage flows from the site into the County sewer system, which should be offset through inflow and infiltration (I&I) mitigation.
- Sufficient space should be set aside on the site to accommodate the storage of recyclables under the recently expanded County recycling law.
- The requested use variance to allow residential development should be considered; the City should continue to look towards revising its zoning code to permit mixed-use development.
- The requested parking variance should be considered; transit-oriented developments should have a lesser need for parking than elsewhere in the city.
- Green building technology should be explored.
- Bicycle parking should be provided.

MINUTES OF THE MEETING
WESTCHESTER COUNTY PLANNING BOARD

Cassella Conference Room
Michaelian Office Building
White Plains, New York
Tuesday, March 6, 2012

BOARD MEMBERS PRESENT:

Susan Konig, Chair (Village)
Dwight Douglas, Vice Chair (City)
James Arndt (City)
Neil Sullivan (City)
David Menken (Town)
Bernard Thombs (Town)
Kathleen O'Connor, Commissioner, Department of Parks, Recreation
Jay Pisco, Commissioner, Department of Public Works and Transportation
Thomas Lauro, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

Douglas Hocking (City)
Steven Schoenfeld (Town)
Vacant board position

STAFF PRESENT:

Edward Buroughs, Commissioner
Patrick Natarelli, Chief Planner
Tracey Corbitt, Principal Planner
William Brady, Associate Planner
Lukas Herbert, Associate Planner
Susan Darling, Associate Planner
Robert Doscher, Principal Planner
Paul Gisondo, Associate Planner
Megan Miller, Planner
Nick Magilton, Planner
Ellen Brief, Program Specialist

GUESTS:

Catherine Borgia, County Legislator, 9th District
Joseph Kenner, Assistant to the County Executive
Christopher Crane, Assistant to the Board of Legislators

I. Call to Order

The meeting was called to order at 8:05 a.m. by the Chair, Susan Konig.

II. Meeting Dates

Ms. Konig noted that the next Board meetings would be held on April 3, May 1 and June 5. She noted that she had not heard from any Board members about a preference to change the meeting start time and that for now the traditional 8 a.m. start time appears acceptable to all.

III. Adoption of Minutes

[The minutes were approved later in the meeting, after Matters for Board Action]

Ms. Konig solicited corrections and comments on the December 6 minutes, none were made.

As Mr. Douglas, Mr. Thombs and Ms. Konig were not present at the December 6 meeting they abstained from the vote to approve the minutes of this date.

A motion to approve the minutes from the December 6 meeting was made by Mr. Lauro seconded by Mr. Sullivan and approved by the board.

Ms. Konig solicited corrections and comments on the February 7 minutes, none were made.

As Mr. Arndt, Mr. Menken and Ms. O'Connor were not present at the February 7 meeting, they abstained from the vote to approve the minutes of this meeting.

A motion to approve the minutes from the February 7 meeting was made by Mr. Sullivan seconded by Mr. Douglas and approved by the board.

IV. Chairman's Remarks

Ms. Konig reminded the Board that the Westchester Municipal Planning Federation's (WMPF) Land Use Training Institute (LUTI) will be held on March 12, 15 and 22 and that attending offered an opportunity for members to earn the four hours of training required under NYS law.

She inquired about the progress of submitting an entry for the previous Chair, Cheryl Lewy, for a WMPF Distinguished Citizen Planner Award. Mr. Burroughs stated that the nomination had not as yet been made, and that he would follow up on this. Ms. Konig also remarked that, because of Ms. Lewy's interest in advancing bike paths throughout the county, naming a bike path after Ms. Lewy may be a fitting tribute.

Ms. Konig noted that articles about planning, developers and up-zoning in Westchester have recently been in the news. She noted that although it was understandable that developers would attempt to achieve the best economic results for their projects, municipalities would also need to be hyper vigilant and aware of all the possible scenarios that will impact their communities. She said that when presenting and discussing the ***Westchester 2025: Plan Together*** initiative it was important to make it clear that it is presented only in an advisory capacity.

V. Commissioner's Remarks

Mr. Burroughs noted that staff had completed the extensive review and analysis of municipal zoning ordinances and that this was printed out in a large format and a copy mailed to the federal housing Monitor.

He said that the department will present on the topic *Westchester 2025: Plan Together* - Comprehensive Plans, Resources, Results at the Land Use Training Institute the evening of March 12 and on Flooding and Land Use Planning on March 15.

VI. Referrals

Ratification of actions taken by staff in response to planning and zoning actions referred to the County Planning Board – January 16, 2012 through February 15, 2012.

Ms. Konig invited comments or questions on the referrals. Mr. Douglas recused himself from the vote on DBF 12-001 Rivertowns Square-Draft EIS.

A motion to approve the Referrals Report was made by Mr. Menken, seconded by Mr. Arndt and approved by the board.

Referrals of Interest

A. Referral File: IRV 12-004 – Continuum Living at Irvington, Draft Environmental Impact Statement, Village of Irvington

Referencing a PowerPoint slideshow, Mr. Herbert informed members about a proposal for a 21-unit development of assisted living apartments in the Village of Irvington; 40 would be targeted for residents with dementia. He said that the 4.6 acre site at 30 South Broadway is currently occupied by the Foundation for Economic Education Development and an existing building on the site could be adaptively reused or demolished. Additional wings of building would be 2, 3 or 4 stories high. There would be a total of 105,000 square feet of floor area and 50 parking spaces.

Mr. Herbert remarked that the site, zoned MF–Multifamily, does not allow for assisted living housing. The applicant is requesting a zoning amendment special use permit to add assisted living. Approvals for this permit and the site plan are needed. Also, the applicant is seeking County Industrial Development Agency (IDA) financing which may require that a portion of the project accommodate below-median income tenants.

Mr. Herbert noted that the site is one of the few remaining MF zoned properties available for development in Irvington. He said that the Village's affordable housing ordinance requires that 10% of the units be allocated as affordable and that it is not clear how this ordinance applies to assisted living facilities as the use was not permitted when the inclusionary requirement was adopted. Mr. Herbert said that three affordable housing units would be

required if the maximum number of multi-family units possible were built on the site. The equivalent math would require the 121 assisted living units to provide 13 affordable housing units. Mr. Herbert suggested that the affordable housing component could be independent and simply located on the site of the assisted living facility. He stated that the public hearing is on March 7 and that once the hearing is closed there will be a minimum of ten days to comment.

Mr. Burroughs said that the Village's 2003 Comprehensive Plan never contemplated assisted living development and that applying affordability to this type of facility is complicated by the service component offered at the facility. He remarked that the affordable housing issue could be raised by the County's IDA.

Ms. Konig inquired if there is a sense of what the community wants for the site. Mr. Natarelli said that often residents welcome development that will add to the tax base and will not impact the population in schools. She asked if there was infrastructure in place to handle the facility. Mr. Herbert replied that the area is served by sewer and water.

Mr. Douglas commented on the substantial increase in the size of the project, due to the use change, and the potential impact of the subsequent increase in the amount of impervious surfaces. He thought a portion of the project should be set aside for affordable housing.

Mr. Sullivan said that municipalities need to consider how to address the ensuing demographic change of an aging population.

Ms. Konig, answering a question from Mr. Pisco, stated that shift workers usually staff assisted living facilities and that they do not require onsite housing.

Mr. Burroughs said that the scale of the project relative to the size of the site may be a consideration.

Mr. Sullivan noted that the existing building was visually appealing and should be retained and adapted to the new use.

Mr. Thombs said that the amount of parking should include spaces for the support staff.

