

Subject: Housing Committee Meeting

From: Linda Rae <lindasrae@optonline.net>

Date: 12/1/2014 6:21 PM

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CC: supervisor@lewisborogov.com, townclerk@lewisborogov.com, ahodges@lewisborogov.com

Hello, Housing Committee. December turned out not to be a good month for holding a Housing Committee meeting, as it is a busy time of year for everyone! So I would like to revert to our usual schedule, and have our next meeting on the fourth Tuesday in January, which is Tuesday, January 27. Can you let me know if you will be able to attend, as far as you can see at this time?

In the meantime, the amendments that we proposed to the Zoning Code are working their way along: after input from the joint working group of Planning Board, ZBA, ACARC (most of you attended the last meeting so were involved in that too), the Town Attorney Anthony Mole wrote up the zoning amendments in detail. Peter Parsons and I met recently with Westchester Planning Commissioner Ed Burroughs and Deputy Commissioner Norma Drummond, and also with John Nolan and Tiffany Zezula of the Pace Law School Land Use Center, to get their feedback. Anthony is currently working on incorporating their suggestions and coming up with a final draft. When we meet in January, I will update you on anything that has happened at that point.

At our January meeting, we will also need to revisit some policies on our Middle Income units, and -- again! -- to discuss our need to enforce compliance with the Annual Survey.

Regards,
Linda S. Rae

Housing Committee
did not meet
Oct-Nov 2014, as
joint task force, to which
they were invited, was
meeting.

Proposed Agenda

Meeting of the Lewisboro Housing Committee

Tuesday, September 23, 2014, 7 PM
Upstairs Meeting Room, Lewisboro Town House

- 1--Middle income units
 - Policy on allowing owner to add spouse to deed
 - Report on new units
 - How long should developer wait before moving to next person on eligibility list?
 - Unit in foreclosure
- 2--Monitor's Report (copies distributed)
- 3--Affordable housing unit in Kitchawan: County developing
- 4--Report on ACE / Joan Arnold
 - Property on Spring Street (deli) – donation to Land Trust & possible housing
 - St. Michael's Chapel in Goldens Bridge
- 5--Fairmont Road property owned by Brian Klein
- 6--Subcommittee to look for possible properties to convert to affordable housing

Joint Task Force - Linda Rae representing Housing Committee



TOWN OF LEWISBORO

Westchester County, New York

Tuesday, June 10, 2014
7:30 P.M.

Town House
11 Main Street, South Salem

The meeting was called to order at 7:30pm.

Present:

Peter Parsons, Town Supervisor
John Pappalardo, Town Councilman
Anthony Molé, Town Counsel
Linda Rae, Housing Committee Chairperson
Jerome Kerner, Planning Board, Chairperson
Greg LaSorsa, Planning Board member
Geoff Egginton, Zoning Board of Appeals, Chairperson

Mr. Parsons opened the meeting by welcoming everyone. Mr. Parsons began by handing out the "indictment" of Lewisboro by the Federal Monitor ("Monitor") and the Westchester County Fair & Affordable Housing Implementation Plan Model the Monitor would like Lewisboro ("Town") to adopt. Town of Mamaroneck used the model by rezoning 2 commercial districts which cover a large area in Mamaroneck. The result expansively increased their affordable living housing potential. However, as Mr. Molé pointed out the Town of Lewisboro could not expect to have the same expansive effect as Mamaroneck because of the different physical layout and ratio of residential to commercial parcels. Another concern is that the Affordable Housing cannot be isolated.

Currently, James E. Johnson, Esq. of Debevoise & Plimpton, LLP in the position as Monitor for the Settlement dated August 10, 2009, is drafting his second letter, a follow-up to his first letter dated March 21, 2013, outlining his findings and conclusions relating to Westchester County's Analysis of municipal codes. The objective of the Settlement is to have Affordable Housing in all 31 eligible municipalities allowing children to attend better school districts that they would not normally have access to. Mr. Parsons has not received a response to his letter to Mr. Johnson dated June 18, 2013 addressing points raised in Mr. Johnson's March letter.

Mr. Molé and Mr. Parsons drove the Monitor around Lewisboro to explain to him the ownership of the preserves located within our uniquely rural town borders. They tried to press upon him that even if Town Code was changed tomorrow they are restricted due to lack of ownership of the property. For instance, the Town has no control over the 4,000+ acres owned by the county or large portion of commercial land on Rt. 22 in Goldens Bridge owned by NYC. NYC bought a large piece of this property with the purpose of preventing the building a large office space. A large septic system has already been installed and an infrastructure exists below ground. NYC still holds ownership of the property.

Mr. Kerner brought up the concept of smart growth locating Affordable Housing close to public transportation. Anthony Mole' concurred that there are not a lot of employment opportunities within Lewisboro. Most of our residents work elsewhere.

Some suggestions were made as to where the Town could find other possibilities that developers could come in and build Affordable Housing. Mr. Kerner suggested that they determine the capacity of the Wild Oaks sewerage facility and see if there is room there for additional residential usage. A developer had been interested years ago in vacant property behind A&P and the east of A&P, about 30 acres that could be developed. The area is especially desirable because of its proximity to the train station and the Goldens Bridge Plaza. There had been discussion in the past about improving the A&P in conjunction with the residential development.

Ms. Rae and Mr. Parsons thought that a more immediate measure would be to invite A-Home into a Town property. A-Home is very familiar and experienced with Affordable Housing.

Mr. Parsons went through the "indictment":

- Specifically the Town has essentially no vacant land zoned for MF family
- Special use permits for accessory apartments are in the Monitor's mind difficult to obtain by definition. He believes that if apartments were easier to create eventually there will be cheaper apartments just because of supply and demand.

Mr. LaSorsa commented since nothing formally has happened, we have time to accept the proposal made by the Housing Committee to Zoning. The proposal has 3 points; allow housing in the business and commercial districts; allow housing as a right and remove special permits; and adopt a modified ordinance. Even with the code changes developers may or may not come but we have to be compliant. Mr. Mole' said the Town has to be sure that the changes will be acceptable and satisfy the Monitor.

Once the code changes have been deemed compliant, the County will take on the role of advertising for public notice. An applicant cannot have one of the apartments unless they can show they can pay for it. Once they have passed the financial test, they will be entered into a lottery. An applicant will be notified of where there is housing. Once they see where Lewisboro is in relation to available jobs there may be a high rate of drop outs.

Discussion turned to accessory apartments. Mr. Kerner said if we could still have and maintain criteria, possibly making some of the criteria as part of the building permit, we could give up the special permit requirement. He asked if the Town could still maintain an annual review. Mr. Molé said that it would be discretionary and not permissible. Mr. Parson said there is an annual review currently in the Code to ensure the criteria is still being followed for accessory apartments. Mr. Parsons has written out the requirements needed for obtaining an accessory apartment currently. The question was raised to ease

some requirements and still protect some of the special use components. For instance, delete the maximum number of special permits allowed and ease the required square footage of an accessory apartment. The Planning Board will determine what conditions can be eased and which should stay in place.

