



## Committee on Infrastructure

~MINUTES~

Monday, November 13, 2017

9:31 AM

**DRAFT**

Committee Chair: MaryJane Shimsky

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

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### CALL TO ORDER

With a quorum present, Chair MaryJane Shimsky called the meeting to order at 9:45 AM. Joint with B&A (10474, 10475, 10476, 10509, 10510, 10511), E&H (10474, 10475, 10476), and LPPH (10509, 10510, 10511). For video, see corresponding Monday November 13, 2017 9:30am Budget & Appropriations committee meeting.

Attendee Name	Title	Status	Arrived
MaryJane Shimsky	Chair	Present	
Catherine Borgia	D9 Legislator (Majority Leader)	Absent	
Benjamin Boykin	D5 Legislator	Present	
Francis Corcoran	D2 Legislator	Present	
Sheila Marcotte	D10 Legislator	Present	
David J. Tubiolo	D14 Legislator	Absent	
Michael Kaplowitz	D4 Legislator (Chairman of the Board)	Present	

Others In Attendance: BOL: Legislator Catherine Parker, Legislator Margaret Cunzio, Legislator David Gelfarb, Aviva Meyer, Alie Restiano, Chris Crane, Greg Casciato, Gary Friedman, Gary Zuckerman; PLANNING: Norma Drummond, Pat Natarelli, Dave Kvinge; LAW: Tami Altschiller, James Carpinello; GUEST: Lori Ensinger (Westchester Land Trust), Elena Sassower;

### MINUTES APPROVAL

1. Tuesday, October 17, 2017 at 11:00 AM

**On motion of Legislator Boykin, seconded by Legislator Corcoran the minutes were approved 4 - 0.**

2. Monday, October 30, 2017 at 10:01 AM

**On motion of Legislator Boykin, seconded by Legislator Corcoran the minutes were approved 4 - 0.**

### I. ITEMS FOR DISCUSSION

1. **(ID # 10474) Act – CBA-BLA04-Stuart's Fruit Farm Conservation Easement:**

An ACT amending the 2017 Capital Budget to increase the amount authorized for Capital Project BLA04 - Stuart's Fruit Farm Conservation Easement by FOUR HUNDRED THOUSAND (\$400,000) DOLLARS.

Joint with B&A and E&H. Items 10474 : CBA-BLA04-Stuart's Fruit Farm Conservation Easement, 10475 : BOND ACT-BLA04-Stuart's Fruit Farm Conservation Easement, and 10476 : Stuart's Fruit Farm Conservation Easement were discussed together.

David Kvinge and Patrick Natarelli, Department of Planning, and James Carpiniello, Law Department participated in the discussion. Lori Ensinger, President of Westchester Land Trust, also participated by phone. Mr. Carpiniello explained this request is for the county to acquire two agriculture conservation easements, to maintain the property as farmland. The property will include 3 separate parcels of property, two contiguous and one separate, all on the property known as Stuart's Fruit Farm, in Somers. The property owners are Robert Stuart who owns two of the parcels, and Mary Lee Gerlach, who owns the other. The easements will be in the form of the 2016 Model Agricultural Conservation Easements, approved by the New York State Department of Agriculture and Markets (NYSDAM), and granted to the county, Westchester Land Trust, the town of Somers, and Scenic Hudson Land Trust. The lead grantee will be Westchester Land Trust, meaning they will be in charge of enforcement and receive notices, where the county enforcement would only kick in if Westchester Land Trust couldn't or grantees changed. The funding is primarily from NYSDAM, in the form of a grant for \$1,762,068 to Westchester Land Trust. The remaining funding is \$400,000 from the county, \$300,000 from the Town of Somers, \$10,157 from Westchester Land Trust, \$353,175 from Scenic Hudson, totaling \$2,825,400. The bond act included in this request is to bond for the \$400,000. This project creates a new capital project BLA04, specifically for Stuart Farm. There was an appraisal of the property in 2016, which Mr. Carpiniello distributed. Legislator Shimsky pointed out a numbering error on the Act of the legislation, which Mr. Carpiniello stated he could fix. Legislator Shimsky inquired as to why the New York State contribution was not included in the Where As clauses. Ms. Ensinger explained that this was a floating number, with the state contribution to the purchase price is a known figure, but an additional \$100,000 or so of transactional costs that the state and Westchester Land Trust will pick up. Mr. Carpiniello pointed out that NYSDAM is very particular about the language included. Legislator Shimsky asked about the Resource Protected Area. Ms. Ensinger explained that 99% of that area are wetlands. Use of woodlands is subject to the Forest Management Plan, which the Land Trust enforces and must have on file. The Conservation Plan baseline documentation report is complete, the county and Land Trust has seen it. The plan will be updated with some input and photos from Scenic Hudson. Ms. Ensinger gave some background on the Westchester Land Trust's experience with conservation. Mr. Carpiniello pointed out the Agriculture & Farmland Protection Plan adopted in 2010 and this is consistent with, keeping the county with open spaces. Legislator Kaplowitz pointed out this project for 20 years, and congratulated the Westchester Land Trust and Planning department for completing it. He pointed out the sales tax made off of this project will be more than the capital amount.