Mr. Natarelli remarked that the development's architectural style should blend with the character of the nearby 1950s red brick garden apartments and match the existing neighborhood's height and setback requirements.

B. Referral File: NWC 12-002 – Conifer Realty Workforce Housing, Site Plan, Town of New Castle

Mr. Herbert, projecting slides from a PowerPoint presentation, spoke about the 36 "workforce" apartments (24 one-bedroom, 12 two-bedroom) proposed for a 5-story building in the Town of New Castle. There would be 40 at-grade parking spaces on the ground level under the units and all the apartments would meet the County's affordable affirmatively

further fair housing (AFFH) requirements. He said that the 16,617 square foot site is bordered by Hunts Place, Metro-North Railroad, the Saw Mill Parkway and the Quaker Road (NYS Route 120) Bridge. As the project fills the entire site, easements will need to be obtained from Metro-North and the NYS Department of Transportation to allow construction access.

Mr. Burroughs noted that the site was used as a staging area by NYS DOT's contractor during the rebuilding of the Quaker Road Bridge. He reported that the federal Monitor. His staff and six employees of the U.S. Department of Housing and Urban Development (HUD) visited the site last Wednesday. Because the site is located next to the center of Chappaqua and connects to sidewalks in the community, they seemed to approve of the site's location for affordable housing.

Mr. Herbert, answering a question from Mr. Lauro, stated that the recycling area will be located in a dumpster enclosure.

Mr. Sullivan said that dust from the highway may be a health concern. Mr. Douglas stated that a noise study and air quality analysis should be done, as these issues could impact the resident's quality of life.

Mr. Lauro remarked that the location of the project's sewer hookup is a critical concern.

Ms. O'Connor noted that there was no on-site parkland for the project. Mr. Herbert said that green areas in the town were within walking distance.

In response to a question, Mr. Herbert noted that the responsibility for snow removal on the walkways over the bridge was not identified.

Mr. Herbert said that workforce housing is permitted in the I-G General Industrial District if a property is within 500 feet of the train station, subject to the issuance of a special permit. A request has been by the applicant to reduce the number of parking spaces from 52 to the proposed 40. Mr. Herbert said that there is no date set for a public hearing. A draft comment letter will be distributed to the board for review and comment before submission to the town.

VII. Matters for Board Action

A. 2012/2013 Westchester Community College Capital Budget Requests – Adoption of Planning Board Report

Mr. Natarelli stated that the Board received a copy of the draft report to review. He noted that the presentation by the college on this matter was at the February 7, 2012 meeting.

A motion to adopt the Planning Board Report on the Westchester Community College 2012/2013 Capital Budget Requests was made by Mr. Douglas, seconded by Mr. Sullivan and approved by the board.

B. WD001 Eastview Meter Connection and Distribution Chamber- Amendment of Planning Board Report on 2012 Capital Project Requests

Mr. Lauro, accompanied by a PowerPoint slideshow, noted that the Eastview Meter Connection and Distribution Chamber project was presented at the October 10, 2011 Planning Board meeting in a different form. He said that there are different levels of mandated requirements, that April 2012 is the deadline for providing ultraviolet (UV) treatment of the water supply, and that there are significant penalties for non-compliance. He presented a brief review of the history of federal and state water supply regulations and spoke about the DEP ultraviolet light disinfection facility at the City-owned Eastview site adjacent to the County's Valhalla Campus at Grasslands. This UV facility will treat all water flowing from the Catskill/Delaware system to provide additional disinfection for potentially harmful microbiological contaminants. The Catskill/Delaware UV facility is scheduled to be completed in 2012.

This \$9.2 million CBA amendment before the board would fund the design, construction management and construction of a water supply main, meter connection and distribution chamber and the needed appurtenances to access the treated water from DEP's UV treatment facility at Eastview so as to provide it to a third of the county: the two county Water Districts #1 (*Yonkers, Mt. Vernon, White Plains, Scarsdale*) and #3(*Grasslands Campus*); Westchester Joint Water Works (*Mamaroneck, Harrison*); United Water Westchester (*Port Chester, Rye, Rye Brook*); and the villages of Tarrytown, Sleepy Hollow and Briarcliff Manor. He outlined the path of the proposed water main link to Kensico Plaza where the County currently draws water from the DEP system.

Answering a question from Ms. Konig on the accuracy of the project's costs, Mr. Lauro replied that the amount of the project was inflated to 2015 dollars, the midpoint date of the construction.

Mr. Thombs inquired about the impact of the project on the traffic flow on the Saw Mill Parkway. Mr. Lauro answered there will be lane closures and some impact on the traffic in Valhalla.

A motion to amend the County Planning Board report on the 2012 Capital Project Requests to include the report on the new Capital Project WD001 Eastview Meter Connection and Distribution Chamber was made by Mr. Douglas, seconded by Mr. Arndt, and approved by the board.

B. WD002 Eastview Pumping Station and Transmission Main(s)- Amendment of Planning Board Report on 2012 Capital Project Requests

This \$8.725 million project before the board would fund the design, construction management, and construction of an Eastview Pumping Station and Transmission Main(s) to provide treated drinking water from the UV treatment facility at Eastview to the two county Water Districts #1 and #3, Westchester Joint Water Works, and United Water Westchester.

Mr. Lauro stated that the percentage of the total project flow utilized will be used to calculate the project costs for each participant.

A motion to amend the County Planning Board report on the 2012 Capital Project Requests to include the report on the new Capital Project WD002 Eastview Pumping Station and Transmission Main(s) was made by Mr. Douglas, seconded by Mr. Menken, and approved by the board.

IX. Matters for Board Discussion

A. Planning Federation Session – Westchester 2025: Plan Together, Comprehensive Plans, Resources, Results

Mr. Buroughs informed the board that a presentation on this topic will be offered by Planning staff at the LUTI on March 12; Robert Galvin from Monarch Planning Group and Frank Fish from BFJ Planning will join in the presentation. He said that a tentative outline for the talk includes: the legal parameters of comprehensive plans; a short overview of the work completed on *Westchester 2025: Plan Together*; and an overview of the resources that are available to municipalities - exemplified by the work now being done by staff for Rye Brook. Mr. Menken noted that he will be presenting at LUTI that evening on the Government Use of Social Media. Mr. Buroughs reported that staff will present on Flooding and Land Use Planning on March 15.

Mr. Brady, accompanied by a PowerPoint slideshow, noted that the Board was last updated on this initiative in December 2011. He reported that feedback on some of the 16 draft base study chapters, filled with data and analysis, produced by staff for Rye Brook is expected back from the Village in the upcoming weeks. Mr. Brady stated that the extensive information and maps provided will allow the Village to move forward and complete a Comprehensive Plan. He showed a slide listing the categories of the chapters which included: the History of Local Planning, the Use of Land, Transportation, Natural Resources, Current Zoning, Residential Development, and Infrastructure and Utilities - to name a few. Mr. Brady briefly reviewed the project status for some of the county municipalities.

Ms. Corbitt said that the information on Rye Brook posted on the County's Web site will provide information that the Village can use to make local decisions and reduce their costs for drafting a comprehensive plan.

Mr. Douglas stated that other communities would be interested in the list of items that will be provided by the County so that they can determine the gaps that they will need consultants to address.

Ms. Konig thanked Mr. Brady and Ms. Corbitt for their talk, and said that, due to time considerations, the talk on stormwater management projects will be moved to the April meeting. She invited Mr. Buroughs to speak on the municipal zoning ordinances.