The Housing Committee Proposal in the view in at least of one person, Norma Drummond, the Deputy Commissioner to the County Planner, is a good proposal.

It is already in the Code allowing residential use over businesses on lower floors. It is not being widely used. Mixed use could spark development and is favorably looked upon by the Monitor. Careful consideration has to be made about isolating Affordable Housing. Due to our lack of bus service through the Town certain areas are not accessible for residents without cars. There were concerns from the Planning Board about aesthetics, transportation, sewage and perpetuating isolation. Mixed use is already in the Code. The Housing Committee proposal includes permitted use to include housing, i.e. separate buildings, within the designated business districts not just over shops.

Mr. Parsons would like to get back to the Monitor by August of the Town's current progress on compliant efforts. The Planning Board will go over Code section 220:26 regarding special provisions for Multi Family residence to draft recommendation bullet points for Mr. Molé. The Zoning Board will go over section 220:40 of the code regarding accessory restrictions and apartment dwellings. A letter will be drafted for the Town Board for review to send on to the Monitor. Mr. Parsons requested that the bullet points be available by the end of the month. He hopes that Mr. Molé can have a draft ready for the July 14th Town Board meeting.

Meeting was adjourned at 9:00pm.

Minutes respectfully submitted by:

Julie McCormick, ACARC secretary

Proposed Agenda

Meeting of the Lewisboro Housing Committee

Tuesday, May 27, 2014, 7 PM

Upstairs Meeting Room, Lewisboro Town House

1--Review of Town Board Meeting April 21 -- discussions of Housing Committee's proposals (referred to Planning Board, ZBA & ACARC)

- a) Three proposals: housing in business districts (see #5 below), accessory apartments and model ordinance
- b) Previous proposed zoning amendments (limiting ownership; enforcement; & deleting proof of income for owners) -- problems with limiting ownership to one unit

2--Status of Settlement and HUD (and Oyster Bay law suits)

3--Report on visit to A-Home house in Pleasantville. Possibilities in Lewisboro? Subcommittee?

4--Oakridge: New Middle Income units at Oakridge / Laurel Ridge

- a) New applicants approved -- agreement for current owners to sell units
- b) How to publicize new units: to school & town employees, etc.
- c) Survey of need for affordable housing in town (as requested by Town Board last year)

5--Zoning provisions for housing in business districts: how much of current multi-family housing codes to adopt and whether additional provisions should be added (required open space, recreational facilities, parking, etc.).

May 1, 2014

Lewisboro Housing Committee

Proposed Amendments to the Zoning Code of the Town of Lewisboro.

The Lewisboro Housing Committee wishes to propose the following amendments to portions of the Zoning Code, specifically Section 220, for consideration by the Town Board. The purpose of the amendments is to facilitate the provision of affordable housing in our town in a manner compatible with rural character of Lewisboro. Members of the Committee present these proposals to the Town Board after serious and thorough consideration of all the issues involved, and look forward to discussing them with the Board.

1. The Housing Committee recommends that the Town amend the zoning code to allow housing in business and commercial areas. Specifically, we propose amending Section 220-24 A, Permitted Uses in CC-20 Districts (Campus Commercial Districts); Section 220-24 C, Permitted Uses in RB Districts (Retail Business Districts); and Section 220-24 D, Permitted Uses in GB Districts (General Business Districts) to allow "Residential use" as a permitted use in these districts.

Therefore, specifically, the following changes are recommended:

--In Section 220-24 A (1) "Permitted Principle Uses" (in CC-20 Districts), we propose adding a clause (e) "Residential use".

--In Section 220-24 C (1) "Permitted Principal Uses" (in RB Districts), we propose adding a clause (k) "Residential use".

--In Section 220-24 D (1) Permitted Principal Uses" (in GB Districts), we propose adding a clause (h) stating "Residential use".

The current zoning code already allows "dwelling units on floors above any permitted principal nonresidential use" under designated conditions. Our proposal would expand the permitted use to include housing within the designated business districts.

The Committee proposes this amendment to the Town Board as a basic concept, and suggests that the Board ask other appropriate bodies considering land use, such as the Planning Board, to recommend which of the existing provisions in the code for multi-family developments and other housing would be appropriate to incorporate into the new amended portion of the code permitting residential use in business districts. These would include such matters as minimum lot size (Section 220-26 A), average gross density (Section 220-26 B (1)), requirements for open space (Section 220-26 D) or recreational

facilities (Section 220-26 D (3)). The Housing Committee will also discuss which of these restrictions should apply.

2. The Housing Committee recommends that the accessory apartments be permitted as of right. Specifically, we propose amending Section 220-40 Accessory apartments (amended in 1989, 1998, and 2003) which currently requires a special use permit. We recommend that the Town Attorney draft the specific language for the amended code for the Town Board's consideration, to permit accessory apartment as of right, providing that those wishing to convert an apartment for such a use meet all environmental and other applicable requirements in the code. The Board may wish the Planning Board to review this proposal as well.
3. A Model Ordinance for Lewisboro. The Housing Committee proposes further amendments to Section 220 of the Town Zoning Code, for the following purposes:
 - To encourage development of "fair and affordable" housing* while simultaneously preserving and protecting the uniquely rural character and all environmentally significant areas within our Town;
 - To ensure that the Town reserves its right to develop designated housing for first responders and other vital personnel in the Town, depending upon need, while maintaining the Town's existing middle-income housing units
 - To ensure that the Town's zoning code remains in compliance with applicable federal, state, and county law, as has already been enacted in many Westchester municipalities over the past few years, including neighboring towns of Bedford, North Salem, Pound Ridge and Somers;
 - To ensure that the Lewisboro Town zoning code is non-discriminatory;

Therefore, the Lewisboro Housing Committee recommends that the Lewisboro Town Board, in consultation with all appropriate subsidiary boards and committees consider the following proposals to amend and supplement the Town's zoning ordinance (Section 220):

- (1) An owner-occupied dwelling unit may be designated and defined as "fair and affordable" if it meets the following criteria:
 - (a) the homeowner's household income does not exceed 80% of Westchester County's median income as defined by the U.S. Department of Housing and Urban Development (HUD), and
 - (b) total costs of home ownership (e.g., mortgage, taxes, insurance, common charges, etc.) do not exceed 33% of household income, thereby ensuring the financial stability and security of these homeowners.
- (2) Any designated "fair and affordable" rental unit is considered as such when:

