

RESOLUTION 12-____
WESTCHESTER COUNTY PLANNING BOARD

256 – 258 June Road, Town of North Salem
Affirmatively Furthering Fair Housing Funding Request

WHEREAS, Act No. 155-2009 (as amended) required the County Budget Office to establish a capital project, which capital project would be financed by \$21.6 million in CDBG monies in the HUD account subject to the requirements of the CDBG program and \$30 million which would be financed by County funds, as required pursuant to the Stipulation and Order of Settlement and Dismissal entered into in connection the lawsuit titled, *U.S. ex rel. Anti-Discrimination Center of Metro New York v. Westchester County* (“Settlement Agreement”); and

WHEREAS, in furtherance of the foregoing the Fair and Affordable Housing capital project BPL50 (“FAH”) was created; and

WHEREAS, pursuant to and required by the Settlement Agreement, the funds in that FAH capital project are to be used for the development of new affordable housing units that will affirmatively further fair housing (“AFFH”) as set forth in 432 U.S.C. Section 5304(b)(2); and

WHEREAS, Wilder Balter Partners, Inc., on behalf of its development entity, June Road Development, LLC, its designee or assignee (the “developer”) has requested that the County provide funds for the purchase of approximately 40.20 acres of land located at 256-258 June Road in the Town of North Salem identified on the tax maps as Section: 5, Block: 17.35, Lot: 19 (the “property”) and finance the construction of related publically-owned site improvements thereon all in support of a proposed affordable AFFH development known as Bridleside Apartments (the “development”); and

WHEREAS, the development is proposed to include sixty-five (65) one, two and three-bedroom affordable AFFH rental units including a superintendent’s unit; and

WHEREAS, the affordable AFFH Units will be affordable to families with incomes at or below 50% and 60% of the Westchester County Area Median Income (“AMI”) for a period of not less than 50 years, subject to the approval of the Board of Legislators; and

WHEREAS, the proposed AFFH units are anticipated to constitute eligible units under paragraph 7(a) of the Settlement Agreement, under which the County is to support the development of 750 units of affordable AFFH units; and

WHEREAS, the development will be constructed in accordance with the site plan approvals as granted by the Town of North Salem; and

WHEREAS, in support of the creation of the affordable AFFH units the County proposes to purchase the property from the current owner of record for an amount not-to-exceed \$4,000,000, funded from County bond share of BPL50- FAH; and

WHEREAS, following said purchase, the County will file a Declaration of Restrictive Covenants against the property requiring that the units to be constructed remain affordable AFFH Units for a period of not less than 50 years; and

WHEREAS, the County will subsequently transfer the property to the developer for One Dollar (\$1); and

WHEREAS, Act No. 155-2009 (as amended) requires that any necessary approvals of the County Board of Legislators be sought in connection with compliance with the Settlement Agreement; and

WHEREAS, in accordance with the foregoing Act, the County Executive will be submitting legislation to the Board which would authorize amendment of capital project BPL50 to add the development to be located at 256-258 June Road in the Town of North Salem; and

WHEREAS, the County Executive will also be submitting legislation to the Board which would authorize bonding for the capital project BPL50 in a not-to-exceed amount of \$4,000,000 for the land acquisition; and

WHEREAS, the County proposes to fund construction costs related to certain publically owned infrastructure improvements in support of the affordable AFFH units under paragraph 7(a) of the Settlement Agreement including, but not limited to, earthwork, paving, curbing, water system, lighting, drainage, waste treatment and landscaping for a not-to-exceed loan amount of \$2,500,000 from BPL50 CDBG monies; and

WHEREAS, the County Executive will also be submitting legislation to the BOL which would authorize the County to accept, at no cost, all necessary property rights in connection with the construction of the infrastructure improvements; and

WHEREAS, the development is proposed to include green technology which will aid in the reduction of carbon dioxide emissions into the environment, such as installation of Energy Star appliances, Energy Star light fixtures in units and common areas, Energy Star heating and domestic hot water systems, landscaping with native trees and plants, water conserving fixtures, daylight sensors and timers on outdoor lighting to maximize energy efficiency and the development will provide, maintain and utilize sustainable development practices including sidewalks and pathways to public spaces; and

WHEREAS, the developer will provide regularly scheduled bus service at no cost to the residents to a connection to public transportation and to local shopping and medical facilities; and

WHEREAS, acquisition of the property and support of the development is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board’s adopted long-range land use and development policies, by contributing to the development of “a range of housing types” affordable to all income levels and that will be marketed to wider population groups; and

WHEREAS, the staff of the County Planning Department has reviewed the proposal and recommends funding the acquisition of the property and funding the construction of related municipally owned infrastructure in accordance with all applicable approvals by the Town of North Salem; now, therefore, be it

RESOLVED, that the Westchester County Planning Board supports the request to provide financial assistance in total not-to-exceed amounts as follows:

\$4,000,000	FAH Bond Funds for land acquisition
<u>\$2,500,000</u>	FAH CDBG Monies for infrastructure improvements
\$6,500,000	Total; and be it further

RESOLVED, that the County Planning Board, pursuant to Section 167.131 of the County Charter, amends its report on the 2012 Capital Project Requests to include the additional sum necessary to effectuate the goals described herein under the heading Buildings, Land and Miscellaneous and gives **Capital Project BPL50** a rating of “PL2”.

Adopted this 3rd day of April, 2012

Susan Konig, Chair