IX. Matters for Board Information

A. Current Stormwater Management Studies and Projects
[Due to time constraints, this presentation was tabled.]

B. Review and Analysis of Municipal Zoning Ordinances

Mr. Buroughs said that a copy of the Review and Analysis of Municipal Zoning Ordinances, due at the end of February, had been provided to the federal housing Monitor, as he had requested. Ms. Konig asked that a copy of the report be distributed to board members.

Mr. Buroughs remarked that the first zoning ordinance was adopted by New York City in 1916 and that in 1926 the U.S. Supreme Court upheld the legality of zoning ordinances. Between those years, 16 Westchester municipalities adopted their own zoning codes. He said this history is important to understand as zoning has been in place in much of Westchester for over 90 years. He added that 90 years of review and amendments can result in very complicated regulations and not all being “current.”

He said that a dozen staff worked on researching and compiling the review and analysis of zoning in all 43 Westchester municipalities. He said the results revealed 853 unique zoning districts, and that 653 of these permit residential development and 200 limit uses to non-residential uses. Mr. Buroughs stated that many of the terms used by HUD and the monitor when they discuss zoning are not necessarily terms used in zoning codes. Therefore, one chapter of the county’s report defines terms as used in the report. For example, to ask if a code permits “a townhouse” is difficult to answer as “townhouse” is a type of building and not a zoning land use. He noted that in a word search of all the municipal zoning codes, no results or mention of “Section 8” and/or “HUD” were found that implied restrictive practices.

Mr. Buroughs said that each zoning district in the county was looked at for 31 factors (reported in tables) and for the federal Monitor’s prescribed six restrictive items (reported in the text). These six items are those that limit: (1) multifamily housing, (2) the size of a development, (3) Section 8 or other affordable housing, (4) the number of bedrooms in a unit, (5) the lot size or other density requirements that encourage single-family housing or restrict multifamily housing and (6) townhouse development. None of the municipal zoning codes were discovered to apply exclusionary restrictions in these six areas but instead handle them in standard zoning practice in ways found in codes across the country.

Mr. Buroughs, answering a question from Ms. Konig, stated that yes, records were kept on the amount of staff time spent working on this report.

Ms. Corbitt said that, in the course of the work, good planning policy was uncovered, such as the requirement in New Castle’s code that mandates residential units be located above retail stores and that such policies could be shared with other municipalities.

Mr. Douglas asked if the information gathered in this report would be available to the public. Mr. Buroughs replied that the intent is to widely distribute the report and publish it on the Department’s Web site within a week or two.

Mr. Douglas said that public drinking water reservoir watersheds are a significant impediment to multi-family development as public water and sewer are not available.

X. Other Business

Mr. Buroughs began the brief report on the public hearing on the Tappan Zee Hudson River Crossing Project Draft Environmental Impact Statement. He said Commissioner Pisco and Mr. Herbert and Mr. Magilton of the Planning staff attended the March 1 public hearing. Mr. Pisco stated that many in attendance remarked on the potential reuse of the existing bridge as a park once a new bridge is completed and about adding a transit component to the new construction. Mr. Herbert observed that most of the public at the hearing demanded that transit be provided on the new bridge and thought that Bus Rapid Transit was crucial and rail transit less so.

XI. Adjournment

The meeting adjourned at 9:55 a.m.

WESTCHESTER COUNTY PLANNING BOARD

Westchester
gov.com

CONTINUUM LIVING AT IRVINGTON

Referral File No: RV12-004
Draft Environmental Impact Statement
Zoning Text Amendment, Comprehensive Plan Amendment, Special
Permit, Site Plan

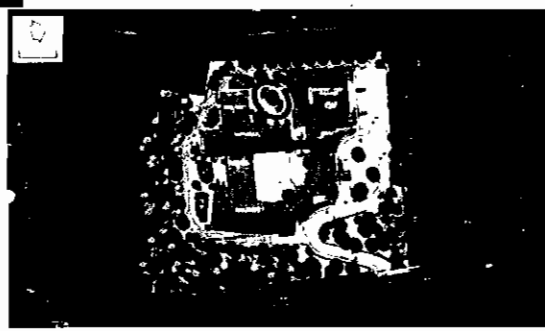
Proposed application

- 121-unit development
 - 81 assisted living apartments
 - 40 units for dementia care
- 4.6 acre site at 30 South Broadway, currently occupied by the Foundation for Economic Education
- Development could adaptively reuse main building on site
- Additional wings of building will be constructed as 2, 3 or 4 story additions
- 105,000 square feet of total floor area with 50 parking spaces

Site



Proposed development



Proposed development



Proposed development



Proposed development



Existing building



Re-use of building

- Two main alternatives are proposed:
 - Keeping existing main building and expanding it with various wings
 - Demolishing the main building and building new
- Second option is preferred

Zoning

- Site is zoned MF – Multifamily
- Permits single-family, two-family and multi-family uses as-of-right
- Permits hospitals, research and development uses, insurance offices and publishing offices by special permit
- Does not permit assisted living
- Applicant is requesting zoning amendment to add assisted living as a special permit use

Village Comprehensive Plan

- Existing Village Comprehensive Plan (2003) shows site as "educational" on the Land Use Plan Map, reflecting the existing use
- Applicant proposes to amend the site to "high density residential" consistent with existing zoning

Additional Approvals

- Special permit
- Site plan
- Applicant is seeking County IDA financing
 - If obtained a portion of the project would have to accommodate below-median incomes

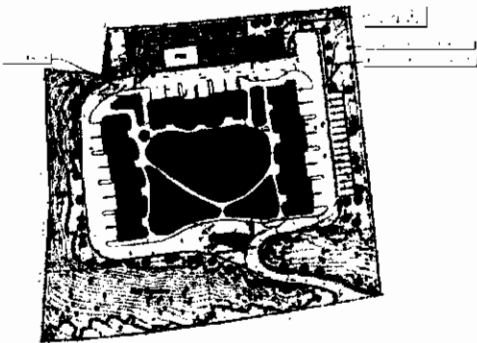
Alternatives

- 1 No action
- 2 Multifamily under existing zoning
- 3 Office development under existing zoning
- 4 Retain existing use
- 5 School
- 6 Single family under existing zoning
- 7 Assisted living without existing building

Multi-family development

- Concern that the subject site is one of the few MF zoned properties left in Irvington that can be developed
- Irvington has affordable AFFH unit ordinance, requiring a 10% set aside
- Ordinance is not clear how or if it applies to assisted living

Multi-family development



Affordable AFFH Units

- Multi-family alternative would yield 3 affordable AFFH units
- Does a development of 121 assisted living units require 13 affordable AFFH units?
- Could affordable AFFH apartments be added to an assisted living project?

Comments and timeframe

- Public hearing scheduled for March 7, 2012
- Once hearing is closed, there will be a minimum 10 days additional time to comment

Questions? Comments?