- (a) the renter's income does not exceed 60% of Westchester's median income as defined by the U.S. Department of Housing and Urban Development (HUD), and
- (b) total housing costs for the rental unit (e.g., rent, utilities, common charges, etc.) do not exceed 30% of the renter's household income, thereby ensuring the financial stability and security of these renters.
- (3) No person(s), including those currently residing in the Town of Lewisboro, is/are entitled to any type of preference or priority in applying for or residing in a designated "fair and affordable" home (as defined in this proposal) within the Town of Lewisboro (whether the unit is owner-occupied or a rental unit) following the effective date of these amendments.
- (4) Following the adoption and effective date of these amendments, the developer of any newly proposed development that contains ten or more units to be constructed in the Town of Lewisboro must designate, within his application to the Town, one residence for each ten units built as "fair and affordable".
- (5) The Housing Committee recommends that the Town's existing ordinance that permits an increase in density when middle income units are included in a development be extended to include "fair and affordable" housing units as defined in this proposal. This would require that Section 220-26 (B) (2) (Development Density) be amended to include the words "fair and affordable" dwelling units" as follows (words to be added in brackets): "The Planning Board may authorize an increase in permitted density by not more than 40% if the applicant constructs at least 1/3 of the additional density units as middle income dwelling units [and or "fair and affordable dwelling units]."
- (6) All "fair and affordable" homes which are established within the Town of Lewisboro must remain "fair and affordable", as defined herein, for a period of fifty years.
- (7) All "fair and affordable" homes which are established within the Town of Lewisboro shall comply with all other requirements delineated within existing Town of Lewisboro Code provisions (e.g., home appearance, siting, minimum floor area, maximum occupancy of home, applicable health and safety provisions, etc.).
- (8) The Housing Committee recommends that these amendments apply solely to *future* construction, renovations or conversions following the date of adoption of these proposals.
- (9) The provisions outlined above for "fair and affordable housing" in no way abrogates the Town's right to provide housing for first responders or other personnel providing services in town, nor to provide housing for senior citizens or disabled residents, as it deems appropriate for the wellbeing of the Town.
- (10) The Lewisboro Housing Committee shall propose to the Town Board appropriate rules and regulations for the administration of "fair and affordable" housing units, if asked to do so.
- (11) All "fair and affordable" units, whether for purchase or rent, shall be marketed in accordance with the requirements, policies and protocols established in the Westchester

County Fair & Affordable Housing Affirmative Marketing Plan, so as to ensure outreach to racially and ethnically diverse households.

(12) At a future date when the Town's Master Plan and Zoning Code are reviewed, it is recommended that they be simplified and streamlined to promote the following zoning/planning strategies which are consistent with the goals of promoting development of both first responder housing and "fair and affordable" housing as defined in this proposal:

- (a) encouragement of bonus density/special-use town-wide,
- (b) cluster-housing guidelines for future Town subdivision applications,
- (c) economic incentives for construction of and conversion to "fair and affordable" housing,
- (d) an expedited project review process, including an early negative declaration under SEQRA, when appropriate.

*The new designation of "fair and affordable" housing as defined above does not replace or eliminate the current designated "middle income" housing category, as defined and described in Section 220 of the Town Code. The existing and approved units will continue to be administered as before, and may be added to at the discretion of the appropriate town authorities.

May 20, 2014

Wait List for Affordable Units: Approved applicants in order of preference

1. John & Dawn McGraw. 24 Fox Run, South Salem, NY 10590
Email: dawn.mcgraw@yahoo.com
Telephone (Mrs. McGraw): 203-249-9330
2. Elisabeth Karsyns-Mance. 118 Stone Meadow, South Salem, NY 10590 (a Middle Income unit). Has signed the agreement to sell her unit.s
Email: lisa.karsyns@gmail.com
Telephone: 914-533-7122
3. Mark & Karen Breckinridge. 10 Charles Ln, Cherry Hill, NJ 08003
Email: mark.breck@gmail.com
Telephone (Mr. Breckinridge's cell): 609-238-3913
The Breckinridges are retired and moving to Lewisboro to be near their daughter and grandchildren, who live on Post Office Road in South Salem.
4. Jean Luc Le Gall. 123 Stone Meadow, South Salem, NY 10590 (owns two Middle Income unit). Has signed the agreement to sell his two units.

We will also take another look at Diane Reiter, rejected last fall. Ms. Reiter has since lost her job.

April 27, 2014

Applicants for Middle Income Housing

1--Purchases:

Approved (new units):

McGraws (3/2014)

Breckinridge (4/2014)

Rejected

Reiter (3/2014) – income over the limit

Pending (new units):

Karsyns-Mance

LeGall

2—Rentals:

Approved: Pierce for Thayer unit (withdrawn)

Pending: De Grasse for Thayer unit (waiting for more info, but probably to be turned down due to income over the limit)

Notes of the March 23, 2014 Meeting
Of the Lewisboro Housing Committee

The meeting began at 7:00 pm. Attending were Nicholas Daniello, Glenn De Faber, Ralph DeLucia, Tony Goncalves, Peter Parsons, Linda S. Rae and Karen Wagner.

Also attending were representatives from A-Home: Debbie Haglund, Executive Director; Patrick Brennan, Member of the Board of Directors, and Garry Grinelli, Facilities Manager. The representatives described A-Home's operations in Lewisboro and elsewhere in Northern Westchester, including shared housing for disabled adults at Lengyel House in South Salem, and 12 units of senior housing in Pound Ridge, where each three units share a kitchen. A-Home, a non-profit organization, provides case management for its shared housing, with applicants for housing carefully screened by a committee of volunteers.

The organization's most recent project is a house in Pleasantville with an accessory apartment, that was purchased for a dollar from the town, renovated and then marketed and sold under the terms of the County Settlement (selection of purchasers is by lottery, as preferential lists are not permitted). A-Home is able to apply for and receive block grants for such projects that accord with the Settlement, although funding for shared housing has become more difficult to obtain, as the shared living model does not fit into or comply with the provisions of the Settlement.

Discussion and questions followed in regard to areas where Lewisboro and A-Home might be able to work together in Lewisboro for possible additional housing. It was suggested that the proposal now being discussed by the committee to permit multifamily housing over or in shopping centers (similar to Mamaroneck's recent zoning amendments) might provide an opportunity to affordable housing units in our town, if the owners were amenable. It was agreed that committee members would speak with shopping center owners (Mr. Parsons to speak with Cross River Orchard Square owner; Ms. Rae has since spoken to Phil Pine, owner of the Vista shopping Center). It was also suggested that delinquent and derelict properties be identified as possible locations for renovation as affordable homes, similar to the Pleasantville house recently renovated by A-Home. There has been positive feedback from neighbors of this house, which blends right into the neighborhood. A-Home invited the committee to visit the house (Ms. Wagner and Ms. Rae did so later that week). In discussing possible sources of funding for building or renovations, it was suggested that offering a tax credit could attract a developer.

