

Robert P. Astorino  
County Executive

Kevin J. Plunkett  
Deputy County Executive

BY EMAIL

October 21, 2011

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

Adolfo Carrion, Jr.  
Regional Administrator  
U. S. Department of Housing and Urban Development  
26 Federal Plaza, Rm. 3541A  
New York, N. Y. 10278

Helen R. Kanovsky, Esq.  
General Counsel  
Office of the General Counsel  
U. S. Department of Housing and Urban Development  
451 7<sup>th</sup> Street, S.W.  
Washington, D.C. 20410

**RE: Westchester County/Fair and Affordable Housing Program:  
Submission of Quarterly Report for 3Q 2011**

Dear Sirs and Madam:

In accordance with paragraph 28 of the Stipulation and Order of Settlement and Dismissal (the "Stipulation") dated August 10, 2009, attached please find the County's Quarterly Report for 3Q 2011, which is designed to correspond with the template provided by Mr. Johnson, in his February 1<sup>st</sup> 2010 letter, as follows:

- Section I reports on affordable AFFH units that have received various approvals. The narrative is supported by Appendix I-1 and Appendix I-2 which respond to I. A. and I. B. of the template.
- Sections II (Census Analysis) and III (Land) are set out in narrative form.

Office of the County Executive

Michaelian Office Building  
White Plains, New York 10601

Telephone: (914) 995-2909 Fax: (914) 813-4028 E-mail: kplunkett@westchestergov.com

- Section IV relates to outreach and advertising. The County's activities are described in narrative form. Appendix IV-1 provides a list of housing meetings for the quarter; Appendix IV-2 is a summary report of findings from the Central Intake System between September 30, 2010 and September 30, 2011; and a new report, Appendix IV-3, which is the Affirmative Fair Housing Marketing Report for AFFH Units.
- Section V reports on the County's efforts to promote furthering fair and affordable housing in the context of the local approval processes. Appendix V-1 consists of referral letters sent to municipalities relating to AFFH.
- Section VI responds to questions in the template concerning funds and expenditures, and the Analysis of Impediments, and includes the 3Q 2011 financial report as Appendix VI-1.
- Section VII provides a narrative of overall progress.

This is the County's seventh Quarterly Report, and demonstrates the County's continuing progress in the meeting the obligations of the Settlement Agreement.

Sincerely,



Kevin J. Plunkett  
Deputy County Executive

Attachments

Cc: Hon. Robert P. Astorino, County Executive  
Hon. Ken Jenkins, Chair, Westchester County Board of Legislators  
Benjamin Torrance, Esq., Assistant US Attorney, SDNY  
Mary Mahon, Esq., Special Assistant to the County Executive  
Erich Grosz, Esq., Debevoise, & Plimpton, LLP  
Noelle Duarte Grohmann, Esq., Debevoise & Plimpton, LLP  
Mirza Negron Morales, Deputy Regional Administrator, HUD  
Glenda L. Fussa, Esq., Deputy Regional Counsel, HUD  
Valerie M. Daniele, Esq., Attorney-Advisor, HUD

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

*For the period: July 1, 2011 through September 30, 2011*

---

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

*For the period: July 1, 2011 through September 30, 2011*

- 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 20 developments. Specific information on each of these developments is presented in a spreadsheet in Appendix I-1. The spreadsheet also lists the actions expected to occur in the next 90 days on each of these developments.

The 20 developments are in various stages of the approval/construction process. Those sites that are not yet approved 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 their other financing, including financing from New York State. One development listing is for the new Acquisition/Rehabilitation Revolving Loan Fund, where the County currently anticipates 17 units to be realized with the NYS Affordable Housing Corporation grant already in hand. As specific units under this program are identified, they will be listed under this section of the spreadsheet.

There were no new developments that secured all necessary financing during this quarter. Building permits for one development were secured this quarter. Building permits now total 108 units in five developments.

Seven of the 20 developments are pursuing their financing from the County. Three of these seven developments did not yet have their New York State financing approved. Six of the 20 developments were still in the process of securing local site plan and subdivision approvals as well as their other financing approvals.

The 20 viable and potentially viable developments include a total of 385 units, of which at least 296 should qualify as affordable AFFH units. There are now two developments under the category of Existing Occupied Housing that have the potential of as many as 66 units qualifying as eligible under the Settlement. The County continues to work with the Monitor through the issue of whether units that are occupied can be counted.

It should be noted that eight of the 20 developments, accounting for 230 of the 296 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 17 of the 296

units will be acquired through foreclosures and are not locations currently known, but which may qualify under these lowest concentration blocks, as the locations are identified.

The Wildwood development in Bedford, which the County approved for non-FAH funding last quarter, was previously listed as having one unit vacant and eligible. However the non-profit developer re-tenanted the unit in accordance with their own marketing requirements, rather than under an approved Affirmative Fair Housing Marketing Plan, in order to prevent the further financial drain of this property. So the County has withdrawn the one eligible AFFH unit for the time being.

In this quarter, six developments have advanced in their local land use and financing approvals, and one development received a favorable recommendation from the County Planning Board during this Quarter.

In this quarter, one development received approval from the New York State Affordable Housing Corporation from an application submitted in April 2010, and two developments received approval of 9% Low Income Housing Tax Credits from applications submitted in February 2011.

The County has identified the requested demographic information on the listed projects in a spreadsheet in Appendix I-2.

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 four appraisals (including two updates to previous appraisals) for sites that could potentially yield 169 affordable AFFH units. Appraisals on additional sites are expected to be ordered in the fourth quarter 2011. Four appraisals were received during this quarter, including one appraisal ordered in the second quarter of 2011.

It should be noted that, to date, the County has done some level or review on over 160 sites with at least one site in each of the 31 eligible municipalities. While a number of these sites have not proceeded beyond the County's initial review, quite a number of them are in various stages of additional review or approval. The number of sites being brought forth to the County is clearly representative of the cooperation the County has been receiving from the various eligible municipalities.

**Appendix I-1: 3Q 2011 AFFH Sites Progress List**

**Appendix I-2: Site/Municipal Data and Opportunity Indicators**

## **II. Census Analysis**

Summary of Actions this Quarter: This quarter, the County undertook a further analysis of the 31 eligible communities with new 2010 Census data. When using the same formula used to determine the eligibility of municipalities based on 2000 Census data, individual analysis of the 31 eligible communities finds that if the 2010 Census were used as the basis of determining eligibility, far fewer municipalities would meet the criteria outlined in the Settlement Agreement. The Hispanic population increased substantially, with increases in every community. The Black population increased in almost every one of the 31 communities.

Specifically, the percentage of Hispanic residents in Bedford rose to 11.9%, far exceeding the allowable Hispanic population to qualify under Paragraph 7(a) of the Settlement Agreement. Additionally, the Villages of Dobbs Ferry, Hastings-on-Hudson and Pelham Manor and the Towns of North Castle, North Salem and Yorktown also saw increases that would restrict the number of units to be built if the 2010 Census were used.

Although only 60 of the units may be built in municipalities outlined in Paragraph 7(c) of the Settlement Agreement, the number of municipalities in this category would swell from two to eight including: Cortlandt, Croton-on-Hudson, Harrison, Ossining Town, Pelham, Pleasantville, Rye Brook and Tuckahoe.

Buchanan and Tarrytown would become entirely ineligible. Buchanan's share of Hispanic population increased significantly, making it ineligible, but the black population also rose from 0.7% to 3.1%. Also significant, the Black or African American residents now constitute almost 10% of Pelham's population.

As a further indication of ethnic diversity exhibited in Westchester's communities, the number of Hispanic and Latino residents identified in the 2010 Census was not overwhelmingly from any one "Hispanic Group." Mexicans were the largest group of Hispanics in the county with 44,060, but if put together, South Americans outnumber Mexicans with 50,521. The fastest growing Hispanic groups were Guatemalans (169%), Ecuadorians (140%) and Paraguayans (131%).

**Appendix II-1:** Eligible Area Determination Using the 2010 Census

**Appendix II-2:** Hispanic Population by Type, 2000 and 2010

**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 six meetings with municipal officials to discuss the development or redevelopment potential of sites within their municipalities for creation of affordable AFFH units.

During this quarter, while there was one official presentation to the Mayors and Supervisors on the use of Westchester 2025; Plan Together technology, there were no initial meetings held with officials of an Eligible Community. However 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 find that the Westchester 2025: Plan Together 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 six meetings with developers and private land owners with potential sites for 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 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 pro formas and funding requirements. The County conducted two site visits with municipal officials during this quarter. One site visit was of a specific potential AFFH site in a village. The second visit brought municipal officials to other municipalities so they could see affordable developments that a specific developer had completed over the previous 15 years, so the municipality could see this developer's work. This developer has identified a potential AFFH site in the municipality.

The County participated in three public forums for the purpose of conducting outreach and educational training related to housing issues. These forums included the presentations of Westchester 2025: Plan Together to builders and business representatives, and a second presentation

to municipal officials. The County also participated in a panel discussion on the Model Ordinance Provisions organized by the Pace Land Use Law Center.

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 conducted one site visit on a property identified by a local realtor in an eligible municipality. To date, the County has conducted some level of review on over 160 property listings in all of the 31 eligible municipalities.

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 51 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. Based on the potential inventory indicated by this data, the County has formulated an Acquisition and Rehabilitation program that will involve establishing a Revolving Loan Fund to allow for: acquisition of foreclosed and abandoned properties (including municipal *in rem* properties) through local non-profit agencies, funding rehabilitation and, upon completion of the rehabilitation, marketing and selling the units in accordance with an approved Affirmative Fair Housing Marketing Plan. With the sale of the property, the sales proceeds will be returned to the Revolving Loan Fund and be available for additional rounds of acquisition, rehabilitation and sale. A Funding Advisory regarding this proposed program was sent to the Monitor on April 19, 2011.

Two developments on the County's 3Q 2011 FAH Sites Progress List qualify under Paragraph 7(h) of the Stipulation, including one development new to the list, in Yorktown, of an existing HUD 236 property that has affordability restrictions that will expire in February 2012. The County is currently awaiting further review from the Monitor on the inclusion of all existing units, including occupied units, as Eligible Units. This quarter the County continued the underwriting of the financing for this Yorktown development from other county funds.

While the County is anxious to make progress as quickly as possible, it also recognizes its responsibility to maximize development in the census blocks with the lowest populations of African Americans and Hispanics. To date, eight developments, representing 230 units, that are progressing and identified on the 3Q 2011 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,



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

**Quarterly Report**

*For the period: July 1, 2011 through September 30, 2011*

Page 6

potential environmental impacts, estimated cost, the timing on the availability of land (two sites in preliminary feasibility are currently being used as staging areas for NYS DOT work) and the ability of the applicant to obtain other subsidies.

The decision-making process consists of the analysis of all information, including an underwriting analysis, by the 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. To date, those properties that have progressed through financing have had developers experienced in building affordable housing promoting them. 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 20 sites included on the 3Q 2011 FAH Sites Progress List include developments in 13 different communities.

Seven of these 20 sites resulted from initial meetings at the County level, whereupon the County reached out to representatives of the local municipalities indicating the County's interest in seeing these sites developed.

Additionally, 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 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 Village elections in March, the County will be meeting with some newly elected mayors and officials. 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. All of these groups, with the exception of the Urban County Council, had at least one meeting during this quarter.

The County has reconstituted the County Housing Opportunity Commission (HOC) in line with the legislation adopted by the Board of Legislators in 2010 to ensure that there are new ideas explored in 2011 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 one meeting during this quarter.

As an interesting note related to land values in Westchester, this quarter the appraisers have found that the land value for affordable housing opportunities is the same as for market developments, demonstrating how depressed the housing market is within Westchester County. Land values still continue to differ significantly from one part of the county to another.

**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 13 different meetings with municipal officials, developers and property owners, including site visits. Additional meetings that included discussion of AFFH opportunities and implementation included meetings of the Westchester County Board of Legislators, the Westchester Municipal Officials Association and the Westchester Municipal Planning Federation.

Meetings were also held with several non-profit agencies and consultants that might be of assistance in the County's outreach and training efforts as implementation continues. The County regularly has discussions with Westchester's four HUD-certified housing counseling agencies on topics related to homebuyer outreach and education, foreclosure prevention and housing issues. One meeting was held with one of these agencies to specifically discuss end-user mortgage issues that have recently arisen with changes that have been adopted by Fannie Mae and Freddie Mac.

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

The Department of Planning was represented at several cultural heritage festivals held by the County's Parks Department at the Kensico Dam – specifically the July 10 Italian Festival, the July 10 Irish Festival, the July 17 Polish Festival, the July 24 Hispanic Festival, the July 31 Yiddish Festival and the August 7 Indian Festival. Based on estimates derived by the County Department of Parks, Recreation and Conservation (the department that organizes these festivals), the festivals draw thousands of people, especially the Italian and Indian Festivals at which attendance ranged between 6,000 and 8,000 each. At each festival, information is available to attendees at the Department of Planning table on upcoming affordable housing developments and how to register for information on the Central Intake System.

On September 30, 2010, the County went live with the first part of the Central Intake System for prospective homebuyers, required by Paragraph 33(f). The response to date has been very encouraging with a total of 909 registered households in the first year. Of the total 909 registrants between September 30, 2010 and September 30, 2011, 597 currently live in Westchester County. Of the balance, the next largest population is 175 households from Bronx County, followed by 53 households from New York County and 23 households from Kings County. Twenty responses are from households out of New York State including California, Connecticut, Georgia, Kentucky, New Jersey, North Carolina, Virginia and Florida. Of the 597 Westchester households, 158 households

are current residents of Yonkers, followed by 102 households in Mount Vernon, 68 in White Plains, and 48 in New Rochelle. There are interested households from 39 of Westchester County's 43 municipalities.