WESTCHESTER COUNTY PLANNING BOARD

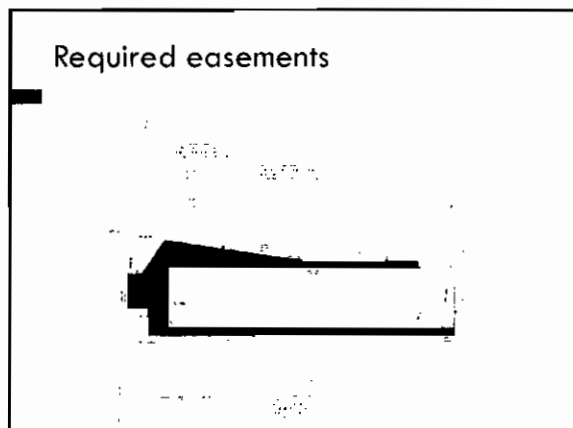
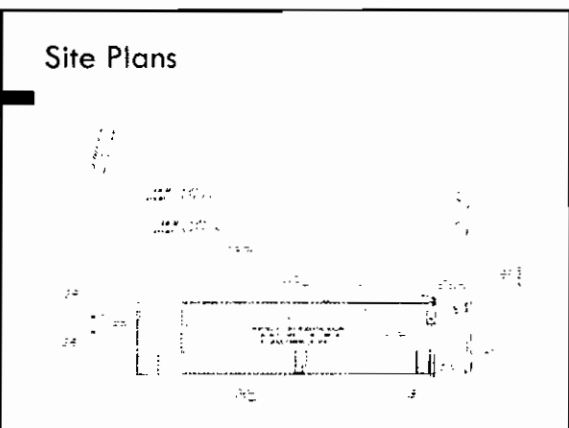
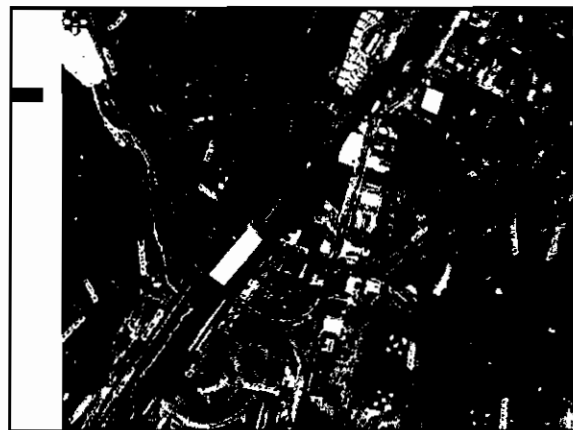
Westchester
gov.com

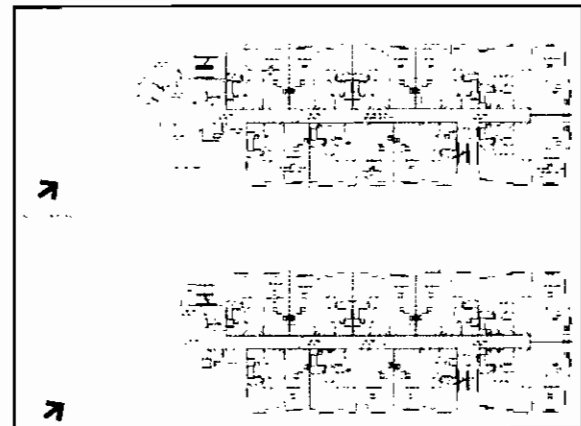
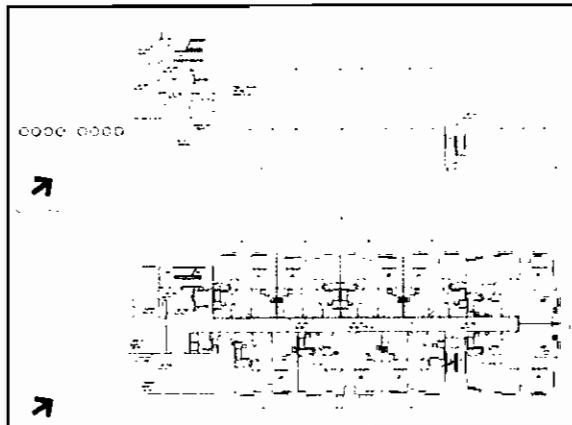
CONIFER REALTY – CHAPPAQUA STATION APARTMENTS

Referral File No. NWC 12-002
Special Permit

Proposed application

- 36 "workforce" apartments in a 5-story building with 40 at-grade parking spaces
 - 24 one-bedroom
 - 12 two-bedroom
- All units will affirmatively further fair housing by meeting County affordable AFFH requirements
- Site is 16,617 square feet, bounded by Hunts Place, Metro-North, the Saw Mill Parkway and the Quaker Road (NYS Route 120) Bridge





Elevations



Approvals

- ☐ Town Board special permit
Workforce housing permitted in the I-G General Industrial District if a property is within 500 feet of the train station. (Regulations established in 2010)
- ☐ Town Board approval to reduce required parking from 52 to 40
- ☐ Obtain easements from Metro-North Railroad and NYSDOT

Comments and timeframe

- ☐ No public hearing date has been set yet
- ☐ Housing Section will also present for funding

- ☐ Questions? Comments?

WESTCHESTER COUNTY PLANNING BOARD ANNOUNCEMENTS & UPDATES March 2012

County Executive Moves Flood Mitigation Projects Forward

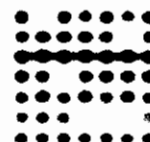


County Executive Robert P. Astorino held a press conference near the bank of the Bronx River on February 9 to announce the advancement of seven flood mitigation projects totaling \$9 million in County funding. Five of the projects are within the County-owned Bronx River Parkway Reservation where the County has the ability to fast-track implementation. The proposed work includes stream bank stabilization at locations along the Bronx River to redirect the river away from the roadway

foundation and to stop erosion conditions that add silt to the river, reducing flow capacity. Another project will upgrade of an existing storm water pump in the Reservation in the City of Mount Vernon. Two projects were submitted by municipalities, one by the City of New Rochelle and one by the Village of Larchmont, for County funding assistance up to 50% of the total project costs. These projects will enlarge culverts to alleviate blockage. Planning and Public Works staff is preparing detailed scopes for the individual projects so as to finalize funding requests for design and construction.

Department Staff to Present at Planning Federation Training Session

Department staff will present and lead discussions on comprehensive planning and flood mitigation at the 2012 Westchester Municipal Planning Federation Land Use Training Institute. The three evening institute is geared to educate and help members of municipal land use boards and committees to perform their roles with better skills knowledge.



westchester 2025 /plan together

On March 12, staff will head up a general session for all attendees that will explore the value of comprehensive plans and how to prepare one efficiently and at the lowest cost. A major part of the discussion will be on the resources that the Department can make available through the *Westchester 2025: Plan Together* initiative.



On March 15, staff will conduct a breakout session focusing on ways to address flooding through land use planning. The session will draw from the guidance manual *Flooding and Land Use Planning* produced by the Department and distributed to municipalities in 2010. Attendees will learn about what resources are available to help them improve site plan review and comprehensive planning to reduce flooding and flood damage. More recent County efforts and programs

WESTCHESTER COUNTY PLANNING BOARD

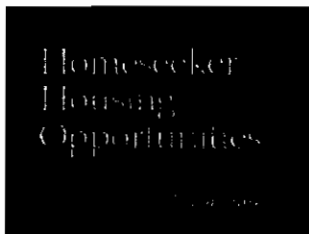
Announcements & Updates

March 2012

Page 2

will also be presented including the storm water management law, planned flood mitigation projects and preparation of a county-wide hazard mitigation plan lead by the County Office of Emergency Management.

Homeseeker Website Attracts Large Numbers



Since the fall 2010, the County Homeseeker Web site has been very successful in attracting people to sign up for information about affordable housing opportunities. Overall, 1,576 households had signed up for information as of the end of 2011. Those interested come from 15 states, New York City, other Hudson Valley counties and all over Westchester. Under the Housing Settlement, the County is required

to market fair and affordable housing in a way to reach non-white populations in Westchester, New York City and surrounding counties.

The web site was expanded in late 2011 to include new features showing details about available affordable housing and providing mapping components to allow those interested to view the area and services available around each development. The mapping function seamlessly connects to Bing and Google maps allowing for additional exploration. In the first 14 months of operation, the site has attracted 9,033 unique viewers.