After the A-Home presentation, the Committee discussed the proposal to allow multifamily housing in commercial areas, as well as more accessory apartments, partly as a way to provide for our needs (ie., housing for first responders).

Committee members were urged to attend the Town Board Meeting of Monday, April 21, when Norma Drummond, County Deputy Commissioner of Planning, will be on hand to talk to the Board about the County Housing settlement [also on the agenda for this meeting are proposed amendments to the zoning code to limit affordable housing to one unit; to add enforcement provisions for responding the annual housing survey, and to remove the need for owners to provide income verification]. The Committee decided to meet as usual on the 4th Tuesday of the month, April 22, at 7 pm.

Respectfully submitted,
Linda S. Rae

Agenda

Meeting of the Lewisboro Housing Committee

Tuesday, March 25, 2014, 7 PM

Upstairs Meeting Room, Lewisboro Town House

1. Representatives from A-Home: Debbie Haglund, Executive Director; Patrick Brennan, Member of the Board of Directors, and Garry Grinelli, Facilities Manager.
2. The Town Board Work Session April 21: Norma Drummond to come (Deputy Commissioner, Westchester County Planning Dept.)
3. Revision of proposal (extensive revision of LEPHOCA/Model Ordinance to amend Zoning code - Presentation to Town Board postponed to give Committee time to develop new draft)
4. Concurrent proposals to revise zoning code:
 - a. To facilitate accessory apartments
 - b. To permit housing in commercial areas, similar to Mamaroneck's changes
 - c. Delete requirement to check on owners income, except at time of purchase
 - d. Change percentage of fair market value of investments from 8% to 3 or 4% (Section 220-2, Middle Income Families, (2))
5. Oakridge & Annual Survey
 - a. Meeting with Anthony Molé on:
 - Disappearance of deed restriction for one unit
(but designated by Planning Board on approved site plan)
 - Enforcement issues: three non-complying owners
 - b. Annual Survey to be sent to all owner/occupants beginning of April
 - c. Other issues (if time – if not, L. Rae to report to committee by email):
 - Jean Luc LeGall
 - Five new Middle Income units at Oakridge
 - New applicants approved

Proposals by the Lewisboro Housing Committee to Amend the Town Zoning Code

The Town of Lewisboro Housing Committee has worked to develop and refine proposals to amend the Town Code Zoning Code (Section 220) for the following purposes:

- To facilitate further development of middle income housing for first responders and other vital personnel in the Town, while maintaining the Town's existing middle-income housing units;
- To encourage development of "fair and affordable" housing while simultaneously preserving and protecting the uniquely rural character and all environmentally significant areas within our Town;
- To ensure that its zoning code remains in compliance with applicable federal, state, and county law, as has already been enacted in over twenty Westchester municipalities over the past few years, including neighboring towns of Bedford, North Salem, Pound Ridge and Somers;
- To ensure that the Lewisboro Town zoning code is non-discriminatory;

Therefore, the Lewisboro Housing Committee recommends that the Lewisboro Town Board, in consultation with all appropriate subsidiary boards and committees consider the following proposals to amend and supplement the Town's zoning ordinance (Section 220):

Proposal # 1: Fair and Affordable Housing*

- (1) An owner-occupied dwelling unit may be designated and defined as "fair and affordable" if it meets The following criteria:
 - (a) the homeowner's household income does not exceed 80% of Westchester County's median income as defined by the U.S. Department of Housing and Urban Development (HUD), and
 - (b) total costs of home ownership (e.g., mortgage, taxes, insurance, common charges, etc.) do not exceed 33% of household income, thereby ensuring the financial stability and security of these homeowners.
- (2) Any designated "fair and affordable" rental unit is considered "fair and affordable" when:
 - (a) the renter's income does not exceed 60% of Westchester's median income as defined by the U.S. Department of Housing and Urban Development (HUD), and
 - (b) total housing costs for the rental unit (e.g., rent, utilities, common charges, etc.) do not exceed 30% of the renter's household income, thereby ensuring the financial stability and security of these renters.
- (3) No person(s), including those currently residing in the Town of Lewisboro, is/are entitled to any type of preference or priority in applying for or residing in a designated "fair and affordable" home (as defined in this proposal) within the Town of Lewisboro (whether the unit is owner-occupied or a rental unit) following the effective date of these amendments.

- (4) Following the adoption and effective date of these amendments, the developer of any newly proposed development that contains ten or more units to be constructed in the Town of Lewisboro must designate, within his application to the Town, one residence for each ten units built as "fair and affordable".
- (5) The Housing Committee recommends that the Town's existing ordinance that permits an increase in density when middle income units are included in a development be extended to include "fair and affordable" housing units as defined in this proposal. This would require that Section 220-26 (B) (2) (Development Density) be amended to include the words "'fair and affordable' dwelling units" as follows (words to be added in brackets): "'The Planning Board may authorize an increase in permitted density by not more than 40% if the applicant constructs at least 1/3 of the additional density units as middle income dwelling units [and or "air and affordable dwelling units]."'
- (6) All "fair and affordable" homes which are established within the Town of Lewisboro must remain "fair and affordable", as defined herein, for a period of fifty years.
- (7) All "fair and affordable" homes which are established within the Town of Lewisboro shall comply with all other requirements delineated within existing Town of Lewisboro Code provisions (e.g., home appearance, siting, minimum floor area, maximum occupancy of home, applicable health and safety provisions, etc.).
- (8) The Housing Committee recommends that these amendments apply solely to future construction, renovations or conversions following the date of adoption of these proposals.
- (9) The provisions outlined above for "fair and affordable housing" in no way abrogates the Town's right to provide housing for first responders or other personnel providing services in town, nor to provide housing for senior citizens or disabled residents, as it deems appropriate for the wellbeing of the Town.
- (10) The Lewisboro Housing Committee shall propose to the Town Board appropriate rules and regulations for the administration of "fair and affordable" housing units, if asked to do so.
- (11) All "fair and affordable" units, whether for purchase or rent, shall be marketed in accordance with the requirements, policies and protocols established in the Westchester County Fair & Affordable Housing Affirmative Marketing Plan, so as to ensure outreach to racially and ethnically diverse households.
- (12) At a future date when the Town's Master Plan and Zoning Code are reviewed, it is recommended that they be simplified and streamlined to promote the following zoning/planning strategies which are consistent with the goals of promoting development of both first responder housing and "fair and affordable" housing as defined in this proposal:
 - (a) encouragement of bonus density/special-use town-wide,
 - (b) cluster-housing guidelines for future Town subdivision applications,
 - (c) economic incentives for construction of and conversion to "fair and affordable" housing,
 - (d) an expedited project review process, including an early negative declaration under

SEQRA, when appropriate.