Seventeen percent of the responders are from one-person households, 26% are two-person households, 27% percent are 3-person households and 19% are four-person households. The largest household size reported was eight persons.

Thirty percent of the responders (who identified race) identified themselves as White, while 60% of the responders indicated they were African American (representing 544 households). The balance of responders reported being of mixed race. One hundred thirty seven households represented that they were Hispanic. About 19% of the households registering did not respond to the question on ethnicity.

Additional information on the results from the first nine months of registration of the Central Intake 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. In the first year, 27 notices were sent to the families registered. Of these, eleven mailings were information on homebuyer seminars, four mailings were information on AFFH units and 12 were on other affordable housing opportunities (including the County's Neighborhood Stabilization program properties). Specifically during this quarter, ten mailings were sent to those families registered.

On September 30, 2011, the County released the expanded Central Intake System to now allow households to sign up for rental housing opportunities. Families now have the opportunity to sign up for homeownership, rental and both with a single registration.

Work continued on the development and programming of the expansion of the Central Intake System which will be available to both prospective homebuyers and renters. Planning Department staff met with the County's programming consultants on several occasions and gave comments on several mock-up screens. This should become a very useful tool in the County's efforts to provide mobility counseling to families that might not know much about certain areas of Westchester, to get a better feel for what is available in each community and learn more about each development that is being included in this Settlement. The system will be usable by any family considering moving to Westchester – as information will be available about every community. There will be no registration required and the users will be able to look at all areas of Westchester County. The County is still working on ensuring compliance with accessibility requirements for the mapping component of the expanded Central Intake System.

Included in this report, is a new table that the County will continue to update that includes the critical affirmative fair housing marketing information on each development that has proceeded to its marketing phase. By the end of this quarter, one development (42 First Avenue in Pelham) had completed its marketing efforts. We note that a total of fifteen families submitted applications of interest to purchase this three family house. From those families that indicated their ethnicity, we note that six Hispanic families and three non-Hispanic families applied. Six families declined to

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

**Quarterly Report**

*For the period: July 1, 2011 through September 30, 2011*

Page 9

answer this question. Regarding race of the applicants, we note that five of the families were White, six families were Black, one was Other Asian, one was Mixed Race and two families did not respond to this question. As previously noted, we will continue to populate this new table with each housing development as the information becomes available.

**Appendix IV-1: 3Q 2011 Housing Meetings List**

**Appendix IV-2: Summary Report of Findings from Central Intake System Between September 30, 2010 and September 30, 2011.**

**Appendix IV-3: 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 participated in a Pace Land Use Law Center panel discussion on September 21 with municipal officials. Municipal officials from at least 16 municipalities were present. Most of the questions from municipalities were based on their local reviews of the various Model Ordinance Provisions and the various interpretations they have explored. Most of the municipalities present stated that their municipality had started to review the various provisions. Several were further along and had already scheduled public hearings to revise parts of their local codes to incorporate the Model Ordinance Provisions.

Significant activity continues at the municipal level to address how the Model Ordinance Provisions relate to local zoning codes and to identify possible amendments in those codes.

One municipality has adopted zoning amendments that would incorporate the Model Ordinance Provisions in local regulations:

Town of New Castle.

Three municipalities adopted zoning amendments in the recent past but prior to finalization of Model Ordinance Provisions and have stated that they will revisit the topic:

Village of Ardsley

Village of Dobbs Ferry

City of Rye.

In addition to the above, three municipalities have made referrals to the County Planning Board under the provisions of Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the Westchester County Administrative Code of draft zoning amendments that would incorporate the Model Ordinance Provisions in local regulations:

Town of Ossining

Village of Rye Brook

Town of Yorktown.

Four 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:

Town of North Castle

Town of North Salem

Village/Town of Scarsdale

Village of Tarrytown.

Based on available information, other municipalities that are engaged in a review process include:

- Town of Bedford
- Village of Hastings –on-Hudson
- Village of Irvington
- Village of Pelham
- Village of Pleasantville
- Town of Pound Ridge.

This does not mean that other municipalities are not actively engaged in reviewing the Model Ordinance.

During this Quarter, the County Planning Board received and commented on eight 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.

The County did participate in a conference call with the Monitor on the Discretionary Funding Policy that has an impact on municipalities and their obligation to review their zoning ordinances. Implementation of the Discretionary Funding Policy has been postponed until November 30, 2011. Discussion continues on the Discretionary Funding Policy.

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 five developments with financing approvals now in place, four 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). The Palmer Avenue development experienced a gap of two and one-half years between site plan approval in August 1998 and financing approval in February 2011.

At the Pace Law School discussion on the Model Ordinance Provisions, several municipalities did request that the County consider putting together some template formulas for the municipalities to use to spell out how to price units. The municipalities felt that they could give better direction to developers of inclusionary units on how to price for-sale units and how to incorporate the formula for resales. The County will work on putting together this template as we recognize that its use will enable to communities to streamline this specific part of their reviews.

**Appendix V-1: 3Q 2011 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 Division of Housing 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 only \$240,740 of its funds for AFFH developments, though additional funds were obligated. A summary of each area included in the 3Q 2011 Financial Report is presented below.

From the \$21.6 million in the County's CDBG Line of Credit, no additional funds were obligated this quarter. A total of \$12,835,500 has been obligated, representing over 59% of these funds. Of the original \$21.6 million, there remains a balance of \$8,764,500 of unobligated funds. Additional obligations of this amount are expected in fourth quarter of 2011, with one legislative package requesting \$100,000 toward the development of two units, and another legislative package requesting \$2.5 million to create a revolving loan fund for foreclosure purchases.

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, no funds have yet been approved or obligated. Legislative packages have been submitted to obligate the first funds toward appropriate housing developments. One legislative package would use \$2,930,000, a second would use \$400,000, and a third would use \$1,510,000 – for a total expected obligation of \$4,840,000. All of these legislative packages are expected to be approved in fourth quarter 2011, though some may be delayed if New York State Affordable Housing Corporation does not approve their portion of funds for some of these developments.

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

No program income has yet 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 \$1,370,449 on affordable housing activities and housing services provided through nine contracts with non-profit agencies as follows:

- 1) \$880,000 was expended toward the purchase of modular units for the Cottage Landing in Rye;
- 2) \$406,637 was expended toward site work for the Roundtop development in Cortlandt using the County's 2010 CDBG funds;
- 3) \$9,500 was expended under the Westchester Residential Opportunities Equal Housing contract with 2010 CDBG funds;
- 4) \$9,134 was expended under the Westchester Residential Opportunities Senior Housing Counseling contract with 2010 CDBG funds;
- 5) \$50,000 was expended under the Technical Assistance contract with Housing Action Council using 2011 Tax Levy funds; and
- 6) \$15,178 was expended under the Housing Education contract with Westchester Residential Opportunities using 2011 Tax Levy funds.

The funds spent on the contracts summarize above and previously reported on, accounts for a total of \$7,573,731 of additional funds obligated for housing programs and services, and are in addition to the \$51.6 million available for the construction of the 750 AFFH units and the \$400,000 required to be expended on outreach and educational efforts.

During this Quarter, the County did not receive notice of any successful grant applications, however on March 15, the County did submit an 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. The County continues to await approval notice of these grant applications.

The County did explore several grant applications, including one private foundation grant and a gathering broader information on the availability of funding for brownfields sites. The private foundation grant was determined to be impractical as the funds actually available for construction of units (in this case rehabilitation of lead based paint in existing units) was not significant for the time required to administer the grant.

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. The County has learned that the Governor's new Regional Economic Development Councils will not play a role in determining the points given to all state-administered affordable housing development programs to the tune of 20% of the points. The Mid-Hudson Regional



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

**Quarterly Report**

*For the period: July 1, 2011 through September 30, 2011*

Page 14

Economic Development Council is now formulating its five year plan, including identifying priorities for funding. This work by the Councils has caused a delay in the approval of funding for affordable housing developments in Westchester.

The County continued to work on the Monitor's proposed Affirmative Fair Housing Marketing Plan to best incorporate all the elements to maximize the outreach to prospective residents. The County took the time to split the existing working draft into two separate documents. It is the County's hope that the draft for developers, when finally approved, will be a document that the County can post on its website and make a regular part of every meeting with a developer as we review new sites.

On July 13, 2011, HUD responded that the County's AI did not meet the Settlement Agreement's requirements for an acceptable AI. Accordingly, HUD rejected the County's certifications as to affirmatively furthering fair housing and disapproved the County's FY2011 Action Plan.

HUD's found the AI to be unacceptable due to "deficiencies regarding promotion of source-of-income legislation or plans to overcome exclusionary zoning practices."

On July 20, 2011, the County wrote the Federal Monitor to advise him of the dispute between the County and HUD, as well as the fact that the County Executive had scheduled a meeting with HUD Secretary Shaun Donovan on July 27, 2011, to discuss and hopefully resolve the dispute. Despite discussion, the parties remained at an impasse. Accordingly, as contemplated by Section 14 ( c ) of the Settlement Agreement, the Monitor is conducting a mediation.

As the County's written statement in the mediation process more fully describes, the County believes HUD's action to be unreasonable and unjustified, and in violation of the Settlement Agreement as well as its own guidelines for an acceptable AI which are set forth in HUD's Fair Housing Planning Guide. After considering the written statements of the County as well as that of the Department of Justice on behalf of HUD, the Monitor will issue his recommendation on or before November 14, 2011.

HUD's action in disapproving the FY2011 Action Plan does potentially impact 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 letter to him, without the approval of the FY2011 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, the County employees who are most experienced in building fair and affordable housing are facing imminent layoff. This will 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.

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

**Quarterly Report**

*For the period: July 1, 2011 through September 30, 2011*

Page 15

Further, the County has learned that the amount of subsidy needed to fund the housing units exceeds the \$51.6 million agreed to be spent by the County in the Settlement Agreement. The 750 units could be built with \$51.6 million if the County subsidy actually averaged \$68,800 per unit. However, the actual required subsidy to date to build in the “eligible communities” required by the Settlement Agreement has been \$101,700—and that has included drawing on the \$51.6 million of Settlement funds, plus subsidy from CDBG and HOME funds, and in some cases, additional County funds. The loss of CDBG and HOME funds makes it even more unlikely 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.

Lastly, the AI is the foundational document supporting the County’s eligibility to receive a range of other grants, such as Emergency Shelter Grants and Homeless Prevention and Rapid Re-Housing funds. In addition, Continuum of Care grants such as Shelter Plus Care, administered by Westchester’s Community Mental Health department, and the Supportive Housing Program, administered by the County’s Department of Social Services, could be lost.

Although not directly impacting the County’s overall progress in achieving its obligations under the Settlement Agreement, loss of federal funds that serve the County’s neediest may impact whether the County’s limited dollars go into housing a moderate income family in Scarsdale or in keeping destitute families off the streets and in safe shelters. Accordingly, although the County will continue to meet its obligations under the Settlement Agreement, there will be fewer if any County dollars outside the \$51.6 million set aside in the Settlement Agreement for that housing.

In its AI, the County undertakes to take well over one hundred actions, for which it will be held accountable, to affirmatively further fair housing. The AI is probably more comprehensive than any other AI that HUD has seen. The two issues in dispute, one presenting a state constitutional issue and the other raising a federal constitutional issue, are not impeding the County’s progress in building the affordable AFFH units called for by the Settlement Agreement. Nor are these issues impeding the actions being taken in the eligible communities to review and modify their local zoning ordinances to facilitate the building of affordable AFFH units in their communities. HUD’s insistence on resolving these two issues as HUD wants, is, however, presenting a serious threat to the County’s future ability to meet all the goals of the Settlement Agreement.

**Appendix VI-1: 3Q 2011 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.

Summary of Actions this Quarter: As required by Paragraph 23 of the Settlement Agreement, the County is required to have 100 affordable AFFH units with financing in place by December 31, 2011. At the end of this quarter, 154 units have all financing in place.

Paragraph 23 of the Settlement Agreement, also requires that building permits for 50 affordable AFFH units be in place by December 31, 2011. One hundred eight units have achieved this status as of June 30, 2011, with applications filed for some of additional units with full financing in place.

The 3Q 2011 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, 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, and submitted on June 7<sup>th</sup>, 2010 to the Monitor. There were no meetings concerning this issue occurred during this Quarter; but the County awaits the Monitor's decision on this issue.

During the quarter, the County submitted a revised AI on July 11, 2011. The County and HUD have both appealed to the Monitor to assist in their efforts to arrive at an acceptable AI in accordance with the process in the Settlement Agreement.

The County wants to note that during the quarter, the County was awarded the 2011 HOME Award for Excellence award from the National Association for County Community and Economic Development for the TB Flats development in Ossining. The award was presented at the NACCED Annual Conference in Los Angeles, California on September 19. While not an eligible AFFH development, this award further demonstrates that the County's affordable housing developments have merited national attention and recognition for the innovation.

During this quarter, the County did not identify the need for additional expert support at this time.