100 Homes Assisted through Lead Safe Westchester Grant Program

The Lead Safe Westchester (LSW) program continues to reduce lead-based paint hazards in homes occupied by low income families throughout the county. On December 31, 2011, the Department completed the FY 2009 lead hazard reduction demonstration grant from HUD's Office of Healthy Homes and Lead Hazard Control. With these grant funds, the Department was expected to remove lead-based paint hazards from 75 units. Instead, 98 units received LSW assistance – a 25% increase over expectations.



The Department is now implementing the LSW program with funds awarded through a FY 2010 Lead Hazard Control grant. This grant is expected to assist 140 homes and apartments through removal and replacement of windows and doors, specialized cleanings and paint stabilization. All work is expected to be completed before March 31, 2014. As of the February 15, the Department had enrolled 20

completed applications with almost 100 housing units. The LSW program is achieving all program objectives that are outlined in the work plan approved by HUD.

Interpretive Signage Plan Advances for Bronx River Parkway Reservation

Department staff has been working closely with the Parks Department and the Bronx River Parkway Reservation Conservancy on developing text and collecting photographs and images for

WESTCHESTER COUNTY PLANNING BOARD

Announcements & Updates

March 2012

Page 3

interpretive signs to be installed along on the Bronx River Pathway. With funding provided by New York State, several interpretive signs will be created so that pedestrians can learn about the history, architectural and engineering accomplishments, ecological importance and the transportation aspects of the Reservation. The Conservancy has provided draft text for the signs which is being reviewed by staff.

Roundtop Rental Housing Development in Cortlandt Nears Completion



Roundtop Commons, a fair and affordable housing development under construction on Route 9A in the Montrose section of the Town of Cortlandt is rapidly nearing completion. The developer, Wilder Balter Partners Inc. of Elmsford, anticipates completion and initial leasing in the spring.

The County supported the development with \$4,440,000 in funding for the acquisition of the 18.77 acre site and \$4,300,000 in loans for the construction of site work and related infrastructure improvements. 83 of the 91 rental apartments are eligible units under the Housing Settlement. The eight units that are not eligible will still meet the County's standards for fair and affordable units. All of the units will be affordable to households at or below 50% and 60% of the Westchester Area Median Income and will remain affordable for a minimum of 50 years.

Affirmative marketing began last year. Many of the units have been reserved for the eligible applicants that were chosen by lottery. For additional information go to the County's Homeseeker Web site at <http://www.westchestergov.com/homeseeker>.

Implementation of County Stormwater Management Law Continues

Department staff has teamed with staff of the Department of Public Works and Transportation to advance development of flood mitigation reconnaissance plans called for in the County Stormwater Management Law, adopted by the Board of Legislators in 2011. Initial work has focused on the Long Island Sound area through a partnership with the Long Island Sound Watershed Intermunicipal Council. The Stormwater Advisory Board, created by the new law, has been organized with 12 members, chaired by the Commissioner of Planning. The board has met twice and will provide guidance in the drafting of the reconnaissance plans and in the review of subsequent municipal applications for County funding assistance for flood mitigation projects.

Referrals to the Planning Board

Between January 16 and February 15, 2012 the County Planning Board received 50 referrals of proposed planning and zoning actions from Westchester's municipalities. These referrals include notifications submitted pursuant to the NYS Environmental Quality Review Act (SEQR). Of the referrals received, 41 were determined to be jurisdictional and 9 were determined to be non-jurisdictional.

WESTCHESTER COUNTY PLANNING BOARD

Announcements & Updates

March 2012

Page 4

Of the jurisdictional referrals, 25 were for an actions pre-determined by the County Planning Board to be a matter of local determination that require notification only; acknowledgements of receipt were sent back to the referring municipality. No further action is required on these matters.

For the entire year 2012, the County Planning Board has received a total of 77 referrals; 62 of these have been jurisdictional. Of the jurisdictional referrals, 37 (60 %) were for actions pre-determined by the County Planning Board to be matters of local determination that require notification only.

Planning Board action is needed at the March meeting to approve actions taken by staff in response to 16 referrals received with response letters dated from January 16 and February 15, 2012:

- *Comment* letters sent in response to 9 referrals.
- *Local Determination* letters sent in response to 7 referrals.

Referrals of Interest

1. Village of Dobbs Ferry — Rivertowns Square - Draft EIS (DBF 12-001)

Description: The applicant proposes to redevelop an existing 17.7-acre multi-lot property located to the west of the Saw Mill River with frontage on Stanley Avenue, Danforth Avenue, Livingstone Avenue, Ogden Avenue and Lawrence Street. The Lawrence Street intersection with the Saw Mill River Parkway is near the southeast corner of the site. The existing vacant office/laboratory buildings, totaling 200,000 square feet, are proposed to be demolished and replaced by nine buildings with a total of 464,015 square feet that would include:

- 226 rental apartments (4 studios, 112 one-bedroom and 110 two-bedroom units including 10% to be affordable as per zoning),
- 107-room hotel,
- 55,000 square foot supermarket and
- Six buildings with a total of 60,450 square feet of retail/restaurant floor area.

Parking for 1,200 vehicles will be provided (420 for residential uses and 780 non-residential uses). In addition, Ogden Avenue will be extended and relocated and improvements will be made to the intersection of Lawrence Street and the Saw Mill River Parkway.

The subject site is located within the Chauncey Park zoning district, established by the Village in September 2010. The district permits mixed use development such as the proposed development. Local approvals required include site plan and cluster development approvals from the Board of Trustees and re-subdivision approval from the Village Planning Board.

Comments:

- On the surface, the project conflicts with Westchester 2025 because the development is outside of an existing center. However, the site has been identified for redevelopment by the Village Comprehensive Plan and zoning, and is an innovative re-use of a underused property as a new mixed use "center".
- The review should address if this new center will impact existing centers.
- The project may impact the scenic function of the Saw Mill Parkway corridor.

WESTCHESTER COUNTY PLANNING BOARD

Announcements & Updates

March 2012

Page 5

- The Village is encouraged to adopt Model Ordinance Provisions for affordable AFFH units to ensure that at least 10% of the units are AFFH.
- I&I mitigation is recommended to offset increases in sewage flow.
- Sufficient space should be set aside on the site to accommodate the storage of recyclables under the expanded County recycling law. A food composter should be considered for the supermarket.
- The applicant should work with WCDPW&T to improve pedestrian access to existing bus stops on Saw Mill River Road.
- An enforceable maintenance plan for the proposed stormwater management infrastructure is recommended.
- The applicant is to be commended for including a complete bicycle and pedestrian circulation network. Some design revisions are recommended.
- Green building technology should be explored.

2. Village of Irvington — Zoning Text Amendment: Fair and Affordable Housing (IRV 12-002)

Description: Proposed Local Law to amend the text of the Irvington Zoning Ordinance to create a new Article XXVIII – “Fair and Affordable Housing.” The proposed new regulations would establish a new affordable housing program that would incorporate provisions of Westchester County’s Affordable Affirmatively Furthering Fair Housing Model Ordinance Provisions.

Comments:

The letter commends the Village for taking this step to incorporate the Model Ordinance Provisions into the Village Code and recommends adoption. To ensure consistency with the Model Ordinance, the Village should consider adding an additional provision to the proposed zoning to incentivize the creation of additional affordable AFFH units above what would be required by the 10% unit set-aside. The proposed ordinance should also give expedited calendar/agenda priority to projects containing AFFH units.