With a motion by Legislator Kaplowitz and seconded by Legislator Corcoran the item was approved with a vote of 6-0.

<b>RESULT:</b>	<b>SIGNED BY COMMITTEE</b>
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**2. (ID # 10475) Act – BOND ACT-BLA04-Stuart's Fruit Farm Conservation Easement:**

A BOND ACT authorizing the issuance of FOUR HUNDRED THOUSAND (\$400,000) DOLLARS in bonds of Westchester County to finance Capital Project BLA04 - Stuart's Fruit Farm Conservation Easement.

Joint with B&A and E&H. Items 10474 : CBA-BLA04-Stuart's Fruit Farm Conservation Easement, 10475 : BOND ACT-BLA04-Stuart's Fruit Farm Conservation Easement, and 10476 : Stuart's Fruit Farm Conservation Easement were discussed together. See CBA for discussion.

With a motion by Legislator Kaplowitz and seconded by Legislator Corcoran the item was approved with a vote of 6-0.

**RESULT: SIGNED BY COMMITTEE**

**3. (ID # 10476) Act – Stuart's Fruit Farm Conservation Easement:**

An ACT to authorize the County to acquire a property interest in the form of two conservation easements, as defined by Article 49, Title 3 of the Environmental Conservation Law of the State of NY, in real property consisting of an Easement on two contiguous parcels of real property and an Easement on another separate parcel totaling approximately 172 acres of farmland known as Stuart's Fruit Farm located at 62 Granite Springs Road, Town of Somers, NY.

Joint with B&A and E&H. Items 10474 : CBA-BLA04-Stuart's Fruit Farm Conservation Easement, 10475 : BOND ACT-BLA04-Stuart's Fruit Farm Conservation Easement, and 10476 : Stuart's Fruit Farm Conservation Easement were discussed together. See CBA for discussion.

With a motion by Legislator Kaplowitz and seconded by Legislator Corcoran the item was approved with a vote of 6-0.

**RESULT: SIGNED BY COMMITTEE**

**4. (ID # 10508) Resolution – PH-Mayfair-Amend County Law for Long Term Lease:**

A RESOLUTION setting a Public Hearing on a "LOCAL LAW" authorizing the County of Westchester to enter into: (i) a Ground and Facility Lease Agreement and Declaration of Easements with Mayfair Housing LLC, and Mayfair Housing Development Fund Company, Inc., to lease approximately six (6) acres of County-owned property located off Knollwood Road in the Town of Greenburgh and for various easements on County-owned property in order to facilitate the development, rehabilitation and operation of an affordable housing project and (ii) a Termination of Ground and Facility Lease Agreement with the Town of Greenburgh." [Public Hearing set for \_\_\_\_\_, 2017 at \_\_\_\_\_ .m.; LOCAL LAW INTRO No. 10511-2017].

Joint with B&A and LPPH. Items 10508 : PH-Mayfair-Amend County Law for Long Term Lease, 10509 : Mayfair-Amend County Law for Long Term Lease, 10510 : PH-Mayfair Lease Agreement, 10511 : Mayfair Lease Agreement were discussed together. See 10508 : PH-Mayfair-Amend County Law for Long Term Lease for discussion.

Norma Drummond, Planning Department, and Tami Altschiller, Law Department, discussed the Mayfair Housing project. Ms. Altschiller explained the request was to enter into a long term lease for 65 years with Mayfair Housing LLC and Mayfair Housing Development Fund Company. This property, formerly the Westhelp facility, is six acres of County owned property located off the Knollwood Road in Greenburgh, neighboring the WCC campus. Mayfair will development, rehabilitate and operate affordable housing consisting of 54 rental units for low and moderate-income senior citizens aged 62 and older. Also included is a termination of the ground and facility lease agreement with the Town of Greenburgh, which is what is currently in place. The request also includes a local law to allow authority for a 65 year lease, which exceeds the thirty year limitation of lease terms allowed by the county. Ms. Altschiller recounted history of the property. Mayfair has agreed to pay the rent of \$1.5 million, with \$600,000 paid to Greenburgh on behalf of the county in return for terminating their lease and \$900,000 to the county. In addition, easements will be granted to Mayfair, including across the access road, for stormwater run-off, sanitary sewer equipment, underground water mains, electric utility lines, and a temporary easement for construction. During the lease, the county is solely responsible for the access road to the campus. The

Planning department reviewed the prior environmental review and felt the project was consistent and no further review was necessary.