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

*For the period: July 1, 2011 through September 30, 2011*

---

**Appendix I-1: 3Q 2011 AFFH Sites Progress List**

3Q 2011 AFFH Sites Progress List

3Q 2011 AFFH Sites Progress List																									
Project														Site Description			Developer		Approvals, Funding and Development Progress						
Project Name/Address	Municipality	Total Number of Units	Number of AFFH Units	Stipulation Area Designation	Census Tract	Census Block	Lowest AA/H	School Dits.	Number of Senior Units <sup>1</sup>	Number of Existing Units <sup>2</sup>	Number of Eligible Rental Units <sup>3</sup>	Number of Eligible Ownership Units <sup>4</sup>	Unit Size & Configuration	Within 1 mile of Public Transportation	Existing Public Water Service	Existing Public Sewers	Developer NFP- Not for Profit FP - For Profit	Non-County Financing	\$21.6 Million	\$30 Million	Other County Funding	Building Permits Issued for AFFH Units	Current Status	Next 90 Days	
867 Saw Mill River Rd	ARD	22	17	A	010600	1004	no	Ardley Union Free				17	2 and 3 BRs	yes	yes	yes	Community Housing Innovations (NFP)	AHC						Zoning in place. Developer seeking local approvals. Underwriting in process.	Site plan approvals expected. Present to County planning board and submission of funding request to the Board of Legislators
445 North Slate Road	BMR	14	14	A	013202	4000	no	Briarcliff Manor Union Free				14	2 BRs	yes	yes	yes	Comstock Residential Contracting. (FP)	AHC						Passed Planning Board 6/7/12 Application to AHC submitted. Funding request submitted to Board of Legislators	Secure AHC funding commitment and approval of funding request from Board of Legislators. Receive approval from County Board of Acquisition and Contracts and proceed to land closing.
191 Revolutionary Rd	BMR	9	9	A	013201	9016	yes	Ossining Union Free			9		SROs and 2BRs	yes	yes	yes	A-HOME - (NFP)	HTF						Appraisal has been updated. Developer seeking local approvals including special permit from village. The development was not selected for NYS funding.	A-HOME to get local approvals. Re-submit for NYS funding.
Roundtop Rt 9A, Montrose	CTD	92	83	B/C	014603	9000	yes <sup>5</sup>	Hendrick-Hudson Central			83		1 and 2 BRs	yes	yes	no	Wilder/Balter Partners (FP)	HFA	\$ 5,474,000		\$ 3,266,000	83	Construction underway. AFFH Marketing near completion.	Tenant selection lottery to be held. Construction continuing with occupancy expected early 2012.	
52 Washington Ave	HAS	3	3	A	010300	3001	no	Hastings Union Free	3		3		3 BRs	yes	yes	yes	Hastings-on-Hudson Affordable HDFC (NFP)	AHC						The Developer is seeking to acquire a 3 family home and convert to 3 condominium AFFH units. Appraisal completed.	Negotiate satisfaction of existing liens and receive County funding application.
184 Farragut Ave	HAS	2	2	A	101200	4002	no	Hastings Union Free			1	1	3BR Owner and 0 BR renter	yes	yes	yes	Hastings-on-Hudson Affordable HDFC (NFP)	AHC						Developer seeking local approvals including special permit from village.	Local approvals to be acquired. County approval process will begin
Mt Hope Blvd	HAS	2	2	A	010200	1012	yes	Hastings Union Free			1	1	3Br Owner and 0 Br renter	yes	yes	yes	Hastings-on-Hudson Affordable HDFC (NFP)	AHC						Developer seeking local approvals including special permit from village.	Local approvals to be acquired. County approval process will begin
2101-2105 Palmer Ave	LAR	51	46	A	007100	5007	yes	Mamaroneck				46	1 and 2 BRs	yes	yes	yes	Wilder/Balter Partners (FP)	AHC	\$ 5,673,000		\$ 1,292,000		Approved by Board of Legislators and Board of Acquisition and Contracts. Has all local approvals, NYS funding approved. AFFH Marketing has begun.	Complete land transaction and begin construction.	
22 Old Route 22	NOC	10	10	A	012303	9014	yes	Byram Hills Central				10	2 BRs	yes	yes	yes	Lazz Development (FP)	AHC			\$ 425,000		Local approvals in place. Passed County Planning Board 3/29/11. HOME contract signed. Funding legislation submitted to the Board of Legislators.	Achieve NYS funding approval and approval from Board of Legislators. Receive approval from County Board of Acquisition and Contracts and proceed to land closing.	
54 Hunts Place	NWC	36	36	A	013104	9020	yes	Chappaqua			36		1 and 2 BRs	yes	yes	yes	Conifer	DHCR					Site rezoned for affordable housing. Support letter sent. Developer has been awarded NYS tax credit funding.	Complete underwriting for County funding. Secure land use approvals.	
42 First Ave	PEL	3	3	B	005300	5008	no	Pelham Union Free	3	2	1		2BR owner and 1 and 2 BRs renter	yes	yes	yes	Lazz Development (FP)	AHC	\$ 120,000			3	Has all local approvals, NYS funding approved	Sale to new owner expected	
55 Pleasant Ave,	PLV	2	2	A	012200	5017	no	PLV Union Free			1	1	3BRs Owner and 2 BRs renters	yes	yes	yes	A-HOME - (NFP)	AHC					Passed Planning Board 3/29/11 Submitted to Board of Legislators	Board of Legislators and Board of Acquisition and Contracts approvals and move towards closing.	
293 Manville Rd	PLV	1	1	A	112200	6022	no	PLV Union Free	1		1		2 BR	yes	yes	yes	Pleasantville Housing Development Fund Company		\$ 212,500			1	6 AFFH marketing being conducted	Lottery planned for the end of October with sale to new owner expected before 12/31.	
525 Ellendale Ave	RYB	4	4	C	008301	1009	no	Portchester-Rye Union			4			yes	yes	yes	Lazz Development (FP)						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 7 - 1 BRs + den	yes	yes	yes	Lazz Development (FP)	AHC	\$ 1,356,000		\$ 880,000	18	Property acquired and all funding secured. Construction underway.	Begin AFFH marketing and homeowner selection process.	
Freedom Gardens 1680 Strawberry Rd, Mohegan Lake	YTN	3	3	A	014804	5000	no	Lakeland Central			3		1 BRs	yes	yes	yes	Freedom Gardens for the Handicapped, Inc. (NFP)	DHCR, Leviticus, FHLB			\$ 225,000	3	Approved by County Board of Acquisition and Contracts. groundbreaking 6/5/2011. Contract signed.	Construction to begin in the fourth quarter 2011.	
3372 Crompond Rd	YTN	26	26	A	014805	1004	yes	Yorktown Central				26	3 BRs	yes	yes	yes	Old Crompond Rd. LLC	AHC					Site plan approved. Passed County Planning Board 7/12/11. Submitted to Board of Legislators.	Approval from Board of Legislators anticipated. Receive approval from County Board of Acquisition and Contracts thereafter and proceed to land closing. Construction to start.	
<b>Existing Occupied Housing</b>																									
37 Wildwood Rd Katonah	BED	7		A	012600	3011	no	Katonah Lewisboro Union Free	7				0 and 1 BRs	yes	yes	yes	A-HOME - (NFP)	Leviticus			\$ 470,000		County Planning Board approved. Appraisal update received. Approved by Board of Legislators and Board of Acquisition and Contracts.	A-HOME intends to refinance existing loan to begin needed rehab. ... Land closing expected.	
240 Underhill Ave	YTN	59		A	014809	3009	no	Yorktown Central	59				1,2,3 & 4 BRs	yes	yes	yes	Marathon Development Group						An existing housing complex operating under the HUD 236 housing program whose affordability restrictions are about to expire. The developer has been awarded tax credit allocation and desires to acquire the property and extend the affordability of the units.	Financial underwriting and proceed to contract.	
<b>Acquisition/Rehabilitation Revolving Loan Fund</b>																									
TBD	TBD	17 <sup>7</sup>	17																					Recommended by County Planning Board, legislation for BOL action in preparation.	BOL approval expected
<b>TOTALS</b>																									
		<b>385</b>	<b>296</b>						<b>0</b>	<b>90</b>	<b>140</b>	<b>139</b>							<b>\$ 12,835,500</b>	<b>\$ -</b>	<b>\$ 6,558,000</b>	<b>108</b>			

1. Pursuant to paragraph 7(f) of the Stipulation, this number cannot exceed 187 and no senior units can be funded until 175 non-senior units have received building permits. Once the 175 non-senior unit benchmark has been reached, 90 senior units can be counted and the remaining 97 (of the 187) senior units won't be eligible until 350 non-senior units have received building permits.  
 2. Pursuant to paragraph 7(h) of the Stipulation, this number cannot exceed 187 units.  
 3. A minimum of 375 units must be in this category.  
 4. A maximum of 375 units can be in this category.  
 5. Eligible after removing the group quarters from the census tract.  
 6. Rehabilitation is not required at this time, so there no new building permit required. The original building permit/Certificate of Occupancy remains viable.  
 7. Estimated

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

*For the period: July 1, 2011 through September 30, 2011*

---

**Appendix I-2: Site/Municipal Data and Opportunity Indicators**

Appendix I-2: Demographic and Opportunity Indicators, Selected Sites

		240-250 Underhill Ave					
Municipality		Yorktown					
Census Tract		148					
Block Group		2 (Block 2006)					
School District		Yorktown					
Police Department		Yorktown					
	<b>County</b>	<b>Municipality</b>	<b>Block/Block Group*</b>	<b>Municipality</b>	<b>Block/Block Group*</b>	<b>Municipality</b>	<b>Block/Block Group*</b>
<b>TOTAL POPULATION (source: 2000 U.S. Census of Population and Housing)</b>							
Total population	923,459	36,318	99				
<b>SEX (source: 2000 U.S. Census of Population and Housing)</b>							
Male	441,722	17,501	46				
Female	481,737	18,817	53				
<b>AGE (source: 2000 U.S. Census of Population and Housing)</b>							
Under 5 years	64,242	2,522	4				
5 to 9 years	67,993	2,945	6				
10 to 14 years	63,757	2879	4				
15 to 17 years	34,805	1661	3				
18 and 19 years	19,558	699	1				
20 years	9,162	289	2				
21 years	9,109	207	0				
22 to 24 years	28,691	777	3				
25 to 29 years	54,734	1315	8				
30 to 34 years	68,733	2238	11				
35 to 39 years	79,809	3297	9				
40 to 44 years	77,224	3483	10				
45 to 49 years	68,166	3037	4				
50 to 54 years	61,832	2,654	7				
55 to 59 years	48,310	1,987	5				
60 and 61 years	16,360	628	1				
62 to 64 years	22,010	855	1				
65 and 66 years	13,679	480	0				
67 to 69 years	20,360	803	4				
70 to 74 years	32,746	1,157	6				
75 to 79 years	26,529	982	5				
80 to 84 years	17,991	677	0				
85 years and over	17,659	746	5				
<b>RACE (source: 2000 U.S. Census of Population and Housing)</b>							
White alone	658,858	32,919	91				
Black or African-American alone	131,132	1,103	8				
American Indian/Alaska Native alone	2,343	51	0				
Asian alone	41,367	1,251	0				
Native Hawaiian or other Pacific Islander alone	371	3	0				
Some other race alone	61,227	472	0				
Two or more races	28,161	519	0				
<b>HISPANIC ORIGIN (source: 2000 U.S. Census of Population and Housing)</b>							
Hispanic or Latino	144,124	2,112	5				
Not Hispanic or Latino	779,335	34,206	94				

See notes for descriptions of data and sources.

	240-250 Underhill Ave				
Municipality	Yorktown				
Census Tract	148				
Block Group	2 (Block 2006)				
School District	Yorktown				
Police Department	Yorktown				

County	Municipality	Block/Block Group*	Municipality	Block/Block Group*	Municipality	Block/Block Group*	Municipality	Block/Block Group*
--------	--------------	--------------------	--------------	--------------------	--------------	--------------------	--------------	--------------------

**POPULATION DENSITY (source: Land Use in Westchester, 2010 report by WCDP)**

Land area (square miles)	449.16	39.30						
Persons per square mile	2,056	924.12						

**COMMUTING: MODE OF TRAVEL (source: 2000 U.S. Census of Population and Housing)**

Total Number of Workers 16 years and older	425,052	17,918	263					
Automobile: drove alone	261,742	14,131	199					
Automobile: carpoled	40,384	1,326	26					
Public transportation	86,735	1,511	28					
Motorcycle	158	8	0					
Bicycle	472	23	0					
Walked	17,180	160	0					
Other means	2,076	26	0					
Work at home	16,305	733	6					

**COMMUTING: TRAVEL TIME (source: 2000 U.S. Census of Population and Housing)**

Aggregate travel time to work (minutes)	13,379,665	640,575	9,140					
Average travel time to work (minutes)	31	36	35					

**POVERTY (source: U.S. Census Bureau, Model-Based 2008 Small Area Income and Poverty Estimates)**

Total Population (base for poverty estimates)	935,202	35,565						
Total Population 5-17 years old	166,366	7,129						
Total Population 5-17 years old in families in poverty	16,803	223						

**PUBLIC SCHOOL PROFICIENCY (source: Westchester Magazine 2009 annual high school report cards)**

High School Reading and Math Proficiency Rate		88						
-----------------------------------------------	--	----	--	--	--	--	--	--

**CRIME (source: U.S. Department of Justice, Federal Bureau of Investigation, Crime Justice Information Services Division, Uniform Crime Reports 2008)**

Total Population (base for crime reporting)	828,089	37,928						
Total crimes reported	15,783	483						
Crime Rate (total crimes per 100,000 population)	1,906	1,273						



Appendix I-2: Demographic and Opportunity Indicators, Selected Sites

		240-250 Underhill Ave					
Municipality		Yorktown					
Census Tract		148					
Block Group		2 (Block 2006)					
School District		Yorktown					
Police Department		Yorktown					
	<b>County</b>	<b>Municipality</b>	<b>Block/Block Group*</b>	<b>Municipality</b>	<b>Block/Block Group*</b>	<b>Municipality</b>	<b>Block/Block Group*</b>
<b>TOTAL EMPLOYMENT (source: U.S. Census Bureau, Local Employment Dynamics program, 2008)</b>							
Total Jobs	406,225	6,039					
<b>EMPLOYMENT BY MONTHLY WAGE (source: U.S. Census Bureau, Local Employment Dynamics program, 2008)</b>							
\$1,250 per month or less	91,814	1,073					
\$1,251 to \$3,333 per month	122,030	1,461					
More than \$3,333 per month	192,381	1,361					
<b>EMPLOYMENT BY SECTOR (source: U.S. Census Bureau, Local Employment Dynamics program, 2008)</b>							
Agriculture, Forestry, Fishing and Hunting	424	0					
Mining, Quarrying, and Oil and Gas Extraction	6	0					
Utilities	3,059	0					
Construction	25,117	155					
Manufacturing	17,582	17					
Wholesale Trade	17,715	157					
Retail Trade	47,378	522					
Transportation and Warehousing	11,526	131					
Information	12,293	64					
Finance and Insurance	18,587	637					
Real Estate and Rental and Leasing	9,998	87					
Professional, Scientific, and Technical Services	26,303	318					
Management of Companies and Enterprises	8,667	296					
Administration & Support, Waste Management and Remediation	21,875	237					
Educational Services	49,728	2,207					
Health Care and Social Assistance	64,792	567					
Arts, Entertainment, and Recreation	8,907	56					
Accommodation and Food Services	21,776	371					
Other Services (excluding Public Administration)	19,609	124					
Public Administration	20,883	93					
<b>EDUCATIONAL ATTAINMENT (source: 2000 U.S. Census of Population and Housing)</b>							
Total population 25 years and older	628,941	6,160					
Associates' degree or less	372,017	2,816					
Bachelor's degree or higher	256,924	3,344					

See notes for descriptions of data and sources.