*The new designation of “fair and affordable” housing as defined above does not replace or eliminate the current designated “middle income” housing category, as defined and described in Section 220 of the Town Code. The existing and approved units will continue to be administered as before, and may be added to at the discretion of the appropriate town authorities.

TOWN OF LEWISBORO

LOCAL LAW NUMBER __-2014 OF THE TOWN OF LEWISBORO

AMENDMENTS TO CHAPTER 220 OF THE LEWISBORO TOWN CODE

BE IT ENACTED by the Town Board of the Town of Lewisboro, Westchester County, New York, as follows:

Section 1. Chapter 220, Section 220-26(F)(1), entitled "Middle-income dwelling units," is hereby amended to read as follows:

§ 220-26(F). Middle-income dwelling units.

(1) Distribution. Such units shall be available for sale, resale or continuing rental only to middle-income families, as defined in §220-2 of this chapter. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one-, two-, three- or four-bedroom units in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of Lewisboro. An owner of a middle-income dwelling unit may own a maximum of one middle-income dwelling unit at one time. This restriction shall not prohibit a person or entity creating affordable housing from owning more than one such unit at one time, but the purchasers of the units so created shall be restricted to owning only one such unit at one time.

Section 2. Chapter 220, Section 220-26(F)(7)(c) and Section 220-26(7)(d), entitled "Middle-income dwelling units," is hereby amended to read as follows:

§ 220-26(F). Middle-income dwelling units.

(7) Continued eligibility.

- (c) In the case of owner-occupied middle-income dwelling units, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then-maximum sales price for said unit, as determined in accordance with Subsection F(4) of this section, or the sum of the following, whichever is greater:

[1] The actual purchase price of the unit by the home buyer.

[2] The value not to exceed original cost of any fixed improvements made by the home buyer, and not included within Subsection F(7)[1] above.

[3] Reasonable and necessary expenses incidental to the resale.

The form of the deed for the transfer of any such units is subject to the review of the Housing Committee prior to such transfer, to ensure that the appropriate restriction is included in the deed.

- (d) Each year the renters and owners of the middle income dwelling units must complete and submit to the Building Department within 10 days of receipt or by the deadline set forth in the survey, whichever is later, a completed survey to prove that they continue to qualify and be eligible to own or rent a middle income dwelling unit. Failure to submit the completed survey shall be a violation of this chapter.

Section 3. Chapter 220, Section 220-26(F)(8)(c), entitled "Middle-income dwelling units," is hereby amended to read as follows:

§ 220-26(F). Middle-income dwelling units.

(8) Administration.

- (c) The Town Housing Committee shall certify as eligible all applicants for rental or sales of middle-income dwelling units and shall annually reexamine or cause to be reexamined each rental family's income.

Section 4. If any provision of this Local Law is declared illegal, unconstitutional or unenforceable by a court of competent jurisdiction, the remainder of this Local Law shall be declared to have been separately adopted and shall remain in full force and effect.

Section 3. This local law shall take effect upon filing in the Office of the Secretary of State of the State of New York.

Dated:

BY THE ORDER OF THE TOWN BOARD OF
THE TOWN OF LEWISBORO

JANET DONOHUE, TOWN CLERK

Proposals Relating to Housing in Business Districts and Accessory Apartments

1—Possible Proposal to amend Zoning Code Sections 220-24 (C) RB and (D) GB districts, to permit multi-family housing in our commercial districts, similar to Mamaroneck's amendments. Such an amendment could help to provide first responder housing as well as possibly satisfying one of the County's settlement priorities.

Questions: first, we already allow "dwelling units on floors above any permitted principal nonresidential use" under designated conditions involving fire walls – 220-24 (C) –Permitted uses in RB districts, (f). For multifamily housing, we would simply need to propose adding a clause (i) after (j), Child day care, to this effect:

(i) Multi-family housing

However: unless we are prepared to present the proposal in very rough format as a concept, without further detail (stating that the exact provisions would be worked out subsequently), these questions need to be considered:

--Mamaroneck includes very specific ordinances governing design, landscaping and parking. Do we want to make any new multifamily housing in this district subject to the ordinances in our Multifamily housing district MF,2(20-26. R-MF Multifamily Residence District?). We may, in fact, need to create new criteria, as not every provision in this Section may not be appropriate or even possible. Eg:

--220-26 (A) requires than "The lot upon which such dwelling units shall be constructed shall have an area of not less than 15 acres, etc..."

--220-26 (B) (1) "The average gross density shall not exceed two density units per acre of net lot area".

--220-26 (D) "At least 50% of the gross area of the site shall be preserved as permanent open space, etc."

--220-26 (D) (3) "...a total of not less than 300 square feet per density unit shall be improved with common recreational facilities, etc..."

Clearly, the regulations in this Section have clearly been designed with a large development in mind, such as Oakridge, but may not be applicable to small multifamily units that might be built on or around a shopping center.

2---Possible Proposal to amend Zoning Code to facilitate Accessory Apartments:

The Monitor would like towns to make accessory apartments "as of right" (see complaint under "Implications in the Monitor's Letter to Peter Parsons of March 13, 2013). *Question:* if a special permit is no longer needed for a home owner to create an accessory apartment, what impact could this have on a neighborhood? Would there be an opportunity for a neighbor to weigh in on whether such an apartment might impact them and the neighborhood in terms of increased traffic and general use, property values, etc?

The Monitor also appears to object to the limit on the number of people living in such an accessory apartment. The same question applies here as to the possible impact on the neighbors.

Proposed Housing Committee Resolution
Lewisboro Enhancement and Promotion of Housing Opportunities for Citizens Act (LEPHOCA)

WHEREAS, the Town of Lewisboro seeks to ensure that its zoning code remains in compliance with applicable federal, state, and county law, as has already been enacted in some twenty Westchester municipalities during 2011 and 2012, including Bedford, North Salem, Pound Ridge and Somers, and

WHEREAS, the Town of Lewisboro intends to encourage development of fair and affordable housing development throughout all of Westchester County, while simultaneously preserving and protecting the uniquely rural character and all environmentally significant areas within our Town, therefore,

BE IT RESOLVED that the Town of Lewisboro Housing Committee recommends that the Lewisboro Town Board, in consultation with all appropriate subsidiary Boards, Committees, and Councils, amend the Town's zoning ordinance (Section 220 of the Town Code) to incorporate the following provisions when adopted:

- (1) Any applicable owner-occupied fair and affordable home is considered "fair and affordable" under LEPHOCA when:
 - (a) the homeowner's household income does not exceed 80% of Westchester County's median income as defined by the U.S. Department of Housing and Urban Development (HUD), and
 - (b) total costs of home ownership (e.g., mortgage, taxes, insurance, common charges, etc.) do not exceed 33% of household income, thereby ensuring the financial stability and security of these homeowners.
- (2) Any applicable fair and affordable rental unit is considered "fair and affordable" under LEPHOCA when:
 - (a) the renter's income does not exceed 60% of Westchester's median income as defined by the U.S. Department of Housing and Urban Development (HUD), and
 - (b) total housing costs for the rental unit (e.g., rent, utilities, common charges, etc.) do not exceed 30% of the renter's household income, thereby ensuring the financial stability and security of these renters.
- (3) No person(s), including those currently residing in the Town of Lewisboro, is/are entitled to any type of preference or priority in applying for or residing in a LEPHOCA fair and affordable home within the Town of Lewisboro (whether the unit is owner-occupied or a rental unit) following the effective date of LEPHOCA.
- (4) Following the enactment and effective date of LEPHOCA, the developer of any newly proposed development that contains ten or more units to be constructed in the Town of Lewisboro must designate, within his application to the Town, one residence for each ten

units built as "fair and affordable" under LEPHOCA.