3. Village of Pleasantville — Cooley Street Development (PLV 12-002)

Description: The applicant proposes to construct a three-story mixed-use building on an 11,875 square foot lot on the northeast corner of Bedford Road (County Road 27) and Cooley Street in downtown Pleasantville. The building would feature 2,527 square feet of retail space on the ground floor with two floors of residential above with 12 apartments (10 one-bedroom and 2 studio). Parking would be provided for 15 vehicles, which would require a variance since the Zoning Ordinance requires 26 parking spaces – 17 spaces for the residential use and nine spaces for the retail use. Main vehicular access would be via a driveway along Cooley Street, with a service vehicle entrance from Bedford Road.

Comments:

- The project is consistent with Westchester 2025.
- Efforts should be made to include affordable AFFH units in the development that will meet the requirements of the Housing Settlement.
- Review and approval is required from the County Department of Public Works and Transportation for the proposed curb cut on Bedford Road (County Road 27).

WESTCHESTER COUNTY PLANNING BOARD

Announcements & Updates

March 2012

Page 6

- Increased sewage flows from the site into the County sewer system should be offset through inflow and infiltration (I&I) mitigation.
- Sufficient space should be set aside on the site to accommodate the storage of recyclables under the recently expanded County recycling law
- The Village should consider granting a variance of some of the required parking. Transit-oriented developments are likely to attract tenants looking to use public transit to commute, reducing the need for multiple cars per household.
- The applicant should be encouraged to add stormwater infrastructure to the site to treat and retain as much stormwater on-site as possible
- The applicant should consider adding bicycle parking and incorporating green building technology as possible.

1Q 2012 Public Statements – Board of Legislators Committee Meetings Video Links

February 14, 2012 BOL Government Operations Committee meeting

[http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2244
&MinutesID=1960&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv](http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2244&MinutesID=1960&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv)

February 28, 2012 BOL Government Operations Committee meeting

[http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2268
&MinutesID=1974&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv](http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2268&MinutesID=1974&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv)

March 5, 2012 BOL Budget & Appropriations Committee meeting

[http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2279
&MinutesID=1977&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv](http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2279&MinutesID=1977&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv)

March 6, 2012 BOL Government Operations Committee meeting

[http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2291
&MinutesID=1976&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv](http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2291&MinutesID=1976&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv)

March 12, 2012 BOL Budget & Appropriations Committee meeting

[http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2287
&MinutesID=1985&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv](http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2287&MinutesID=1985&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv)

March 13, 2012 BOL Government Operations Committee meeting

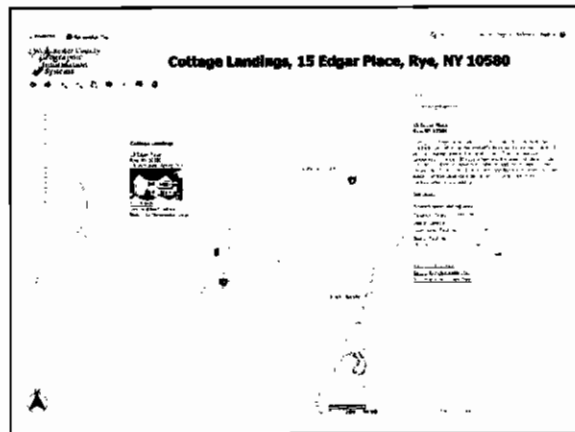
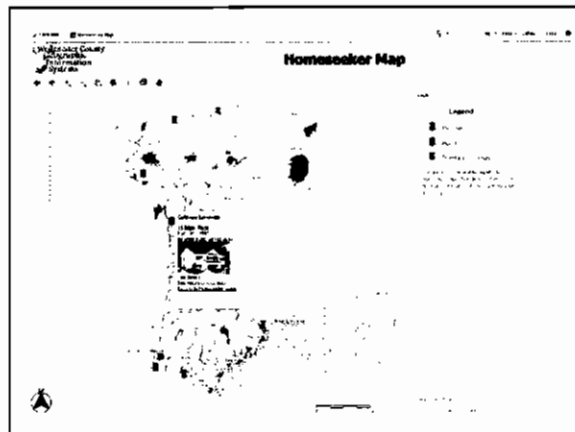
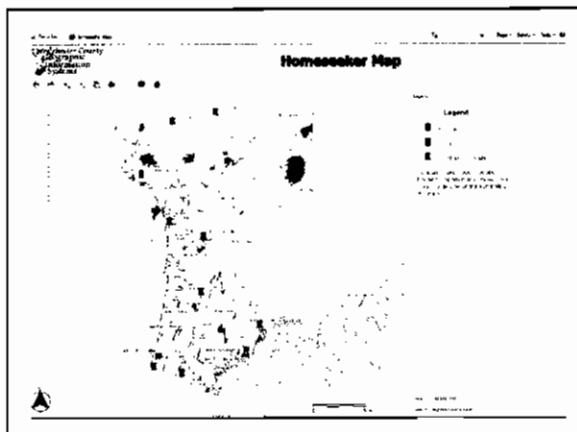
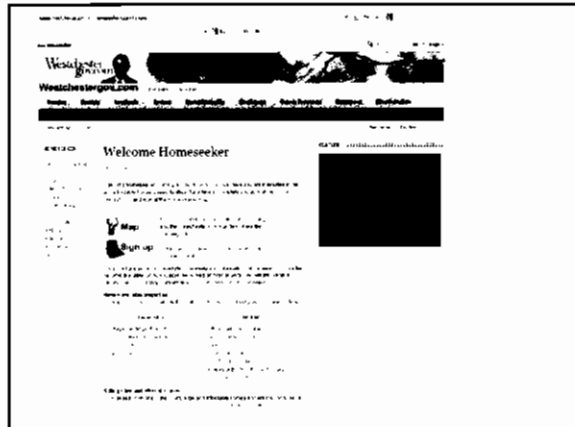
[http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2294
&MinutesID=1987&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv](http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2294&MinutesID=1987&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv)

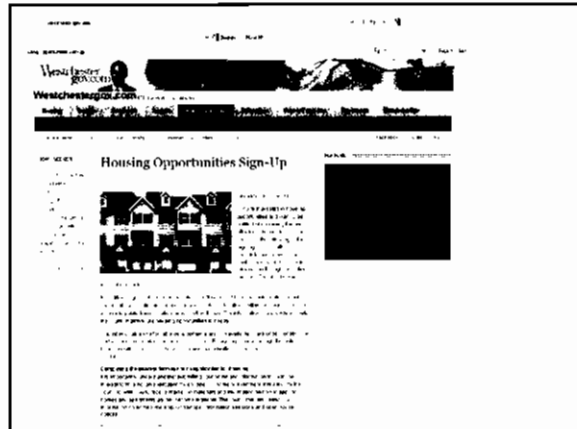
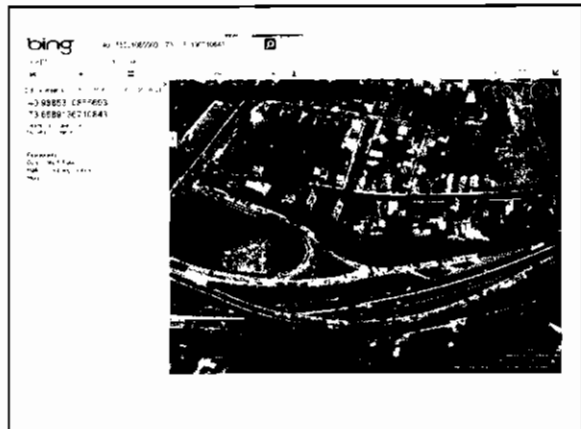
March 27, 2012 BOL Government Operations Committee meeting