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

*For the period: July 1, 2011 through September 30, 2011*

---

**Appendix II-1: Eligible Area Determination Using the 2010 Census**

## Eligible Areas Determined Using 2010 Census Data

Municipality	2010								2000							
	Total	Hispanic or Latino	Black or African American	Group Quarters Popualtion	Black	Hispanic	% Hispanic, Group Quarters Excluded	% Black, Group Quarters Excluded	Total	Hispanic or Latino	Black or African American	Group Quarters	Black	Hispanic	% Hispanic, Group Quarters Excluded	% Black, Group Quarters Excluded
Westchester County	949,113	207,032	138,118	28,704	8,144	4,410	22.0%	14.1%	923,459	144,124	131,132	23,653	7,137	3,050	15.7%	13.8%
Ardsley	4,452	288	105	8	0	2	6.4%	2.4%	4,269	182	65	37	5	7	4.1%	1.4%
Bedford	17,335	2,104	937	1,229	612	181	11.9%	2.0%	18,133	1,372	1,291	1,973	889	332	6.4%	2.5%
Briarcliff Manor	7,867	414	265	682	129	113	4.2%	1.9%	7,696	241	133	783	30	51	2.7%	1.5%
Bronxville	6,323	276	89	235	47	40	3.9%	0.7%	6,543	192	75	278	41	25	2.7%	0.5%
Buchanan	2,230	357	69	12	1	1	16.1%	3.1%	2,189	76	15	12	0	0	3.5%	0.7%
Cortlandt	31,292	4,046	1,926	1,248	98	41	13.3%	6.1%	28,672	2,163	1,608	1,053	181	82	7.5%	5.2%
Croton-on-Hudson	8,070	921	234	197	19	5	11.6%	2.7%	7,606	527	142	201	3	0	7.1%	1.9%
Dobbs Ferry	10,875	1,141	788	980	333	176	9.8%	4.6%	10,622	744	784	956	399	161	6.0%	4.0%
Eastchester	19,554	1,275	252	19	1	2	6.5%	1.3%	18,564	661	175	5	0	0	3.6%	0.9%
Harrison	27,472	3,202	673	4,285	419	656	11.0%	1.1%	24,154	1,618	345	1,286	176	189	6.2%	0.7%
Hastings-on-Hudson	7,849	710	362	401	149	77	8.5%	2.9%	7,648	344	180	11	1	0	4.5%	2.3%
Irvington	6,420	400	122	65	43	26	5.9%	1.2%	6,631	251	96	79	55	16	3.6%	0.6%
Larchmont	5,864	367	86	9	1	0	6.3%	1.5%	6,485	291	44	47	4	0	4.5%	0.6%
Lewisboro	12,411	552	160	32	4	1	4.5%	1.3%	12,324	306	147	46	2	0	2.5%	1.2%
Mamaroneck	11,977	805	234	29	6	6	6.7%	1.9%	11,141	501	208	27	7	0	4.5%	1.8%
Mount Pleasant	26,176	1,972	1,484	2,736	1,224	492	6.3%	1.1%	26,151	1,369	1,493	3,140	1,331	452	4.0%	0.7%
New Castle	17,569	710	283	188	22	13	4.0%	1.5%	17,491	487	240	93	23	20	2.7%	1.2%
North Castle	11,841	906	185	6	0	4	7.6%	1.6%	10,849	449	191	124	65	23	4.0%	1.2%
North Salem	5,104	382	63	253	9	6	7.8%	1.1%	5,173	189	39	240	2	3	3.8%	0.8%
Ossining (Town)	5,406	639	221	566	20	19	12.8%	4.2%	5,514	394	234	623	37	19	7.7%	4.0%
Pelham	6,910	847	657	10	0	0	12.3%	9.5%	6,400	461	426	8	0	0	7.2%	6.7%
Pelham Manor	5,486	396	114	25	3	13	7.0%	2.0%	5,466	253	116	9	1	0	4.6%	2.1%
Pleasantville	7,019	824	296	346	214	100	10.8%	1.2%	7,172	528	208	288	165	81	6.5%	0.6%
Pound Ridge	5,104	233	68	20	6	2	4.5%	1.2%	4,726	116	57	26	5	0	2.5%	1.1%
Rye	15,720	1,014	234	140	18	31	6.3%	1.4%	14,955	718	190	5	0	1	4.8%	1.3%
Rye Brook	9,347	1,034	144	116	4	3	11.2%	1.5%	8,602	468	89	121	3	3	5.5%	1.0%
Scarsdale	17,166	671	260	26	3	1	3.9%	1.5%	17,823	467	271	19	0	3	2.6%	1.5%
Somers	20,434	1,010	318	530	126	69	4.7%	1.0%	18,346	543	313	506	137	62	2.7%	1.0%
Tarrytown	11,277	2,260	876	855	148	118	20.6%	7.0%	11,090	1,793	781	514	91	115	15.9%	6.5%
Tuckahoe	6,486	784	714	17	4	0	12.1%	11.0%	6,211	549	628	14	1	0	8.9%	10.1%
Yorktown	36,081	3,376	1,191	587	141	98	9.2%	3.0%	36,318	2,112	1,103	768	242	93	5.7%	2.4%

- Eligibility:
- 7(a) Ardsley, Briarcliff Manor, Bronxville, Eastchester, Irvington, Larchmont, Lewisboro, Mamaroneck, Mount Pleasant, New Castle, Pound Ridge, Rye, Scarsdale, Somers
  - 7(b) Bedford, Dobbs Ferry, Hastings-on-Hudson, North Castle, North Salem, Pelham Manor, Yorktown
  - 7(c) Cortlandt, Croton-on-Hudson, Harrison, Ossining (Town), Pelham, Pleasantville, Rye Brook, Tuckahoe
- Ineligible: Buchanan, Tarrytown

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

*For the period: July 1, 2011 through September 30, 2011*

---

**Appendix II-2: Hispanic Population by Type, 2000 and 2010**

## Hispanic Population by Type, Westchester County, 2000 and 2010

Hispanic Group	2010		2000		Change	
	#	%	#	%	#	%
Total population	949,113	100.0%	923,459	100.0%	25,654	2.8%
Hispanic or Latino (of any race)	207,032	21.8%	144,124	15.6%	62,908	43.6%
Mexican	44,060	4.6%	25,611	2.8%	18,449	72.0%
Puerto Rican	41,836	4.4%	34,898	3.8%	6,938	19.9%
Cuban	5,287	0.6%	4,498	0.5%	789	17.5%
Dominican	26,573	2.8%	13,050	1.4%	13,523	103.6%
Central American (excludes Mexican)	22,365	2.4%	10,493	1.1%	11,872	113.1%
Costa Rican	584	0.1%	368	0.0%	216	58.7%
Guatemalan	11,337	1.2%	4,217	0.5%	7,120	168.8%
Honduran	3,055	0.3%	1,411	0.2%	1,644	116.5%
Nicaraguan	885	0.1%	550	0.1%	335	60.9%
Panamanian	686	0.1%	397	0.0%	289	72.8%
Salvadoran	5,658	0.6%	3,104	0.3%	2,554	82.3%
Other Central American	160	0.0%	446	0.0%	-286	-64.1%
South American	50,521	5.3%	26,561	2.9%	23,960	90.2%
Argentinean	1,922	0.2%	962	0.1%	960	99.8%
Bolivian	749	0.1%	371	0.0%	378	101.9%
Chilean	1,551	0.2%	1,100	0.1%	451	41.0%
Colombian	10,245	1.1%	7,032	0.8%	3,213	45.7%
Ecuadorian	22,460	2.4%	9,360	1.0%	13,100	140.0%
Paraguayan	1,328	0.1%	576	0.1%	752	130.6%
Peruvian	9,774	1.0%	5,196	0.6%	4,578	88.1%
Uruguayan	1,251	0.1%	690	0.1%	561	81.3%
Venezuelan	971	0.1%	487	0.1%	484	99.4%
Other South American	270	0.0%	787	0.1%	-517	-65.7%
Other Hispanic or Latino	16,390	1.7%	29,013	3.1%	-12,623	-43.5%
Spaniard	2,762	0.3%	1,096	0.1%	1,666	152.0%
Spanish	1,271	0.1%	3,167	0.3%	-1,896	-59.9%
Spanish American	170	0.0%	365	0.0%	-195	-53.4%
All other Hispanic or Latino	12,187	1.3%	24,385	2.6%	-12,198	-50.0%

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

*For the period: July 1, 2011 through September 30, 2011*

---

**Appendix IV-1: 3Q 2011 Housing Meetings**

**WESTCHESTER COUNTY EXECUTIVE'S OFFICE  
HOUSING MEETINGS FOR THE PERIOD: JULY 1, 2011 - SEPTEMBER 30, 2011**

<b>DATE</b>	<b>TIME</b>	<b>DESCRIPTION</b>
7/7	10:00 - 11:00	Demo of Housing Document Mgt tool
7/7	11:00 - 12:00	Meeting on North Salem Property
7/7	2:30 - 3:30	AFFH Finance Meeting
7/12	8:00 - 10:00	County Planning Board AFFH presentation
7/14	10:30 - 4:30	AFFH Finance Meeting
7/14	2:00 - 3:00	Central Intake 2 Update and review
7/15	10:00 - 10:30	Housing Press Conference
7/19	1:30 - 2:30	BOL update on IP
7/20	3:00 - 4:00	Conf Call - HUD Briefing with Deputy Secretary Ron Sims
7/22	11:00 - 12:00	NAACP
7/26	4:30 - 5:30	Meeting with Hastings-on-Hudson representatives
7/27	9:00 - 9:30	Meeting in DC -Secretary Donovan
7/27	10:00 - 10:30	Meeting in DC - Press
7/27	11:00 - 11:30	Meeting in DC - Sen. Gillibrand Staff
7/27	11:50 - 12:20	Meeting in DC - Senator Gillibrand
7/27	1:00 - 1:30	Meeting in DC -Congresswoman Lowey
7/27	2:00 - 2:30	Meeting in DC - Congresswoman Hayworth
7/27	2:30 - 3:00	Meeting in DC - Sen. Schumer Staff
7/28	10:30 - 4:00	Transit Oriented Development meeting
8/2	11:30 - 12:30	Meeting with municipality re: AFFH financing
8/2	1:30 - 2:30	BOL Housing update and review
8/2	3:00 - 4:00	Meeting with developer
8/3	9:30 - 10:30	Meeting with NAACP
8/3	3:30 - 4:00	Phone Call with Secretary Donovan
8/15	3:30 - 4:00	HUD Call
8/16	1:30 - 2:30	BOL- update on the Housing Implementation Plan.
8/17	12:00 - 3:00	Municipal site visit of potential AFFH site
8/17	3:00 - 3:30	HUD call
8/18	11:30 - 12:00	HUD call
8/23	9:00 - 10:00	Discussion on County-owned site
8/23	3:30 - 4:30	Meeting with developer
9/7	8:30 - 10:00	2025 Presentation to Builders and Business Representatives
9/7	10:30 - 12:00	2025 Presentation to Mayors and Supervisors
9/12	2:00 - 3:00	Meeting with developer
9/14	10:30 - 12:00	Site tour with municipality of affordable housing developer's existing and construction sites

**WESTCHESTER COUNTY EXECUTIVE'S OFFICE**  
**HOUSING MEETINGS FOR THE PERIOD: JULY 1, 2011 - SEPTEMBER 30, 2011**

<b>DATE</b>	<b>TIME</b>	<b>DESCRIPTION</b>
9/20	11:30 - 12:30	BOL- Housing Committee meeting
9/21	8:30 - 10:30	Pace Land Use Municipal Discussion on Model Ordinance
9/22	4:00 - 4:30	Marketing Plan--Final Comments
9/26	10:00 - 11:00	BOL - Housing Committee meeting
9/26	2:00 - 3:00	Conf. call with Monitor & HUD Re discretionary funding policy.
9/27	1:30 - 3:00	BOL update
9/28	2:30 - 3:30	Conference call with Federal Monitor and representatives of HUD re Discretionary Funding Policy
9/29	5:00 - 6:00	Meeting with A-Home



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

*For the period: July 1, 2011 through September 30, 2011*

---

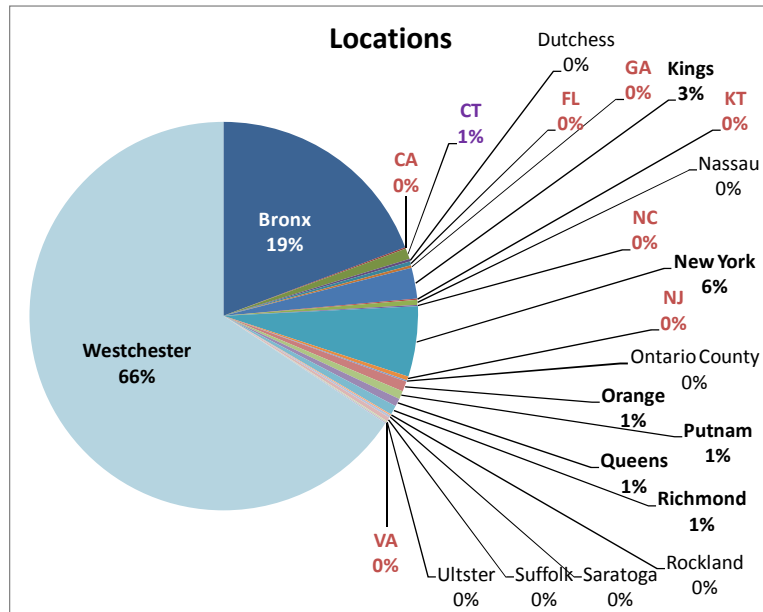
**Appendix IV-2: Summary Report of Findings from Central Intake System Between  
September 30, 2010 and September 30, 2011**

**Summary Information on Central Intake**  
**Report information September 30, 2010 – September 30, 2011**

A total of 739 households have signed up between September 30, 2010 and September 30, 2011. The below charts and tables report the location where the households signed up originate; the 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 909 responses.