- (5) When the Town's Master Plan and Zoning Code are reviewed, it is recommended that they be simplified and streamlined to promote the following zoning/planning strategies which are consistent with the goals of LEPHOCA:
 - (a) encouragement of bonus density/special-use town-wide,
 - (b) cluster-housing guidelines for future Town subdivision applications,
 - (c) economic incentives for construction of and conversion to fair and affordable housing,
 - (d) an expedited project review process, including an early negative declaration under SEQRA, when appropriate.
- (6) All "fair and affordable" homes which are established within the Town of Lewisboro following the effective date of LEPHOCA must remain "fair and affordable", as defined herein, for a period of fifty years, as mandated by Westchester County.
- (7) All fair and affordable homes which are established within the Town of Lewisboro following the enactment of LEPHOCA shall comply with all other requirements delineated within existing Town of Lewisboro Code provisions (e.g., home appearance, siting, minimum floor area, maximum occupancy of home, applicable health and safety provisions, etc.).
- (8) It is the express intention of LEPHOCA that these recommendations apply solely to future construction, renovations or conversions following the date of adoption of LEPHOCA.
- (9) The Town of Lewisboro Housing Committee shall propose to the Town Board appropriate rules and regulations for the implementation of LEPHOCA within a reasonable time following the effective date of LEPHOCA, if asked to do so.
- (10) All LEPHOCA units, whether for purchase or rent, shall be marketed in accordance with the requirements, policies and protocols established in the Westchester County Fair & Affordable Housing Affirmative Marketing Plan, so as to ensure outreach to racially and ethnically diverse households.

TOWN OF LEWISBORO
Housing Committee
Orchard Square – Lower Level
20 North Salem Road
Cross River, NY 10518
(914)763-5592

**TABLE OF MAXIMUM INCOME & SALES PRICES
FOR MIDDLE INCOME HOUSING UNITS**

Effective April 1, 2014 – March 31, 2015

The formulae for determining the maximum income eligibility and unit sales prices for Middle Income Units may be found in sections 220-2 and 220-26 of the Code of the Town of Lewisboro.

Median wage paid to Town employees in 2013: \$ 84,362.

MAXIMUM FAMILY INCOME

SIZE OF FAMILY	MULTIPLE OF MEDIAN ANNUAL TOWN-PAID WAGES	MAXIMUM FAMILY INCOME Effective April 1, 2014
1	0.9	\$ 75,926
2	1.1	\$ 92,798
3	1.3	\$ 109,671
4	1.4	\$ 118,107
5	1.6	\$ 134,979
6	1.7	\$ 143,415

MAXIMUM SALES PRICES*

UNIT	MINIMUM/MAXIMUM OCCUPANCY	MAXIMUM SALES PRICE* Effective April 1, 2014
EFFICIENCY	-1	\$ 151,852
1 BEDROOM	1-2	\$ 185,596
2 BEDROOM	2-4	\$ 236,214
3 BEDROOM	3-6	\$ 286,830

*Please note: The Maximum Sales Prices are derived from a set formula and do not reflect the Market Value.

Prepared by the Lewisboro Housing Committee

**TOWN OF LEWISBORO
Housing Committee
Orchard Square – Lower Level
20 North Salem Road
Cross River, NY 10518
(914)763-5592**

Maximum Monthly Rental Amounts For

Middle Income Housing Units

Effective April 1, 2014 – March 31, 2015

The formula for determining the maximum rental amounts for middle-income units may be found in sections 220-2 and 220-26 of the Code of the Town of Lewisboro.

The maximum rental amounts on middle-income units are as follows:

EFFICIENCY: \$ 1,329

1 BEDROOM: \$ 1,624

2 BEDROOMS: \$ 2,067

3 BEDROOMS: \$ 2,510

TOWN OF LEWISBORO
Housing Committee
Orchard Square – Lower Level
20 North Salem Road
Cross River, NY 10518
(914)763-5592

**TABLE OF MAXIMUM INCOME & SALES PRICES
FOR MIDDLE INCOME HOUSING UNITS**

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*Please note: The Maximum Sales Prices are derived from a set formula and do not reflect the Market Value.

Prepared by the Lewisboro Housing Committee

Notes of the February 25, 2014 Meeting
Of the Lewisboro Housing Committee

The meeting was called to order at 7:30 pm. Attending were Glenn De Faber, Ralph DeLucia, John Pappalardo, Peter Parsons, Linda S. Rae and Karen Wagner.

The committee discussed on-going efforts to enforce compliance with the 2013 Annual Survey, which requires owners and occupants to verify their income and the status of their unit, per the Zoning code. As of this date, three owners have failed to reply out of 35 units (a fourth replied, but was not able to provide proof of income). Although this is quite a good response rate, the non-responding owners have each received three letters, including a registered letter sent to them last December. One of these was delivered and two were not picked up. The committee asked Linda Rae to check on the addresses with the tax office [since done – their addresses are the same as ours].* Linda passed out the new maximum rents, sales prices and incomes for 2014-15, that will be included in the survey. Linda mentioned Aimee Hodge's suggestion that the zoning code be amended to delete the requirement to get proof of income from existing owners, since the committee will not try and take their properties from them if they exceed income limits (in accordance with other towns' policies). The income limits are enforced for purchasers and renters. The committee was open to the idea.

We have our first application for one of the new units to be built at Oakridge (the applicants are well within the required guidelines). Peter Parsons suggested that Linda check with the Oakridge developer Phil Pine as to the construction schedule before accepting the applicant [call made but not returned]. Linda reported on Jean Luc LeGall's wish to buy a third unit. The committee asked Linda to find out why Mr. LeGall is not renting his second unit, which is currently vacant, before making a decision, as having more rentals would be the main reason to grant him permission.