[http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2308
&MinutesID=2002&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv](http://westchestercountyny.igmp2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2308&MinutesID=2002&FileFormat=pdf&Format=Minutes&MediaFileFormat=wmv)

www.westchestergov.com/Homeseeker

Screen Prints for Major Pages





**MINUTES OF THE MEETING
WESTCHESTER COUNTY HOUSING OPPORTUNITY COMMISSION**

Cassella Conference Room
Michaelian Office Building
White Plains, New York
Thursday January 26, 2012

BOARD MEMBERS PRESENT:

Rosemarie Jarosz, Chair (Bronx River Valley)
Albert Annunziata (Central County)
John White (North County Watershed)
Keith Bloomfield (At Large 3)
Linda Press Wolfe (At Large 4)
Peter Tripodi (At Large 2)

BOARD MEMBERS ABSENT:

Adolphus Lacy (Hudson River Shore)
Dwight H. Douglas (County Planning Board Member)
Thomas McGrath (At Large 1)

STAFF PRESENT:

Norma Drummond, Deputy Commissioner
Deborah DeLong, Director of Housing

GUESTS PRESENT:

Mary Mahon, Special Assistant to the County Executive
Karen Schatzel, League of Women Voters
Betsy Shaw Weiner, League of Women Voters

I. Call to Order

The meeting was called to order at 6:05 p.m. by the Chair, Rosemarie Jarosz.

II. Chair's Remarks

Ms. Jarosz opened the meeting by noting that there are some updates to the Housing Implementation Plan since the HOC's last meeting, which staff will review with members.

III. Meeting Dates

The members agreed that the meeting schedule for remaining meetings in 2012 would be scheduled early in the year, so if there are any cancellations, there is time for any make-up meetings. The dates are: February 16, March 29, April 19, May 31 and June 21. All meetings will be at 6:00 PM in the Cassella Conference Room (Room 420) Michaelian Office Building, White Plains, New York.

IV. Status Update on Housing Stipulation

Ms. Drummond was pleased to report that the County's 4th Quarter Report to the Housing Monitor will show very good progress in meeting the goals of the Stipulation. This report has not been submitted yet, and is under review by the County Executive's Office. But she shared some of the highlights. There are as many as 23 housing developments in progress or under consideration where units included may count towards the goal of 750 housing units which affirmatively further fair housing (AFFH). Among the opportunities available to the County are in-rem properties owned by municipalities that are appropriate for residential use. This could include existing residential properties or properties with appropriate zoning. One municipality has provided the County with a list of 26 properties, of which 15 may be viable.

Total number of units in progress now totals 549 AFFH units which include properties in North Salem and Somers. Ms. Drummond also noted that the number of rental units is 380 while there are 155 owner units. This is a good ratio since the total number of rental units created must be at least 50% of the total 750 needed. The developments included on the list are also in 15 of the 31 municipalities. She went on to say that the County has reviewed over 200 properties in eligible locations in all 31 of the eligible municipalities.

By the end of 2012, the County is projecting that it will have 118 units completed, of which 105 will be AFFH units, and another 326 in construction, of which 320 will be AFFH units. Total AFFH units will be 425.

Mr. White asked if the County is getting a positive response from the Housing Monitor, given the very negative HUD letter dated December 16. He was particularly concerned with statements made about location since one of the developments in North Salem would seem not to fit their criteria. Ms. Drummond first noted that the Housing Monitor has not yet seen the 4th Quarter Report, but will soon. She also pointed out that the Monitor and HUD participated in a site visit to that site and seemed very positive. There are services within 5 miles of the site in several directions. She also mentioned that available jobs are something that is related to the provisions covering Central Intake and Homeseeker. The mapping on the Homeseeker site show local businesses where employment may be found. The County will need to get an Executive Summary to the Monitor to get sign-off. She further stated that it is not clear what sites HUD may have been referring to in their letter and that if HUD criteria were to be used, much of northern Westchester would be ruled out. The review of the proposals is really in the Monitor's hands, and he has been much more balanced in his review of the proposals than it seems HUD has been. Ms. Mahon confirmed this perspective by noting two instances where the Monitor signed off on items related to the Implementation Plan for the Stipulation: the Affirmative Fair Housing Marketing Plan and the Discretionary Funding Policy. In both cases the Monitor responded to concerns raised by the county in earlier drafts. She also explained that the Monitor is really the point person for the Stipulation. He was hired by HUD, but works for the Court. Included in his role is to mediate disputes among the parties.

The Quarterly Report also includes reported actions taken by local governments with regard to the Model Ordinance. Ms. Drummond was pleased to report that virtually all but one municipality has reported to the County that some level of local review was underway of the Model Ordinance.

Ms Drummond also noted that in the Quarterly Report is the excerpt from the HOC September meeting, as requested by the members, and that the HOC meeting minutes from both September and November are included in the report as appendices.

V. Update on Central Intake

Ms Drummond updated the members on Central Intake results. She reminded everyone that recently the intake form has been expanded to allow interested renters also sign up to receive information through Central Intake. The report now includes information for persons who sign up to be notified of rental opportunities or both rental and homeownership. Ms Drummond also explained that we received a report via Google Analytics which show the huge number of viewers to the County's housing web pages, a total of 154,125 unique viewers. While there were significant numbers of hits on specific housing development pages, the views of the landing pages were fairly significant for the period between October 13, 2010 and December 31, 2011. There were a total of 9,033 hits to the Welcome Homeseeker page, another 7,528 hits to the Housing Opportunities Sign-Up page, and 166 hits to the page entitled *Formulario de interes*.

The response to date of the sign-ups continues to be very encouraging with a total of 909 registered households in the first year. Of the total 1,576 registrants between September 30, 2010 and December 31, 2011, 1002 currently live in Westchester County. Of the balance, the next largest population is 330 households from Bronx County, followed by 107 households from New York County and 33 households from Kings County. Thirty-seven responses are from households out of New York State including responses from fifteen states. Of these, the most responses from any one state came from Connecticut with 12, followed by five responses from Florida and four from Georgia and New Jersey. Other responses came from California, Kentucky, Illinois, Louisiana, Maryland, Montana, North Carolina, Oregon, Pennsylvania, Virginia and Washington State. Of the 1002 Westchester households, 295 households are current residents of Yonkers, followed by 157 households in Mount Vernon, 113 in White Plains, and 87 in New Rochelle. A total of 212 responses were from interested households currently residing within one of the 31 eligible municipalities in the County.

Beginning on October 1, 2011, an additional question was added that allows the County to collect information on the registrant's interest in either homeownership or rental opportunities, or both. Since the system had a full year of being available for homeownership, clearly that response is higher, but in the first three months of the question, the County has already seen a significant response from interested rental families. To date, 1,348 households have expressed interest in homeownership, 85 in rental opportunities, and 143 in exploring both.

Fully more than half of the households registering interest are two or three person households (53%). Single person households registering interest represent 17%; while four-person households represent 19% of the interest. Households of more than five persons, suggesting a need for three-bedroom units, constitute 11% of the current registration of interest. If one were to assume that half of the four member households would prefer more than two bedrooms, current indications are that three bedroom and larger units are needed for approximately 20% of the successful applicant pool. This is empirical evidence that the actual need for the County to provide affordable three bedroom units is 20% or less.

Twenty one percent of the responders identified themselves as White, while 41% of the responders indicated they were African American (representing 641 households). Almost one third of responders did not answer this question. Among the balance of responders the highest categories reported being Native American (13), Asian Indian (17) and other Pacific Islander (19) of mixed White and African American (18). Four Hundred Ninety four households represented that they were Hispanic. About 22% of the households registering did not respond to the question on ethnicity.