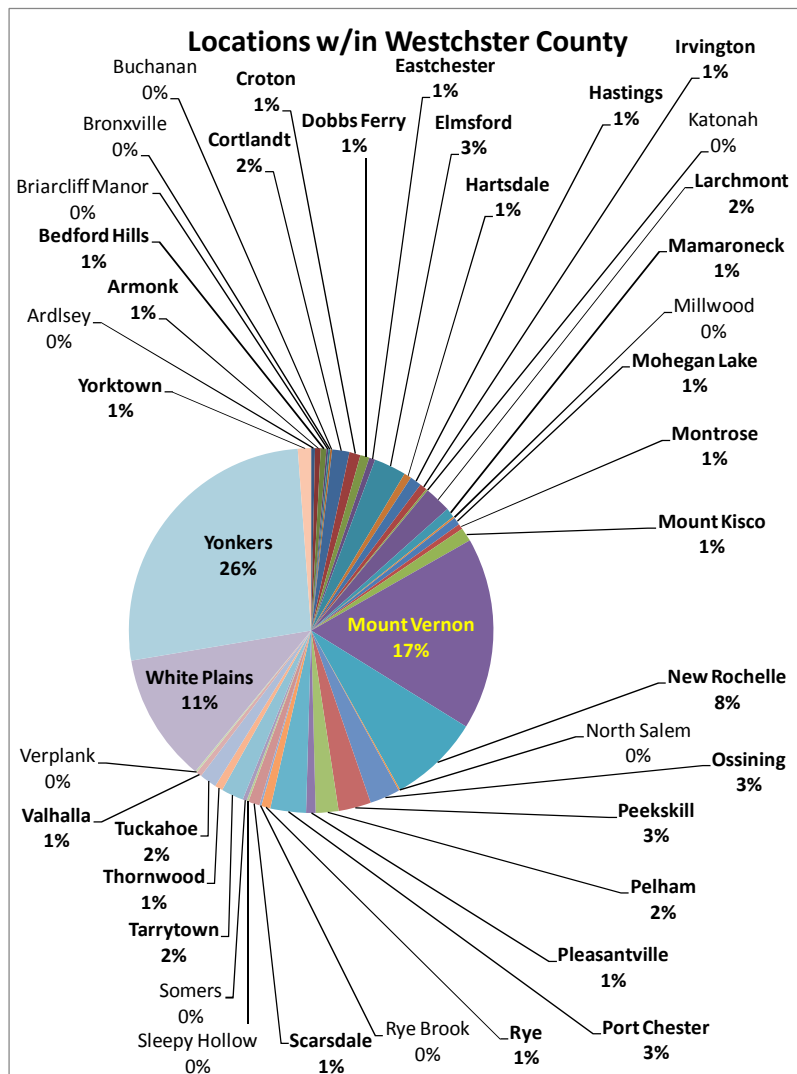
**Locations of all**

Bronx	175
CA	1
CT (5 in Fairfield)	8
Dutchess	2
FL	3
GA	2
Kings	23
KT	1
Nassau	4
NC	1
New York	53
NJ	3
Ontario County	1
Orange	8
Putnam	6
Queens	6
Richmond	7
Rockland	1
Saratoga	2
Suffolk	3
Ultster	1
VA	1
Westchester	597
<b>Total</b>	<b>909</b>



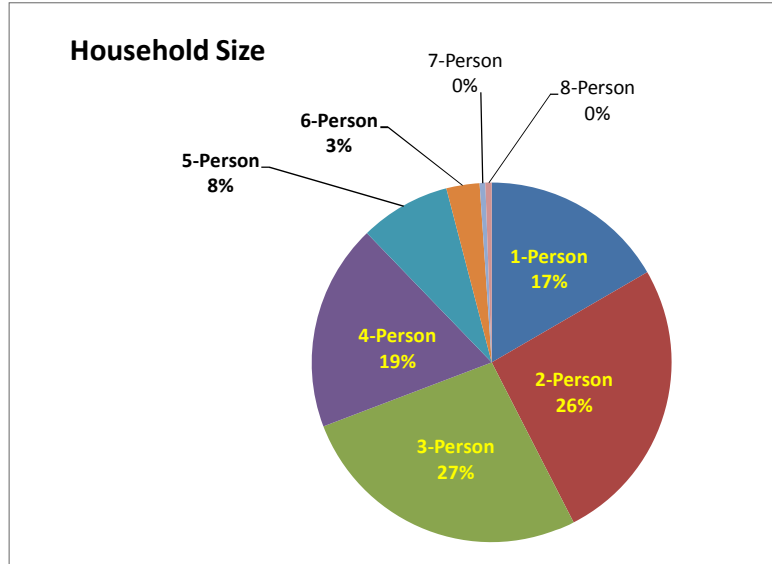
**Locations w/in WC**

Ardlsey	2
Armonk	3
Bedford Hills	3
Briarcliff Manor	1
Bronxville	1
Buchanan	1
Cortlandt	9
Croton	6
Dobbs Ferry	5
Eastchester	3
Elmsford	17
Hartsdale	4
Hastings	6
Irvington	4
Katonah	1
Larchmont	14
Mamaroneck	5
Millwood	1
Mohegan Lake	4
Montrose	3
Mount Kisco	7
Mount Vernon	102
New Rochelle	48
North Salem	1
Ossining	16
Peekskill	17
Pelham	12
Pleasantville	5
Port Chester	19
Rye	5
Rye Brook	1
Scarsdale	6
Sleepy Hollow	1
Somers	2
Tarrytown	12
Thornwood	4
Tuckahoe	9
Valhalla	3
Verplank	1
White Plains	68
Yonkers	158
Yorktown	7
<b>Total</b>	<b>597</b>

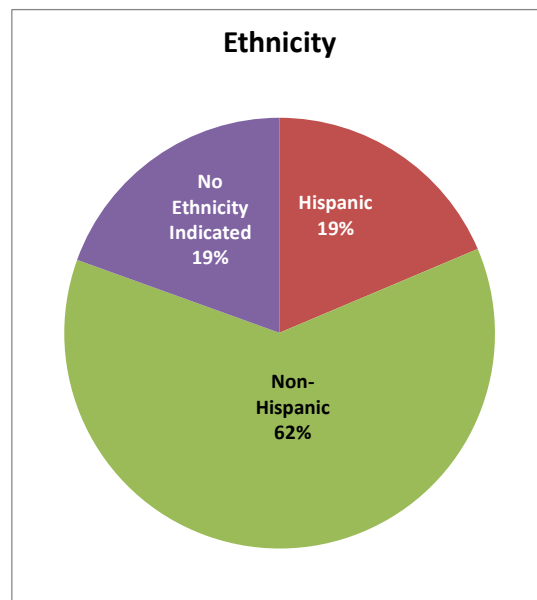


**Household Size**

1-Person	151
2-Person	235
3-Person	243
4-Person	169
5-Person	74
6-Person	27
7-Person	5
8-Person	5
<b>Total</b>	<b>909</b>

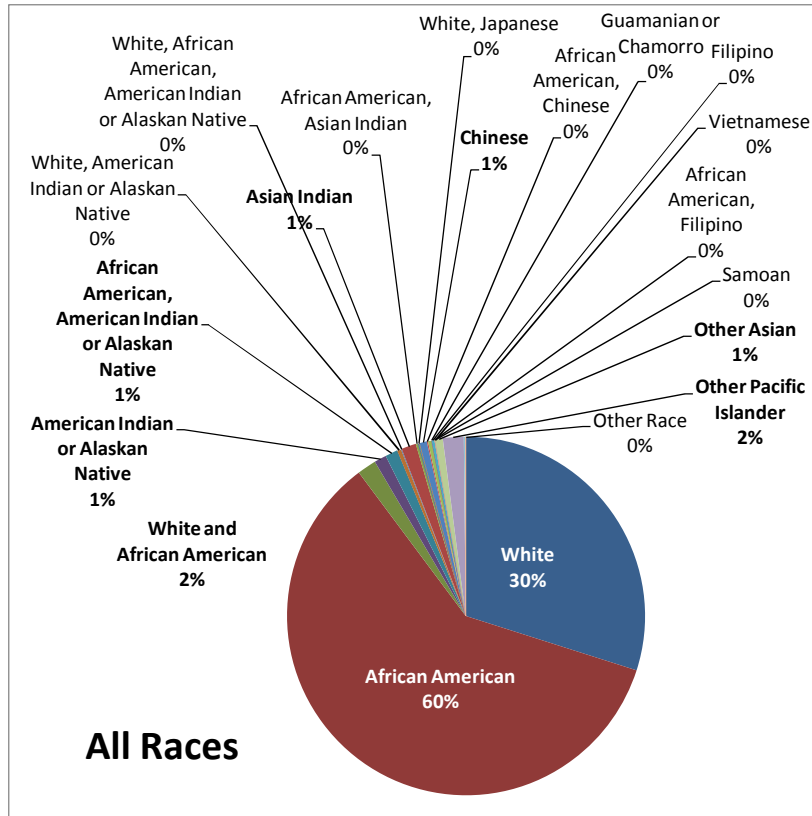


Race:	Hispanic	Non-Hispanic	No Ethnicity Indicated	Total
White	109	135	28	272
African American	35	378	131	544
<i>White and African American</i>	6	9	1	16
American Indian or Alaskan Native	5	4	1	10
<i>African American, American Indian or Alaskan Native</i>	2	6	2	10
<i>White, American Indian or Alaskan Native</i>	2		1	3
<i>White, African American, American Indian or Alaskan Native</i>		1		1
Asian Indian		7	5	12
<i>African American, Asian Indian</i>		1	1	2
Japanese				0
<i>White, Japanese</i>		1		1
Native Hawaiian				0
Chinese	1	2	3	6
<i>African American, Chinese</i>		1		1
Korean		1	2	3
Guamanian or Chamorro				0
Filipino		2		2
<i>African American, Filipino</i>		1		1
Vietnamese				0
Samoa				0
Other Asian	1	4	1	6
Other Pacific Islander	8	8	1	17
<i>African American, Other Pacific Islander</i>		2		2
Other Race				0
<b>Total</b>	<b>169</b>	<b>563</b>	<b>177</b>	<b>909</b>

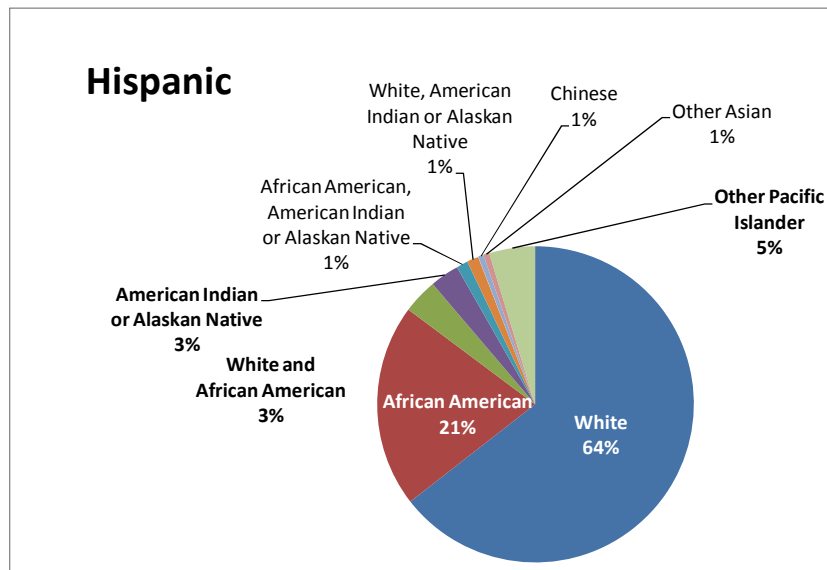


Ethnicity	
Hispanic	169
Non-Hispanic	563
No Ethnicity Indicated	177
<b>Total</b>	<b>909</b>