Discussion followed on the problem of the missing Middle Income unit restriction language in current deeds for our Oakridge units. John Pappalardo felt it need not be a problem, but is probably an administrative oversight that can be corrected by a correction deed. However, Peter said that since at least one unit appears not to have had the restriction in the original deed, this may pose problems. Peter invited anyone interested to join him and Linda at a meeting with the Town attorney, Anthony Molé. Ralph DeLucia said he would like to attend [the meeting has since taken place, we will report on it]. Discussion followed on how to keep the Town in the loop when a Middle Income property is transferred. John suggested filing "a restriction and covenant" on all the properties so that title companies to see.

Peter brought the committee up to date on the County settlement and its implications for the Town, and Linda passed out copies of an email from committee member Linda Press-Wolfe (also Chair of the Westchester County Housing Opportunity Commission). It appears that out of the 7 towns originally considered by the monitor and HUD to have discriminatory zoning codes and ignoring the Settlement, five have taken measures to adopt provisions of the Model Ordinance or made other revisions to their zoning. Therefore, they have been removed or are in the process of being removed, leaving only Lewisboro and Harrison on the list. Peter said that one of the towns, Mamaroneck, is changing its zoning to allow housing in commercially-zoned areas, something he thought we should also consider.

John said that HUD was clearly looking for Lewisboro to "get active". He suggested getting housing on the agenda of the Town Board with our proposed legislation. He said there were concerns on the Board about LEPHOCA, in that it "could impinge on home rule," and that it doesn't address the issue of first responders (and they don't like the name!). He urged the committee to take a two-pronged approach to facilitate consideration by the board, addressing both the LEPHOCA proposal that the Committee presented to the Board a year ago, but also first responder housing. John felt it might be tight to present at the March 24 work session, although it was felt we could try for this date.

Peter felt we should revise zoning to make it easier to put in accessory apartments (the difficulty of doing this is one of the monitor's complaints about Lewisboro). This could also help to rein in illegal apartments. With the legal process made

easier, we could then advertise these to first responders. Peter also suggested a tax reduction to encourage conversions. Another idea was to locate and convert run-down houses that are near foreclosure. A-Home might be of help here.

Linda asked if Peter would invite Norma Drummond of the Deputy Commissioner of the Westch. County Planning Dept. to a Town Board meeting, preferably when the Housing Committee reintroduces LEPHOCA to the Board. Peter agreed to do this.

It was agreed to meet on the last Tuesday of every month. Linda Press Wolfe had asked the committee for an earlier meeting time, and members agreed to meet at 7 pm, the earliest for some members to make. The next meeting will be held on Tuesday, March 25, at 7 PM at the Town House.

Respectfully submitted,

Linda S. Rae, Chair

*Since our meeting, it appears that one of the owners, Mikolay, a high-end jewelry designer who lives elsewhere, has used his unit to house women from a shelter for abused women.

Agenda

Meeting of the Lewisboro Housing Committee

Tuesday, February 25

1. Update on County Settlement and Monitor Letter (Peter Parsons & Linda Press Wolfe)
 - Reintroducing LEPHOCA to Board March 24
2. 2013 and 2014 Survey
 - Results of 2013 survey
 - Propose zoning change to requirement that Committee ask owner's income?
3. 2014-15 Income limits and sales/rental maximums
4. Oakridge
 - Disappearance of restrictions in deeds
 - Enforcement issues: three non-complying owners
 - Jean Luc Le Gall: purchase of third unit?
 - New units, one application

Maximum Monthly Rental Amounts
For Middle Income Housing Units
April 1, 2014 – March 31, 2015

Based on the Actual Median Town Compensation:

1. The maximum monthly rental amounts for Middle income Units are as follows:
(Multiple X max. family income X 1.75)

Efficiency:	\$1,329
1 Bedroom:	\$1,624
2 bedrooms:	\$2,067
3 bedrooms:	\$2,510

2. Maximum Family Income for Eligibility (based on Median Town Compensation):
(Multiple x Median Town Compensation)

Family Size	Multiple of Median Town Wage	Maximum Family Income
1	.9	\$75,926
2	1.1	\$92,798
3	1.3	\$109,671
4	1.4	\$118,107
5	1.6	\$134,979
6	1.7	\$143,415

3. Maximum Sales prices:

Unit	Maximum Occupancy	Maximum Sales Price (2X Max. Family Income)
Efficiency	1	\$151,852
1 bedroom	2	\$185,596
2 Bedroom	4	\$236,214
3 bedroom	6	\$286,830

Town of Lewisboro
Oakridge Middle Income Housing Units
South Salem, New York 10590

Current Owner List as of

1/1/2014

Block: 09830, all lots are the same as house #s

Current Owner Name	Mailing Address	Address	Bid	Unit	TO	OO	Survey		Notes
							Back	Back	
Gail Labow Anton	13 Elm St. Cortlandt Manor 10567								
Jimmy Wang		12 Fox Run	7	ME					
Susan Gold		15 Fox Run	7	M1	x				
Jessica Hanlon		22 Fox Run	8	M1		x			not selling
Joseph Licciardello		25 Fox Run	8	M1		x			not selling
Joan Laquidara		56 Fox Run	2	M1					Kovac's renting?
Gregory Simms		59 Fox Run	2	M1				3rd req	
Aracelis Cruz		74 Fox Run	3	M2		x			Owner passed away, wants daughter to live in it per sister
Linda Naylor		7 Oakridge Dr.	1	M2				x	Giving to bank
Edward Bondi		28 Oakridge Dr.	8	ME				3rd req	
		31 Oakridge Dr.	8	M1		x			not selling
Jean-Luc Le Gall									
Michel Behringer		45 Bittersweet Lane	11	M1					unit empty, verbally advised, interested in selling or renting
Lori Ann McCarthy		48 Bittersweet Lane	11	ME				x	
Dianee Reiter		53 Bittersweet Lane	11	M3		x			not selling
Elisabeth Karsyns-Mance		117 Stone Meadow	13	M1		x			not selling
Jean-Luc Le Gall		118 Stone Meadow	13	M2		x			not selling
Timothy Cornell & Junko Iwamizu (Sherri Socci)		123 Stone Meadow	14	M1		x			not selling
Jerome & Christiane Barnum	PO Box 128 Arawalk 10501	133 Stone Meadow	13	M2					not selling
John & Lisa Ciaccio		139 Stone Meadow	15	M1				x	
Margaret Quinn		152 Stone Meadow	16	M3		x			not selling
Elizabeth Shaban		163 Laurel Ridge Rd.	17	M1		x			not selling
Doug & Marilyn Hall		167 Laurel Ridge Rd.	17	M2		x			not selling
Liana Francis		174 Laurel Ridge Rd.	18	M3		x			not selling
		176 Laurel Ridge Rd.	19	M1		x			not selling
Jennifer Thayer (Lindsay Summa)		179 Laurel Ridge Rd.	19	M1					
Jay & Linda Cottler		190 Laurel Ridge Rd.	20	M2	x			x	not selling

Builder: PG & RF Construction Corp.
RR2 Box #200 South Salem, NY 10590

Town of Lewisboro
Oakridge Middle Income Housing Units
South Salem, New York 10590

Current Owner List as of

1/1/2014

Block: 09830, all lots are the same as house #s

Builder: PG & RF Construction Corp.