Legislator Shimsky inquired about the appraisal of the property. Ms. Altschiller was not aware of any appraisal having been done. Legislator Shimsky asked about the status of a sidewalk for the access road, which the legislators recalled approving design for. Legislator Shimsky inquired about the responsibility for rehabilitation of the deterioration over time when the buildings were not in use. Ms. Altschiller explained that Mayfair would be responsible for all rehabilitation. Legislator Shimsky thought that Mayfair should be invited to address the committees. Ms. Drummond explained the developer is aware of the 50% universal design requirement, and also is planning on installing elevators in some of the buildings to assist with accessibility. Legislator Shimsky asked that this universal design requirement be specified in the lease. Ms. Altschiller pointed out that there are affordability requirements in the lease. Ms. Drummond stated that 60% of the units will be affordable at 60% of the AMI, 20% will be affordable up to 50%, and the remaining 20% will be affordable up to 90% of AMI. She clarified the state standards dictate that when housing is for 55+, only one member of the household has to be that age, where when it is for 62+, all members need to be that age. Legislator Cunzio pointed that this development does not add to the school district. Legislator Boykin inquired about the financing of senior developments. Ms. Drummond pointed out that NYS has stepped up with funding for senior housing. The IMA with Greenburgh, termed the Termination of Ground and Facility agreement did not seem to be part of the legislative package, which Ms. Altschiller stated she would correct. The property will be taxable. The developer has stated they will be pursuing a PILOT with the town. At the moment the county is not receiving any taxes on this property. Legislator Shimsky pointed out nothing was listed on the Fiscal Impact Statement in regards to taxes. A discussion ensued about the environmental indemnity. The legislators requested to see the hazard materials report if it had already been undertaken, and reports on the value and condition of the buildings. The county has seen the site plan documents on how the developer anticipate redoing the buildings, which Ms. Drummond said she could pass along. The legislators wanted to hear from the developer before proceeding.

**RESULT: PENDING**

**5. (ID # 10509) Local Law – Mayfair-Amend County Law for Long Term Lease:**

A "LOCAL LAW amending Laws of Westchester County Section 104.11(5)(f) to provide the County with authority to lease the Premises to Mayfair for a term of sixty-five (65) years which exceeds the thirty (30) year limitation of lease terms that is contained in Laws of Westchester County Section 104.11(5)(f)."

Joint with B&A and LPPH. Items 10508 : PH-Mayfair-Amend County Law for Long Term Lease, 10509 : Mayfair-Amend County Law for Long Term Lease, 10510 : PH-Mayfair Lease Agreement, 10511 : Mayfair Lease Agreement were discussed together. See 10508 : PH-Mayfair-Amend County Law for Long Term Lease for discussion.

**RESULT: PENDING**

**6. (ID # 10510) Resolution – PH-Mayfair Lease Agreement:**

A RESOLUTION setting a Public Hearing on a "LOCAL LAW amending Laws of Westchester County Section 104.11(5)(f) to provide the County with authority to lease the Premises to Mayfair for a term of sixty-five (65) years which exceeds the thirty (30) year limitation of lease terms that is contained in Laws of Westchester County Section 104.11(5)(f)." [Public Hearing set for \_\_\_\_\_, 2017 at \_\_\_\_\_ .m.; LOCAL LAW INTRO No. 10509-2017]

Joint with B&A and LPPH. Items 10508 : PH-Mayfair-Amend County Law for Long Term Lease, 10509 : Mayfair-Amend County Law for Long Term Lease, 10510 : PH-Mayfair Lease Agreement, 10511 : Mayfair Lease Agreement were discussed together. See 10508 : PH-Mayfair-Amend County Law for Long Term Lease for discussion.

**RESULT: PENDING**

**7. (ID # 10511) Local Law – Mayfair Lease Agreement:**

A "LOCAL LAW authorizing the County of Westchester to enter into: (i) Ground and Facility Lease Agreement and Declaration of Easements with Mayfair Housing LLC, and Mayfair Housing Development Fund Company, Inc., to lease approximately six (6) acres of County-owned property located off Knollwood Road in the Town of Greenburgh neighboring the WCC campus and for various easements on County-owned property in order to facilitate the development, rehabilitation and operation of an affordable housing project; and (ii) a Termination of Ground and Facility Lease Agreement with the Town of Greenburgh."

Joint with B&A and LPPH. Items 10508 : PH-Mayfair-Amend County Law for Long Term Lease, 10509 : Mayfair-Amend County Law for Long Term Lease, 10510 : PH-Mayfair Lease Agreement, 10511 : Mayfair Lease Agreement were discussed together. See 10508 : PH-Mayfair-Amend County Law for Long Term Lease for discussion.

**RESULT: PENDING**

**8. (ID # 10517) Communication – HON. MICHAEL B. KAPLOWITZ: Correspondence - Sewer District Removal, 51 Cowdin Circle, Chappaqua:**

Forwarding a Resolution/Petition from the Town of New Castle requesting a removal from the Saw Mill County Sewer District for 51 Cowdin Circle, Chappaqua.

On motion of Legislator Boykin, seconded by Legislator Corcoran the item was referred to the County Executive 4 - 0.

**RESULT: REFERRED TO CE**

## II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

## III. RECEIVE & FILE

## ADJOURNMENT

Moved by Legislator Boykin seconded by Legislator Kaplowitz the Committee adjourned at .