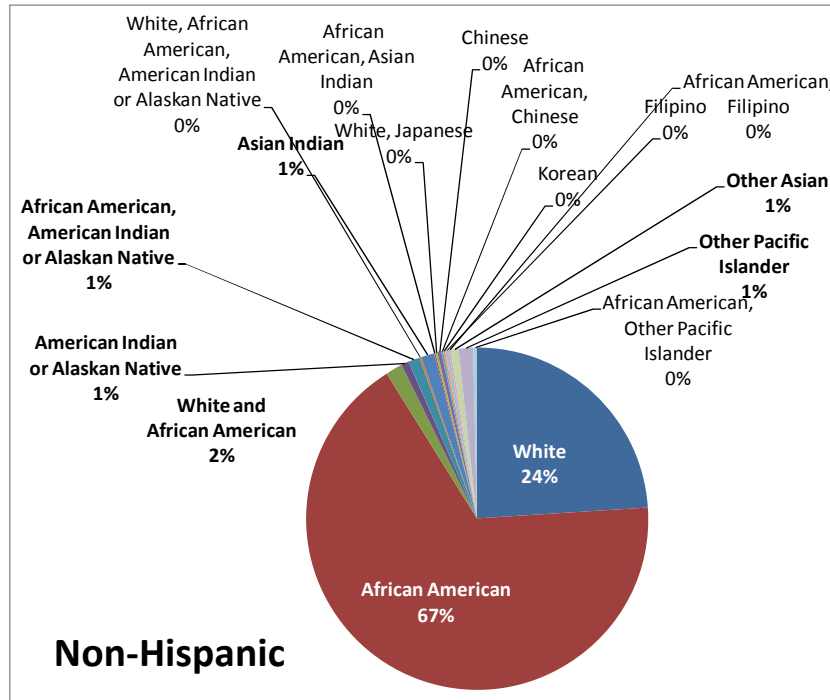
Race:	Total
White	272
African American	544
<i>White and African American</i>	16
American Indian or Alaskan Native	10
<i>African American, American Indian or Alaskan Native</i>	10
<i>White, American Indian or Alaskan Native</i>	3
<i>White, African American, American Indian or Alaskan Native</i>	1
Asian Indian	12
<i>African American, Asian Indian</i>	2
Japanese	0
<i>White, Japanese</i>	1
Native Hawaiian	0
Chinese	6
<i>African American, Chinese</i>	1
Korean	3
Guamanian or Chamorro	0
Filipino	2
<i>African American, Filipino</i>	1
Vietnamese	0
Samoan	0
Other Asian	6
Other Pacific Islander	17
<i>African American, Other Pacific Islander</i>	2
Other Race	0
<b>Total</b>	<b>909</b>



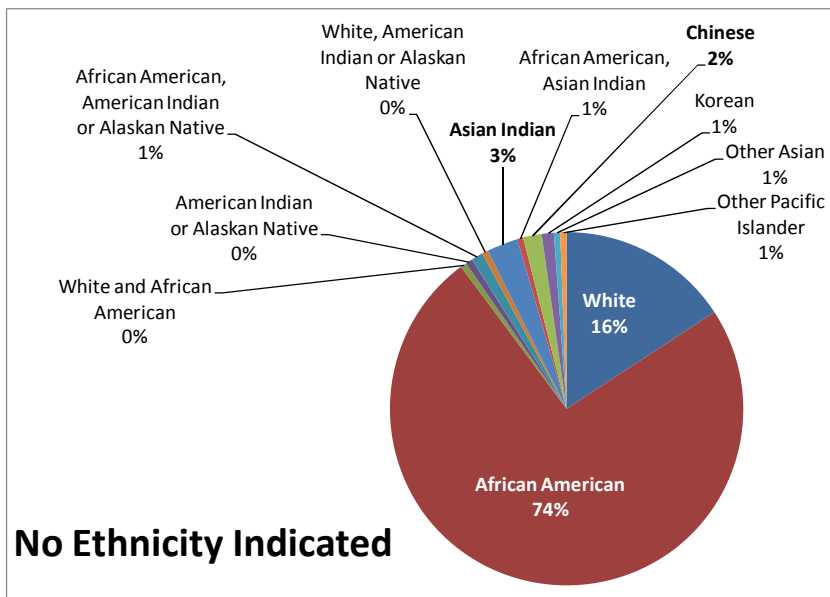
Race:	Hispanic
White	109
African American	35
<i>White and African American</i>	6
American Indian or Alaskan Native	5
<i>African American, American Indian or Alaskan Native</i>	2
<i>White, American Indian or Alaskan Native</i>	2
Chinese	1
Other Asian	1
Other Pacific Islander	8
<b>Total</b>	<b>169</b>



Race:	Non-Hispanic
White	135
African American	378
White and African American	9
American Indian or Alaskan Native	4
African American, American Indian or Alaskan Native	6
White, African American, American Indian or Alaskan Native	1
Asian Indian	7
African American, Asian Indian	1
White, Japanese	1
Chinese	2
African American, Chinese	1
Korean	1
Filipino	2
African American, Filipino	1
Other Asian	4
Other Pacific Islander	8
African American, Other Pacific Islander	2
<b>Total</b>	<b>563</b>



Race:	No Ethnicity Indicated
White	28
African American	131
White and African American	1
American Indian or Alaskan Native	1
African American, American Indian or Alaskan Native	2
White, American Indian or Alaskan Native	1
Asian Indian	5
African American, Asian Indian	1
Chinese	3
Korean	2
Other Asian	1
Other Pacific Islander	1
<b>Total</b>	<b>177</b>



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

*For the period: July 1, 2011 through September 30, 2011*

---

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

## Affirmative Fair Housing Marketing Report for Affordable Affirmatively Furthering Fair Housing Units

Development Name:	42 First Avenue, PEL				Roundtop, CTD				293 Manville Road				Rye Cottage Townhomes, RYC											
	Owner		Renter		Owner		Renter		Owner		Renter		Owner		Renter									
Unit Type																								
Number of Units	1		2				92		1				18											
Initial Marketing Period Beginning Date	March 15, 2011				June 1, 2011																			
Closing Date for Applications (for Participation in Lottery)	April 15, 2011				September 30, 2011																			
Date of Lottery	May 10, 2011				October 17, 2011																			
Demographics	Applications in Lottery				Residents				Applications in Lottery				Residents				Applications in Lottery				Residents			
	No.		%		No.		%		No.		%		No.		%		No.		%		No.		%	
Ethnicity:																								
Hispanic	6		40%																					
Non-Hispanic	3		20%																					
No Ethnicity Indicated	6		40%																					
<b>TOTAL</b>	<b>15</b>		<b>100%</b>		<b>0</b>		<b>0%</b>		<b>0</b>		<b>0%</b>		<b>0</b>		<b>0%</b>		<b>0</b>		<b>0%</b>		<b>0</b>		<b>0%</b>	
Race:																								
White	5		33%																					
African American	6		40%																					
American Indian or Alaskan Native			0%																					
Chinese			0%																					
Asian Indian			0%																					
Japanese			0%																					
Filipino			0%																					
Korean			0%																					
Vietnamese			0%																					
Other Asian	1		7%																					
Native Hawaiian			0%																					
Guamanian or Chamorro			0%																					
Samoan			0%																					
Other Pacific Islander			0%																					
Mixed Race (List):	1		7%																					
			0%																					
			0%																					
			0%																					
			0%																					
No Race Indicated	2		13%																					
<b>TOTAL</b>	<b>15</b>		<b>100%</b>		<b>0</b>		<b>0%</b>		<b>0</b>		<b>0%</b>		<b>0</b>		<b>0%</b>		<b>0</b>		<b>0%</b>		<b>0</b>		<b>0%</b>	

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

*For the period: July 1, 2011 through September 30, 2011*

---

**Appendix V-1: 3Q 2011 AFFH Referral Letters**



Robert P. Astorino  
County Executive

County Planning Board

**Referral File No. BED 11-002 – Tripi Subdivision – Special Permit  
Draft Environmental Impact Statement**

**Date:** September 12, 2011

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

**Materials received:**

- Draft environmental impact statement (EIS), dated accepted June 14, 2011
- Site plans for a proposed conservation subdivision, dated revised November 1, 2010

*Our understanding of the project, 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 *Westchester 2025* and County Planning Board policies. Go to <http://westchester2025.westchestergov.com/> for more information on *Westchester 2025*.

**Impacts to County facilities and services.**

- The project will not directly impact any county facilities or services

**Additional comments**

- The conservation subdivision is preferred. The conventional subdivision is not recommended.
- Then Town should consider adopting affordable AFFH unit guidelines and the project should have affordable AFFH units
- The project has positive pedestrian elements that should be expanded to adjacent areas
- The project has positive open space elements that could be enhanced with better landscaping and potential formalized recreational space
- The proposed stormwater management infrastructure should be verified
- The proposed architectural styles should be varied
- Green building technology should be explored

**DETAILS OF COMMENTS**

**1. Consistency with County Planning Board policies.** We concur with the statement of preference for the proposed conservation subdivision as noted in the draft EIS. The conservation subdivision 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, and amended January 5, 2010, as well as the strategies of *Patterns for Westchester*, adopted by the Board December 4, 1995. The conservation subdivision would limit the project to the more easily developable portion of the site, and arrange the subdivision into a community focused on shared open space in a pedestrian friendly environment that would also be within walking and biking distance of public transit and shopping. We also support the new urbanist design features that are proposed as we believe they will enhance the character and interaction within this new community.

**2. Affordable Affirmatively Furthering Fair Housing.** While the EIS states that two of the proposed houses will be restricted as affordable according to Town guidelines, these homes would not meet the criteria for affordable affirmatively furthering fair housing (AFFH) units.

As you are aware, Westchester County has prepared Model Ordinance Provisions that promote development of AFFH units. These Provisions are included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010). A key recommendation of the Model Ordinance Provisions is that developments of five or more units be required to include no less than 10% of the total number of units as affordable units, consistent with County definitions. Therefore, for Bedford's regulations to be consistent with the Model Ordinance Provisions, we recommend that the Town amend the Zoning Code so as to include this affordable housing inclusionary requirement. If such an amendment were in place, this development would be required to include at least three AFFH units.

We also recommend that the Town review the full text of the Model Ordinance Provisions as included in the *Implementation Plan* to identify other changes or additions to the Zoning Code that will further help create affordable AFFH units. County Planning Department staff is available to assist in this review.

**3. Pedestrian and bicycle access.** We commend the applicant for including a full sidewalk network on the plans. However, as the draft EIS notes, the sidewalk would not connect to any pedestrian infrastructure along New Street. We recommend that the Town work with the applicant, as well as any property owners along New Street, to make the construction of a sidewalk along New Street part of this project. This would help to complete the local sidewalk network in this area, since many nearby streets, such as Huntsville Road, Cherry Street and Bedford Road, already have sidewalks or bike paths. This sidewalk link is also critical as it will give any children residing in the proposed development an opportunity to walk to the Katonah Elementary School safely.

We also recommend that the proposed emergency access road not be gated to the extent where bicycles and pedestrians cannot pass through. We believe this access could serve as an important amenity for people who wish to bike or walk down to the pathway along Bedford Road, or over the Harris Road bridge into the Bedford Hills hamlet.

**4. Open space and landscaping.** We support the proposed conservation subdivision design element that includes the large open area above the common subsurface wastewater treatment area. We believe this common open space will be a great resource for this new community, especially children. We encourage the applicant to also consider adding more formalized elements of recreational space within this open area, such as playground equipment, or perhaps an area set aside for organized activity, such as a bocce court.

We also recommend that the landscaping plan be improved to add more shade tree plantings along the edge of this open space. If trees cannot be planted above the subsurface wastewater treatment area, perhaps a shaded trellis with vine plantings can be considered. Regardless of the landscaping elements chosen, non-native species should not be used. The applicant should verify that all proposed plantings are native species. We also recommend that applicant provide tree plantings be replaced at the same aggregate caliper size as those being removed to facilitate construction.

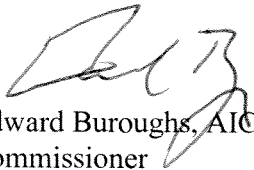
**5. Stormwater management.** The site plans show proposed stormwater retention ponds in steeply sloped areas along the edge of the site. The applicant should ensure that these ponds will function properly during both average and above-average storm events so that runoff will not enter adjacent properties at rates higher than today.

**6. Architectural treatments and green building technology.** We recommend that the Town and applicant also explore controls or requirements to ensure that varied architectural treatments are used on the proposed houses to ensure different architectural styles. We also recommend that the applicant consider using as much green building technology as possible in the development of this subdivision, or pursue a level of LEED certification.

Thank you for the opportunity to comment on this matter.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By:

  
Edward Buroughs, AICP  
Commissioner

EEB/LH

cc: Hon. Peter Harckham, County Legislator, District 2

## **PROJECT DESCRIPTION**

The project involves the proposed subdivision of a 25.59 acre property located between Harris Road (to the south) and the current end of New Street (to the north). The site currently contains one single family house. While the applicant has prepared a conventional subdivision plat containing 19 lots with 18 new single-family houses (the existing house will remain on its own lot), it is our understanding that both the Town and the applicant prefer a conservation subdivision scheme, which would also require a Town Board issued special permit. Under the conservation subdivision, 24 lots would be created, with 22 new single family homes on lots mostly 0.275 acres in size. The remaining two lots would include a lot for the existing house as well as the lot containing the remaining land on the property that would be permanently undeveloped. The subdivision would be configured around a new loop road connecting into New Street at the north end of the site. 21 of the new houses would be placed along the outside of the loop with the inside space left open and also used for the required septic and subsurface wastewater treatment area, since this area is outside of any sewer district. An additional lot for a new home would be placed near the site's Harris Road frontage, adjacent to the existing house which will remain on the site. A gravel emergency access road will connect the loop road to the common driveway for the two houses on Harris Road. The subdivision would be served by public water. The common septic system, conservation land and emergency access road would be maintained by a homeowners association.

According to the draft EIS, the conservation subdivision would produce houses ranging in size from 2,500 square feet to 3,500 square feet, with various configurations (including one-level homes aimed towards seniors) and bedroom arrangements (either 3 or 4 bedrooms). While it is estimated that 20 of the homes will sell at market rate for \$0.75 to \$1.25 million, two homes would be set-aside as affordable under Town affordability rules, and sold at approximately \$385,000. These homes would not meet County affordable affirmatively furthering fair housing (AFFH) unit guidelines. The draft EIS also states that the conservation subdivision would leave 47% of the site, which is encumbered with steep slopes, undisturbed.