Mr. Tripodi asked about the provisions where race and ethnic information must be provided. Ms. Drummond explained that the information can be requested, but is not required. Nor is it used in selecting residents for housing. It is only gathered for statistical purposes only.

Mr. White noted that he would still like information on areas where those signing up would like to live. Ms. DeLong noted that this information is included in the database and can be provided.

VI. Results of Affirmative Fair Housing Marketing

Ms. Drummond handed out a chart showing the results of the marketing for three developments. This information will also be included in the 2011 4th Quarterly Report to the Monitor. The results show the diversity of the marketing. Currently, of the three developments, one is occupied by the new homeowner and tenants have been selected for the two rental units in Pelham. For the development in Cortlandt, which includes 92 units, there were 524 applications submitted. Of these almost one-half were Black or African American. The Hispanic response was not quite as high. She indicated that the County will expect a higher level of Hispanic interest once additional information on the Homeseeker site is available in Spanish. There were 65 applicants for the 18 units in Rye where a recent lottery was held at the Rye Library.

Ms. Drummond also described the selection process through a lottery. All applications submitted by a certain deadline for each development are entered into the lottery. The lottery is held in a public location such as a Town Hall or Library. Each application is selected and placed on a list in the order in which it was drawn in the lottery. Those applicants first on the list are reviewed to establish eligibility. If the applicant is eligible, they may be offered a unit. In some cases the applicant may not be eligible or may not choose to continue the

process, so the next on the list will be reviewed. The review will continue till all units are sold or leased.

Lastly, even if some applicants interested in a particular development miss a submission deadline, they may still submit their application which can be kept in date/time order in case the lottery applications are exhausted, and there are still units available.

Mr. Annunziata commented that all of the information presented to the Commission during this meeting showed very good progress in meeting the goals and requirements of the Housing Stipulation, and staff was doing a good job with this effort – with finding sites and the results of the outreach to interested homebuyers and renters. Ms. Drummond added that the Homeseeker site has been presented multiple times to the Board of Legislators, Board of Realtors and housing nonprofit agencies. All have been very complementary about the site. County will ask local municipalities to add a link to their websites to the Homeseeker site and that it is widely used by housing non-profit agencies. Additional outreach will include printing bookmarks with the web page address for Homeseeker which will be similar to bus ads and posters promoting the Homeseeker site. Mr. Annunziata stated that the Builders Institute would help promote Homeseeker in any way appropriate, including an article in its newsletter and links on its website.

Ms. Drummond went on to say that while good progress has been made in identifying developments and sites, the lack of HUD funds for 2011 and now 2012 will impact future progress since these funds were to be used for many of the developments identified in the list of sites provided to the Commission and included in the 4th Quarterly Report.

Other efforts by the County include a meeting with Banks to review issues related to homebuyers accessing mortgage financing. Even though the credit crisis seems to have eased, mortgage approval is still taking months rather than weeks. Among other topics discussed is appraisal of affordable properties and shared risk on mortgages in multi-unit condo developments. A follow-up meeting with Banks is expected to be held in March.

VII. New Business

No new business was added to the agenda.

IX. Adjournment

The meeting was adjourned at 7:15 PM

**MINUTES OF THE MEETING
WESTCHESTER COUNTY HOUSING OPPORTUNITY COMMISSION**

Cassella Conference Room
Michaelian Office Building
White Plains, New York
Thursday March 29, 2012

BOARD MEMBERS PRESENT:

Rosemarie Jarosz, Chair (Bronx River Valley)
Albert Annunziata (Central County)
John White (North County Watershed)
Linda Press Wolfe (At Large 4)
Peter Tripodi (At Large 2)
Dwight Douglas (County Planning Board)

BOARD MEMBERS ABSENT:

Keith Bloomfield (At Large 3)
Thomas McGrath (At Large 1)
Rev. Adolphus Lacey

STAFF PRESENT:

Edward Burroughs, Commissioner
Norma Drummond, Deputy Commissioner

GUESTS PRESENT:

Karen Schatzel, League of Women Voters
Joe Kenner, Assistant to the County Executive
Mary Mahon, Senior Assistant to the County Executive
Betsy Shaw Weiner, League of Women Voters

I. Call to Order

The meeting was called to order at 6:05 p.m. by the Chair, Rosemarie Jarosz.

II. Chair's Remarks

The next meeting will be held April 19 or 26. Members will be polled for their preference. The following meeting is scheduled for May 31.

III. Magistrate's Decision on Settlement Disputes

The Stipulation Agreement is a contract, with all requirements stated. There are specific things the County must do, and the Magistrate's decision determined that the County does not have an obligation to exceed any requirements. With regard to other items HUD is

requiring, the Zoning Analysis has been submitted to the Monitor as of February 29. There is no response to date. The Analysis of Impediments is between the County and HUD.

IV. Review and Analysis of Municipal Zoning Ordinances in Westchester County

The report was submitted to the Monitor on February 29 and covered the history and current zoning in the County. Zoning has existed in the Westchester County communities since the 1920s. There are 853 different zoning districts in the County. Some came from specific issues. The report includes some basic definitions with regard to terms used in the report. Some things need additional explanation, for example, zoning does not show the benefits of clustering development.

The Monitor asked for analysis in six areas:

- Restrictions that limit or prohibit multifamily housing development;
- Limitations on the size of a development;
- Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality;
- Restrictions that directly or indirectly limit the number of bedrooms in a unit;
- Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing; and
- Limitations on townhouse development.

The Planning Department staff conducted the analysis on all 853 districts. It was found that in some cases, the zoning blended from one municipality to the next where neighborhoods with lower earning residents didn't look any different than the neighborhood next door with higher income households. It was also found that zoning emphasizes where public transportation is. Most municipalities have their zoning code on line. Each municipality was sent their portion of the analysis for comment. Among issues identified as barriers to development were lack of infrastructure and the economics of development proposals.

V. Local Action on Model Ordinance Provisions

In reporting to the Monitor on a quarterly basis, the County lists which municipalities have taken some action to incorporate any of the 14 components of the model ordinance. The model is written so that municipalities can adopt those portions of the ordinance that are needed to comply with the purpose of the model. It is a local decision to determine which elements are needed, and which are already present in their current code.

It would be interesting to know how many already had some or all of the inclusionary provision of the model ordinance prior to the County's promotion of this tool.

It was noted that some municipalities already have "workforce housing."

VI. Status Update on Fair and Affordable Housing Development

The County is actively working on a variety of sites to continue towards the goal of 750 units. Work is starting to identify sites under the Acquisition/Rehabilitation program. Also, HUD and the Monitor have visited several sites for new housing developments, including in North Salem, New Castle and Briarcliff Manor. In the meantime, the impasse with HUD is holding up funding that the County will need for some of these future developments. There are other impacts on the County and local governments. The hardest hit are nonprofits which work directly with income eligible households on their housing issues. HOC members discussed sending a letter to the federal delegation and the Senate and House leaders expressing concerns and describing who is being harmed. Other organizations may want to sign on, such as the nonprofit organizations. The HOC members also noted that by holding back on the funding, HUD has removed one of the tools the County needs to encourage municipalities to adopt the model ordinance provisions.

VII. New Business

HOC members would like to know more about the 10,000 units projected as needed under the Housing Needs Analysis. Also, members are concerned about the ongoing monitoring of units created under the inclusionary zoning provisions and the cost of homeownership, particularly any increase in interest rates for new buyers as homes are resold. Ongoing monitoring, the costs to monitor and other long term obligations should be continued at the next meeting.

IX. Adjournment

The meeting was adjourned at 7:40 p.m.