RR2 Box #200 South Salem, NY 10590

Current Owner Name	Mailing Address	Address	Bid	Unit	TO	OO	Back	Survey	Notes
Jhon Cano		194 Laurel Ridge Rd.	20	M1		x	x		not selling
Lucille Duke		224 Lakeside Dr.	23	M1		x	x		not selling
Theresa & Thomas Leahy		227 Lakeside Dr.	23	M2		x	x		not selling
Ann Touhy		232 Lakeside Dr.	23	M2		x	x		not selling
Alexander Tureaud, III		238 Deer Hill	27	M1			3rd req		
Jayne McGinley		240 Deer Hill	30	M1		x	x		not selling
Sharon Victor		261 Deer Hill	30	M2		x	x		not selling
Thomas G. Connolly	44 Hillside Ave New Canaan CT	263 Maplewood Dr.	31	M1			3rd req		STAR
Scott Mikolay	51 Laurel Mt. CT, Kent NY 10512	265 Maplewood Dr.	31	M1			3rd req		STAR
Matthew & Linda Brotmann	c/o Brottmann Law Grp 2 Gannett Dr, Ste 108, White Plains 10604	268 Maplewood Dr.	31	M3		x	x		
Summary									
		Efficiency	(ME)	3					
		1 Bedroom	(M1)	19					
		2 Bedroom	(M2)	9					
		3 Bedroom	(M3)	4					
		Total Units		35					

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
IMPLEMENTATION PLAN**

August 9, 2010

Appendix D-2 (ii): Discretionary Funding Allocation Policy

WESTCHESTER COUNTY ALLOCATION POLICY FOR DISCRETIONARY INTERMUNICIPAL FUNDING

Beginning on January 30, 2011, the grant of discretionary intermunicipal funding, including but not limited to County Open Space funds and CDBG funding, ("Discretionary Funding") to municipal recipients eligible under the *U.S. ex rel. Anti-Discrimination Center v. Westchester* ("Eligible Municipal Recipients") shall be specifically conditioned upon the Recipient's commitment to affirmatively further fair housing ("AFFH") within its borders. Pursuant thereto, each Recipient shall be required to commit to the County, in writing, that it is in compliance with the following terms and conditions in connection with its commitment to AFFH:

- (a) adopt municipal zoning code provisions and/or policies which demonstrate a commitment to AFFH, including inclusionary zoning standards and a ban on preferences for the award of fair and affordable housing units except to the extent provided in the Westchester County Model Zoning Ordinance Provisions;
- (b) offer the County of Westchester a Right of First Refusal to retain and/or purchase any and all land acquired in rem to be used for housing that AFFH; and
- (c) require that the Westchester County Fair & Affordable Housing Affirmative Marketing Plan be adhered to for any and all fair and affordable housing units developed or offered within the Recipient's boundaries.

The County's audit rights under any such grant agreement shall extend to all documents, reports, and records which relate to the Recipient's commitment to AFFH as described herein. Should Recipient fail to abide by any of the above conditions, Recipient will be obliged, upon thirty (30) days written notice by the County, to refund any such funds paid to the Recipient.

Applications for Discretionary Funding submitted by non-municipal entities shall be reviewed to clarify whether or not such entity is acting as an agent of a municipality for purposes of the project for which funding is sought. If such entity is deemed to be acting in the capacity of agent for a municipality, said application will be subject to a review of the agent-municipality's compliance with the AFFH policy stated above. The determination as to whether an agency relationship exists shall be based on the principles of law relating to agency relationships in New York State, and the fact that the non-municipal entity/applicant may be required by local municipal codes to obtain municipal approvals or abide by municipal processes for such approvals in connection with such application shall not be determinative of the agency relationship.

[Note: the County of Westchester shall provide notice of all non-municipal applications for funding to the local municipality in which the funding is proposed to be spent.]

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
IMPLEMENTATION PLAN
August 9, 2010**

**Appendix D-2(iii): Act #11-2010 by BOL RE: Approval of FY 2010 Application to
HUD**

HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if adopted, would 1) authorize the filling of the 35th Year Application to the U.S. Department of Housing and Urban Development ("HUD") for approximately \$8,473,589 from three (3) federal sources: Community Development Block Grant ("CDBG") funds, the Federal HOME Program and the Emergency Shelter Grant ("ESG") Program; and 2) authorize the County to submit to HUD an amendment to the FY 2009-2013 Consolidated Plan (the "Plan") including an Action Plan for Fiscal Year 2010. Your Honorable Board, by Act No. 152-2005, authorized the County to enter into cooperation agreements with forty (40) municipalities participating in the programs, as the first step in qualifying these municipalities to receive these funds during Fiscal Year 2010 (May 1, 2010, to April 30, 2011).

The Plan has been developed in consultation with members of the County Planning Board, Westchester Urban County Council, and the Community Development Advisory Group, and has been subject to public comment on a local level before project submissions, and on a County level as a whole Plan. The Federal award will provide approximately \$6,378,239 from CDBG, \$1,845,350 from HOME and \$250,000 from ESG. One original and two (2) copies of the Plan and the FY 2010 Plan's project Listings have been submitted with the proposed Act.

Prior to the disbursement of any funds hereunder, each participating municipality shall be required to certify, as appropriate, that it shall actively further implementation of the Settlement Agreement and Order in *United States of America ex.rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, NY* through their land use regulations and other affirmative measures to assist development of affordable housing, under such terms and conditions as approved by the County Attorney. Please note, your Committee has been advised that the Planning Department has determined that under the State Environmental

Quality Review Act Regulations, your Board is not required to make any determinations because this legislation is a "Type II" action. Your Committee concurs with this conclusion.

Over the past 34 years, the County has received over \$176 million of non-repayable federal funding to undertake activities such as housing rehabilitation, public improvements in designated target areas, code enforcement, and a complete array of community development activities on behalf of the municipalities participating in the program. Once the Act is adopted by a majority of your Board, a resolution must then be submitted to the Board of Acquisition and Contract for approval. All approvals must be completed prior to submission of the 35th Year Application, which must be submitted to the Federal government no later than March 15, 2010.

After thorough consideration, your Committee concurs with the County Executive's recommendation to adopt the annexed Act.

Dated: *March 1,*
White Plains, New York

2010

[Signature]
[Signature]
Judith Myers
Wanna Burt
[Signature]

Housing & Planning

[Signature]
[Signature]
[Signature]
Mark L. Rogers
Judith Myers
Wanna Burt
William J. Ryan

COMMITTEE ON

Budget & Appropriations