Robert P. Astorino  
County Executive

County Planning Board

July 11, 2011

Chris Kehoe, AICP, Deputy Planning Director  
Town of Cortlandt Department of Technical Services  
1 Heady Street  
Cortlandt Manor, New York 10567-1254

Subject: **Referral File No. CTD 11-002 – Pondview Commons on the Boulevard  
Site Plan and Special Permit**

Dear Mr. Kehoe:

The Westchester County Planning Board has received a set of site plans (dated revised April 20, 2011) and related materials for the above referenced proposal for the redevelopment of an existing residential property containing 56 dwelling units into a new development also containing 56 units. The 19.3-acre site is located on the south side of East Main Street (a/k/a Cortlandt Boulevard, US Route 6) between Regina Avenue and the Cortlandt Town Center. The existing 56 dwelling units are generally configured as duplex units in 28 buildings with several accessory structures as well as a number of dilapidated recreational facilities. The proposed redevelopment would demolish all existing structures and place the units into seven buildings of eight units each surrounding a common area containing a pavilion and recreational facilities. Each unit would contain 2-bedrooms, a one-car garage and one driveway parking space. Thirty-three additional parking spaces are shown for visitors, although seven are proposed to be landbanked initially.

The site, which currently contains several septic systems that collectively serve the existing units, would either need to connect to existing sanitary sewer infrastructure near the site or an on-site wastewater treatment plant would need to be constructed. Connection to the sanitary sewer lines would require a petition to the Westchester County Board of Legislators for inclusion of the site into the Peekskill Hollow Brook Sewer District. This project also requires Town Planning Board approval for site plan as well as Town Board approval of a special permit for Residential Re-Use.

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 offer the following comments:

**1. Consistency with County Planning Board policies.** We find that the proposed project 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, and amended January 5, 2010, as

well as the strategies of *Patterns for Westchester*, adopted by the Board December 4, 1995 in that it involves the redevelopment of an existing residential area into a new residential community that includes various elements of smart growth and responsible development. We believe this project will convert an existing residential area, which is largely in disrepair, into a community which better relates to the surrounding mixed-use environment. In particular, we commend the applicant for including the following:

- Green building technology and innovative stormwater management. Although the applicant states that LEED certification will not be pursued with this project, the project will contain a number of “green” or sustainable construction elements, which we support. Included in this is the use of permeable paving surfaces for six parking spaces, the use of rain barrels to collect roof drainage for irrigation purposes and the use of vegetative rain gardens and wetland buffer area enhancements.
- Pedestrian enhancements. We commend the applicant for providing a pedestrian pathway between the project site and the adjacent Cortlandt Town Center to give residents of the proposed development the ability to walk to this nearby shopping area. We also commend the applicant for providing internal sidewalks and crosswalks as part of the project to connect the development to the existing sidewalk along East Main Street where additional commercial areas, as well as bus stops, can be accessed.
- Bicycle parking. We commend the applicant for including a bicycle storage area as part of the proposed clubhouse/pavilion building in the center of the site. Bicycling has become an increasingly popular form of transportation and may be well suited to this site given its proximity to many commercial destinations.

**2. County sewer impacts.** Since the applicant intends to apply for inclusion of the site into the Peekskill Hollow Brook Sewer District, this will ultimately increase sewer flows from the site into the existing infrastructure. As a matter of County Department of Environmental Facilities’ policy, the developer should work with the Town to identify 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.

**3. Recycling.** We note that the plans and project narrative show that space will be set aside for the source separation of recyclables. We remind the Town and the applicant that in June 2011, County recycling law was expanded to require most types plastics to be recycled instead of being put into the waste stream. The new law requires plastics with numbers 1 through 7 to be recycled where previously, only plastics with numbers 1 and 2 were recycled. The proposed recycling source separation area should be of sufficient size to accommodate this larger volume of plastic recyclables.

**4. Affordable affirmatively furthering fair housing.** The submitted materials do not indicate if any of the proposed residential units will be restricted as affordable. As you are aware, Westchester County has prepared Model Ordinance Provisions that promote development of affordable affirmatively furthering fair housing (AFFH) units. These Provisions are included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010). A key recommendation of the Model Ordinance Provisions is that developments of five or more units be required to include no less

than 10% of the total number of units as affordable units, consistent with County definitions. Therefore, for Cortlandt's regulations to be consistent with the Model Ordinance Provisions, we recommend that the Town amend the Zoning Code so as to include this affordable housing inclusionary requirement. If such an amendment were in place, this development would be required to include at least six AFFH units.

We also recommend that the Town review the full text of the Model Ordinance Provisions as included in the *Implementation Plan* to identify other changes or additions to the Zoning Code that will further help create affordable AFFH units. County Planning Department staff is available to assist in this review.

Thank you for the opportunity to comment on this matter.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For:  
By:



Edward Burroughs, AICP  
Commissioner

EEB/LH



Robert P. Astorino  
County Executive

County Planning Board

July 7, 2011

Robert C. Paladino, Village Attorney  
Town/Village of Harrison  
1 Heineman Place  
Harrison, NY 10528

Subject: **Referral File No. HAR 11-006 – One Colonial Place Associates, LLC  
NB/Special Exception Use Zoning Text Amendment**

Dear Mr. Paladino:

On June 9, 2011, the Westchester County Planning Board received a copy of a petition to amend the text of the Town/Village Zoning Code. Also received were a report supporting the petition titled, "Redevelopment Opportunity Study, Harrison, NY," dated March 11, 2011, prepared on behalf of the applicant, and a resolution of the Harrison Planning Board recommending adoption of the proposed amendments. On June 27, 2011, the County Planning Board received notification of a public hearing on the proposed zoning text amendment to be held July 7, 2011.

The proposed text amendment would allow "multiple dwellings" as a special exception use in the NB – Neighborhood Business district at sites located within 1,500 feet of the Harrison Metro-North train station. The amendment would establish specific dimensional requirements for "multiple dwellings" including lot area per family unit, maximum coverage, minimum yards, minimum floor area per unit and maximum height. "Multiple dwellings" would not be required to include ground floor retail, requirement for others uses in the NB district.

If the proposed amendment is approved, the applicant intends to apply for the new special exception use and site plan approval so as to demolish a structure housing a restaurant located at Purdy Street and Colonial Place for the purpose of constructing a new multifamily building and associated parking.

The County Planning Board has 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 offers the following comments:

**1. Consistency with County Planning Board policies.** The proposed zoning amendment 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, and amended January 5, 2010, as well as the strategies of *Patterns for Westchester*, adopted by the Board December 4, 1995.



With the anticipated construction of a transit oriented development on Metro-North Railroad property at the Harrison train station, new interest should be generated in the redevelopment of nearby areas of downtown Harrison. The comprehensive “opportunity study” for the downtown that was initiated by the zoning amendment petitioner provides a substantial base for the Town/Village to prepare for investment that can make the area a more vibrant commercial hub that includes a vital supporting residential population.

The two key changes that the zoning amendment would permit – elimination of the commercial floor area requirement for multiple dwellings and an increase in height from 35 feet to 45 feet and two stories to four stories – are necessary to increase the potential for residential development in the downtown and to steer commercial uses to the “main streets.” The existing NB regulations essentially permit only one floor of residential above a commercial use, a model that has limited economic viability for new construction and that does not promote the greater residential development in the downtown area that would add a customer base for commercial uses and take advantage of the proximity of walkable access to Metro-North services. On a site visit to the area, County Planning Department staff concluded that the zoning amendments would allow development that would be consistent with the surrounding environment on Purdy Street, the primary eligible location for this special exception use, and portions of Park Street and Harrison Avenue.

**2. Parking requirements.** “Scheme C,” presented in the study submitted by the applicant, presents an example of a multiple dwelling project that could be developed under the proposed zoning amendment. It is a project that would provide 40 apartments within a short walk of the train station and the downtown’s “main” streets. It does raise a question about minimum parking requirements as it shows provision of 54 parking spaces. This amount could be excessive given the site’s location. The Town/Village should give consideration to setting a parking requirement of one space per dwelling unit for “multiple dwellings” permitted by the proposed special exception use permit.

**3. Affordable affirmatively furthering fair housing.** As you are aware, Westchester County has prepared Model Ordinance Provisions that promote development of affordable affirmatively furthering fair housing (AFFH) units. These Provisions are included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010). A key recommendation of the Model Ordinance Provisions is that developments of five or more units be required to include no less than 10% of the total number of units as affordable units, consistent with County definitions. Therefore, for Harrison’s regulations to be consistent with the Model Ordinance Provisions, we recommend that the Town/Village amend the Zoning Code so as to include this affordable housing inclusionary requirement.

We also recommend that the Town/Village review the full text of the Model Ordinance Provisions as included in the *Implementation Plan* to identify other changes or additions to the Zoning Code that will further help create affordable AFFH units. County Planning Department staff is available to assist in this review.

July 7, 2011

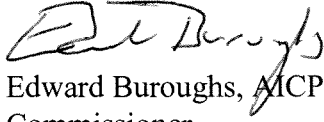
Page 3

**4. Westchester 2025: Plan Together.** The time may be right for the Town/Village to consider an update to its comprehensive plan (last updated in 1988) or development of a downtown plan that can build on the research already completed. The County Planning Board reminds Town/Village officials of the services offered by staff of the County Planning Department with regards to our *Westchester 2025: Plan Together* initiative.

As part of our initiative, staff will be performing a detailed zoning analysis of the Town/Village and will soon contact officials to discuss this process. Calculations of impacts upon infrastructure, traffic and school populations and 3-D visualizations of building massing and facades are services the Department is able to provide as part of this process. Background on *Westchester 2025: Plan Together* and some of our available resources can be found at [www.westchestergov.com/2025](http://www.westchestergov.com/2025). Please check out the Town/Village of Harrison pages.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By:   
Edward Burroughs, AICP  
Commissioner

EEB/LH



Robert P. Astorino  
County Executive

County Planning Board

July 11, 2011

William Hoffman, Chairman  
Village of Irvington Planning Board  
Village Hall  
85 Main Street  
Irvington, NY 10533

Subject: **Referral File No. IRV 11-002 – Continuum Company Assisted Living Residence  
Petition to Amend Zoning Ordinance,  
Amendment to the Village Comprehensive Plan and  
Applications for Special Permit and Site Plan Approvals**

Dear Mr. Hoffman:

The Westchester County Planning Board has received Notification to Designate a Lead Agency, pursuant to the New York State Environmental Quality Review Act (SEQR) for a set of actions that would allow development of a 121-unit assisted living/dementia care facility on a four-acre site located at 30 South Broadway (US Route 9). The applicant is petitioning the Village for an amendment to the text of the Village Zoning Ordinance to provide for assisted living communities as a permitted use within the MF – Multi-Family zoning district subject to the issuance of a special permit by the Village Planning Board. If the text amendment is approved, the applicant would then seek site plan and special permit approval for the proposed facility. An amendment to the Village Comprehensive Plan is also requested to provide for this use in the MF district.

We have no objection to the Village of Irvington Planning Board assuming Lead Agency status for this project.

At this time, the County Planning Board has two areas of comment for the Village’s consideration:

**1. Land available for multi-family housing.** In the Village’s evaluation of this petition, we recommend that the Village assess the best future use of the limited land that is included in the Multi-Family zoning district. We note that the Village Comprehensive Plan and Zoning Ordinance have specifically identified the subject site as appropriate for multi-family housing. Multi-family developments are often the best means to achieve inclusion of housing units that affirmatively further fair housing. Assisted living facilities and nursing homes should have a role in a municipality’s mix of land development; however, the sites that are appropriate for these uses may be more wide-ranging than those for multi-family developments and can be located in various zoning districts. To utilize land

**Referral File No. IRV 11-002 – Continuum Company Assisted Living Residence  
Petition to Amend Zoning Ordinance,  
Amendment to the Village Comprehensive Plan and  
Applications for Special Permit and Site Plan Approvals**

July 11, 2011

Page 2

now zoned for multi-family development for assisted living development could seriously infringe on the range of future development opportunities foreseen by the Village Comprehensive Plan.

**2. Affordable affirmatively furthering fair housing.** As you are aware, Westchester County has prepared Model Ordinance Provisions that promote development of affordable affirmatively furthering fair housing (AFFH) units. These Provisions are included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010). A key recommendation of the Model Ordinance Provisions is that developments of five or more units be required to include no less than 10% of the total number of units as affordable units, consistent with County definitions. We recommend that the Village review the full text of the Model Ordinance Provisions as included in the *Implementation Plan* to identify changes or additions to the Zoning Ordinance that will further help create affordable AFFH units. County Planning Department staff is available to assist in this review.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

Ajr:  
By:



Edward Buroughs, AICP  
Commissioner

EEB/LH



Robert P. Astorino  
County Executive

County Planning Board

August 16, 2011

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

Subject: **Referral File No. NOC 11-005 — Armonk Square Supermarket  
Zoning Text and Map Amendments, Site Plan &  
Special Permit - Lead Agency Designation**

Dear Mr. Kaufman:

The Westchester County Planning Board has received a Notification of Intent to Act as Lead Agency according to SEQR and Full Environmental Assessment Form for a revised proposal for a previously approved mixed use development in the center of the Armonk hamlet, known as Armonk Square. The project revisions include a new supermarket along with a reconfiguration of the previously proposed development on the site. In addition, the subject site is larger with the acquisition of an adjacent property on Maple Avenue.

The current set of actions consists of 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 include a special permit approval from the Town Board and amended site plan approval from the Planning Board to change the previously approved development. Access for the proposal will be from Main Street, Maple Avenue and Bedford Road. The project would consist of 49,394 square feet of floor area with 10,540 square feet for retail use, a 25,000 square foot supermarket, 3,530 square feet for office use, 10,324 square feet for residential use (10 units) and 190 parking spaces on the 3.43-acre site.

We have no objection to the North Castle Planning Board assuming Lead Agency status for this project. We respectfully request that you send us any additional pertinent material for this project at your earliest convenience or as it becomes available. More detailed site plans would help assess the proposed pedestrian and vehicular circulation patterns, landscaping and the relationship of new construction to adjacent existing development.

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. The County Planning

Board provided comments to the Town on earlier versions of this project, most recently in a letter dated August 3, 2004. The project has changed in several ways since our previous reviews, although several of our comments on the subject proposal are similar to those in our previous letters. We have the following comments:

**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" should 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. Even with this reduction, the number of spaces proposed for the site is 190 spaces for 49,394 square feet of mixed-use development, up from 118 parking spaces for 49,947 square feet of development for the previously approved project. We recommend that the Town give specific consideration to keeping the total number of parking spaces established to the lowest responsible amount.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For:  
By: 

Edward Burroughs, AICP  
Commissioner



Robert P. Astorino  
County Executive

County Planning Board

October 11, 2011

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

Subject: **Referral File No. NOC 11-005B — Armonk Square Supermarket - Site Plan**

Dear Mr. Kaufman:

The Westchester County Planning Board has received a site plan for a revised proposal for a previously approved mixed use development in the center of the Armonk hamlet, known as Armonk Square. The project revisions include a new supermarket along with a reconfiguration of the previously proposed development on the site. In addition, the subject site is larger with the acquisition of an adjacent property on Maple Avenue.

The County Planning Board, in a letter dated August 16, 2011, sent a letter to you regarding several actions associated with this current proposal, 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. Several of the comments in our most recent letter are re-stated in this letter.

Access for the proposal will be from Main Street, Maple Avenue and Bedford Road. The project would consist of 49,394 square feet of floor area with 10,540 square feet for retail use, a 25,000 square foot supermarket, 3,530 square feet for office use, 10,324 square feet for residential use (10 units) and 190 parking spaces 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:

**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” should 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. Even with this reduction, the number of spaces proposed for the site is 190 spaces for 49,394 square feet of mixed-use development, up from 118 parking spaces for 49,947 square feet of development for the previously approved project. We recommend that the Town 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



Robert P. Astorino  
County Executive

County Planning Board

July 26, 2011

Jill Simon Shapiro, Town Clerk  
Town of New Castle  
200 South Greeley Avenue  
Chappaqua, NY 10514-3399

Subject: **Referral File No. NWC 11-003 – Zoning Text Amendment: Affordable AFFH Units**

Dear Ms. Shapiro:

The Westchester County Planning Board has received a copy of proposed amendments to the text of the Town Zoning Ordinance and Subdivision Regulations that would incorporate Westchester County Affordable Affirmatively Furthering Fair Housing (AFFH) Units 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 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. The Town's proposals are welcomed and strongly supported by this board.

While it is our understanding that the proposed AFFH unit requirements would apply to all residential districts Town-wide, we recommend that the Town consider the following suggestions to ensure consistency with the Model Ordinance Provisions, as well as other sections of the Town code.

**1. Required affordable AFFH unit component.** Section 2 of the Model Ordinance Provisions calls for residential developments of five to nine units to include at least one affordable AFFH unit. While the proposed Town regulations for multi-family developments include this requirement, we note that a different standard would apply to new subdivisions. As proposed, "subdivisions of at least 8 but less than 10 building lots" would require inclusion of one affordable AFFH unit. We recommend that this be revised to set a minimum threshold of 5 lots so as to be consistent with the Model Ordinance Provisions.

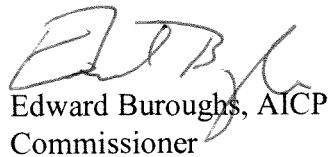
**2. Incentives for creation of additional affordable AFFH units.** The Model Ordinance Provisions encourage municipalities to use zoning incentives to assist with the creation of affordable AFFH units. While the proposed regulations feature such an incentive, this incentive is not consistent with the existing incentive offered in the Town's current zoning for apartments for low/moderate income families. Under the proposed Town regulations, "Model Ordinance Affordable AFFH Units" would have a density increase of "1% for every 2%" while "Apartments designated for and limited in

occupancy to low/moderate income families” would have a density increase of “2% for each 1% up to a maximum increase of 30%, and 1% for each 1% thereafter, up to a maximum total increase of 50%.” We recommend that the density incentive for Model Ordinance Affordable AFFH Units be set so as to establish no less an incentive than the density incentive set for “low/moderate income families.”

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  
Clinton Smith, Town Attorney

Robert P. Astorino  
County Executive

County Planning Board

August 4, 2011

Christian K. Miller, City Planner  
Rye City Planning Department  
City of Rye  
1051 Boston Post Road  
Rye, NY 10580-2996

Subject: **Referral File No. RYC 11-002– B-2 Zoning and “A” Parking District Amendments**

Dear Mr. Miller:

The Westchester County Planning Board has received a copy of a proposed local law to change the zoning district designation of three contiguous properties at 1051 (City Hall), 1037 and 1031 Boston Post Road from the B-1 Neighborhood Business District to the B-2 Central Business District and change the parking district designation of 1031 Boston Post Road from the “C” to the “A” Parking District, to be consistent with the other two properties. The draft law also amends the regulations of the B-2 District to allow multi-family units on the first floor (in addition to upper floors) for properties in the B-2 District having frontage on Boston Post Road.

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 offer the following comments:

**1. Consistency with County Planning Board and City policies.** The proposed zoning amendments are 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, and amended January 5, 2010, as well as the strategies of *Patterns for Westchester*, adopted by the Board December 4, 1995, as it will help to expand development and housing opportunities in the existing downtown center of Rye. This action also appears to be consistent with the City’s Central Business District Plan (CDB), which recommends expanding housing and office space in the downtown, with a housing as the first preference.

**2. Affordable affirmatively furthering fair housing.** The proposed zoning changes will also provide for additional potential to develop affordable affirmatively furthering fair housing (AFFH) units in this location. The subject area is suitable for affordable AFFH housing due to its access to transportation and commercial areas.

As you are aware, Westchester County has prepared Model Ordinance Provisions that promote development of affordable affirmatively furthering fair housing (AFFH) units. These Provisions are included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010). A key recommendation of the Model Ordinance Provisions is that developments of five or more units be required to include no less than 10% of the total number of units as affordable units, consistent with County definitions. We recommend that the City review the full text of the Model Ordinance Provisions as included in the *Implementation Plan* to identify changes or additions to the Zoning Ordinance that will further help create affordable AFFH units. County Planning Department staff is available to assist in this review.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For:  
By:



Edward Buroughs, AICP  
Commissioner

EEB/KE

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

*For the period: July 1, 2011 through September 30, 2011*

---

**Appendix VI-1: 3Q 2011 Financial Report**

<b>FAH CDBG ACCOUNT</b>						
REMAINING UNOBLIGATED BALANCE		<b>\$21,600,000</b>				
		\$8,764,500				
<b>ACTIVITIES</b>	<b>CONTRACT NUMBER</b>	<b>ORIGINAL BALANCE</b>	<b>PREVIOUS TOTAL</b>	<b>CURRENT QUARTER</b>	<b>BALANCE REMAINING</b>	
15 Edgar Place - City of Rye - 18 Units	C-FAH-10-01	\$1,356,000	\$1,227,000	\$0	\$129,000	
Roundtop - Montrose - 57 Units	C-FAH-10-02	\$5,474,000	\$2,795,906	\$240,740	\$2,437,354	
Palmer Ave - Larchmont - 46 Units	C-FAH-10-03	\$5,673,000	\$0	\$0	\$5,673,000	
42 First Ave - Village of Pelham - 3 Units	C-FAH-10-04	\$120,000	\$0	\$0	\$120,000	
293 Manville Rd. - Village of P'Ville - 1 Unit	C-FAH-11-05	\$212,500	\$0	\$0	\$212,500	
<b>TOTAL</b>		<b>\$12,835,500</b>	<b>\$4,022,906</b>	<b>\$240,740</b>	<b>\$8,571,854</b>	
<b>FAH FUNDS BUDGET</b>						
REMAINING BALANCE		<b>\$30,000,000</b>				
		\$30,000,000				
<b>ACTIVITIES</b>		<b>ORIGINAL BALANCE</b>	<b>PREVIOUS TOTAL</b>	<b>CURRENT QUARTER</b>	<b>BALANCE REMAINING</b>	
<b>OUTREACH AND EDUCATION BUDGET</b>						
REMAINING BALANCE		<b>\$400,000</b>				
<b>ACTIVITIES</b>		<b>ORIGINAL BALANCE</b>	<b>PREVIOUS TOTAL</b>	<b>CURRENT QUARTER</b>	<b>BALANCE REMAINING</b>	
<b>OTHER BUDGET</b>						
REMAINING BALANCE		<b>\$0</b>				
<b>ACTIVITIES</b>	<b>CONTRACT NUMBER</b>	<b>ORIGINAL BALANCE</b>	<b>PREVIOUS TOTAL</b>	<b>CURRENT QUARTER</b>	<b>BALANCE REMAINING</b>	<b>FUNDING SOURCE</b>
Housing Action Counsel - Down Payment Assistance	C-HOME-04-64	\$58,149	\$50,000	\$0	\$8,149	2004 HOME
Cottage Landing, LLC - City of Rye - 18 Units	C-HOME-09-83	\$880,000	\$0	\$880,000	\$0	2009 HOME
Freedom Gardens - Town of Yorktown - 3 units	C-HOME - 09-85	\$225,000	\$0	\$0	\$225,000	2009 HOME
Palmer Ave - Larchmont - 46 units	C-HOME-10-86	\$1,025,000	\$0	\$0	\$1,025,000	2010 HOME
22 Old Rt 22 - N. Castle - 10 units	C-HOME-10-87	\$425,000	\$0	\$0	\$425,000	2010 HOME
Affordable Housing Expo (3/2010)	N/A	\$1,778	\$1,778	\$0	\$0	2009 CDBG
WRO - Senior Housing Counseling	C-67-09-S49	\$42,281	\$42,281	\$0	\$0	2009 CDBG
WRO - Equal Housing	C-67-09-S53	\$47,013	\$47,013	\$0	\$0	2009 CDBG
Community Capital Resources - Affordable Housing Feasibility Stu	C-67-09-T06	\$75,000	\$75,000	\$0	\$0	2009 CDBG
WFN Consulting (AI Consultant)	CEX-NEWTON-10	\$97,000	\$80,000	\$0	\$17,000	2009 Bonds
Roundtop - Montrose, Town of Cortlandt - 34 Units	C-67-10-T27	\$1,607,000	\$871,962	\$406,637	\$328,401	2009-2010 CDBG PROPERTY IMPROVEMENT PROGRAM
WRO - Equal Housing	C-67-10-T07	\$79,000	\$69,500	\$9,500	\$0	2010 CDBG
WRO - Senior Housing Counseling	C-67-10-T15	\$79,000	\$69,866	\$9,134	\$0	2010 CDBG
Community Capital Resources - Affordable Housing Feasibility Stu	C-67-10-T30	\$75,000	\$75,000	\$0	\$0	2010 CDBG
Affordable Housing Expo (3/2011)	N/A	\$1,858	\$1,858	\$0	\$0	2010 CDBG
Housing Action Counsel - Technical Assistance	C-PL-10-342	\$100,000	\$100,000	\$0	\$0	2010 Tax Levy
WRO - Housing Education	C-PL-10-343	\$30,000	\$30,000	\$0	\$0	2010 Tax Levy
Community Capital Resources -Technical Assistance	C-PL-10-344	\$100,000	\$100,000	\$0	\$0	2010 Tax Levy
Community Capital Resources -Technical Assistance	C-PL-11-353	\$99,652	\$0	\$0	\$99,652	2011 Tax Levy
Housing Action Counsel - Technical Assistance	C-PL-11-354	\$100,000	\$0	\$50,000	\$50,000	2011 Tax Levy
WRO - Housing Education	C-PL-11-355	\$30,000	\$0	\$15,178	\$14,822	2011 Tax Levy
Roundtop - Montrose, Town of Cortlandt - 34 Units	C-FAH-10-02	\$1,659,000	\$1,659,000	\$0	\$0	2010 NEW HOMES LAND ACQUISITION
Palmer Ave - Larchmont - 5 units	C-LA-11-52	\$267,000	\$0	\$0	\$267,000	2011 NEW HOMES LAND ACQUISITION
37 Wildwood Rd - Town of Bedford - 7 Units	C-LA-11-54	\$400,000	\$0	\$0	\$400,000	2011 NEW HOMES LAND ACQUISITION
37 Wildwood Rd - Town of Bedford - 7 Units	C-LSW-11-208	\$70,000	\$0	\$0	\$70,000	2011 Lead Hazard Control
<b>TOTAL</b>		<b>\$7,573,731</b>	<b>\$3,273,258</b>	<b>\$1,370,449</b>	<b>\$2,930,024</b>	
<b>PROGRAM INCOME</b>						
<b>ACTIVITIES</b>	<b>CONTRACT NUMBER</b>	<b>ORIGINAL BALANCE</b>	<b>PREVIOUS TOTAL</b>	<b>CURRENT QUARTER</b>	<b>BALANCE REMAINING</b>	<b>FUNDING SOURCE</b>

Footnotes

1. The "FAH CDBG Account Budget" and the "Outreach and Education Budget" were bonded in January 2010. FAH CDBG funds were paid to HUD and returned to the County's CDBG line of credit, available for draw.
2. The County intends to bond the "Bond Funds Budget" of \$30 million when specific eligible projects are identified.
3. "Other Budget" expenses will be paid from other sources of funds to leverage the required funding.