

George Latimer
County Executive

July 10, 2018

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is a legislative package which contains the following:

(A) a Local Law pursuant to the Laws of Westchester County Section 104.11(5)(b) authorizing the County of Westchester (the "County") 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., ("Mayfair") to lease approximately 7.7220 acres of County-owned property located off Knollwood Road in the Town of Greenburgh neighboring the Westchester Community College campus (the "Premises") and for various easements on County-owned property in order to facilitate Mayfair's development, rehabilitation and operation on the Premises of an affordable housing project consisting of approximately seventy-four (74) residential rental units exclusively for low and moderate-income senior citizens aged 62 and older ("Lease Agreement"); and

(ii) a Termination of Ground and Facility Lease Agreement ("Termination Agreement") with the Town of Greenburgh ("Town") whereby the Town would surrender its current lease with the County for the original leased premises consisting of an approximate six (6) acre portion of the Premises (the "Original Leased Premises") as described herein; and

(iii) a Cancellation of Declaration of Restrictions with the Town and West-H.E.L.P., a New York not-for-profit corporation ("West-H.E.L.P.") pursuant to the terms of a recorded Declaration of Restrictions against the Original Leased Premises and the surrounding area comprising an approximate thirty-three (33) acre parcel of County-owned land (together the "Restricted Parcel"), which Declaration of Restrictions is deemed automatically cancelled upon the termination of the current lease and requires a Cancellation of Declaration of Restrictions ("Cancellation of Declaration") in recordable form.

Office of the County Executive

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148 Martine Avenue
White Plains, New York 10601

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(B) 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).

Copies of the proposed Lease Agreement, proposed Termination Agreement, and proposed Cancellation of Declaration are transmitted herewith.

In 1957 the County acquired approximately three hundred sixty-eight (368) acres of land located in the Town of Greenburgh (the "Hartford Property"). At the time the County acquired the Hartford Property, the then Board of Supervisors required a study to determine what portion of the Hartford Property should be used for the Westchester Community College ("WCC") campus. That study was finalized in 1959 and the Board of Supervisors, by Resolution No. 90-1959 adopted on May 4, 1959, approved a land use plan allocating 218.4 acres of the Hartford Property to WCC as the site of its campus ("WCC Campus Site") and reserving the remaining 149.68 acre portion of the Hartford Property to the County for its use ("County Use Site").

In 1990 the Board of Legislators, by Local Law Intro No. 2-1990, authorized the County to lease the Original Leased Premises to West-H.E.L.P. to construct and operate an emergency homeless housing facility for a period of construction, plus ten (10) years which lease was dated as of April 25, 1990 (the "1990 West-H.E.L.P. Lease"). Upon expiration of the 1990 West-H.E.L.P. Lease, the County was authorized to lease the Original Leased Premises to the Town for a thirty (30) year period which lease was dated as of April 26, 1990 (the "Town Lease"). By a certain Sublease and Homeless Housing Facilities Agreement entered into among the County, the Town, and West-H.E.L.P. dated September 18, 2001 (the "Sublease Agreement"), the parties agreed as follows: (i) the 1990 West-H.E.L.P. Lease was deemed to have expired on September 17, 2001; (ii) the Town Lease, as amended by the Sublease Agreement, was acknowledged as having commenced and is not set to expire until September 17, 2031; and (iii) the Town agreed to sublease the Original Leased Premises to West-H.E.L.P. for the period commencing on September 18, 2001 and continuing through September 30, 2011, which sublease has since expired.

Local Law Intro No. 2-1990 further authorized the County to execute a Declaration of Restrictions to provide that during the term of the 1990 West-H.E.L.P. Lease and the Town Lease, the County would not further develop the Restricted Parcel without the approval of the Town. The Declaration of Restrictions was subsequently executed and recorded in the Westchester County Clerk's Office. The Declaration of Restrictions is deemed automatically cancelled upon the termination of either the 1990 West-H.E.L.P. Lease or the Town Lease. Further, upon cancellation, a Cancellation of Declaration, in recordable form, is required.

Mayfair requested that its proposed leasehold interest include the Original Leased Premises and an additional approximate 1.7220 acre parcel up to the fence that is currently located at the site. This is to accommodate a stormwater detention area and infiltration system proposed for the affordable housing project and also to address the loss of usable space due to the proposed construction of an eighty-one (81) space parking area at the front of the affordable housing project. Expanding the leasehold interest to include the entire approximate 7.7220 acres of property will accommodate the stormwater detention area and infiltration system and provide more usable space for the affordable housing project.

Pursuant to the proposed Lease Agreement, Mayfair will lease the Premises from the County in order to undertake development, rehabilitation and operation on the Premises of an affordable

housing project consisting of approximately seventy-four (74) residential rental units exclusively for low and moderate-income senior citizens aged 62 and older. The proposed Lease Agreement will be for a term commencing upon the date of full execution of the Lease Agreement (the "Commencement Date") and continuing thereafter until 11:59 p.m. on the day before the sixty-fifth (65th) anniversary of the Commencement Date, unless sooner terminated as herein provided (the "Lease Term").

Mayfair has agreed to pay rent to the County in the total amount of One Million, Five Hundred Thousand Dollars (\$1,500,000.00) which shall be payable in full contemporaneously with the execution of the Lease Agreement as follows:

(i) Six Hundred Thousand and 00/100 Dollars (\$600,000.00) to the Town, on behalf of the County, in exchange for which the Town has agreed to terminate the Town Lease and relinquish all of its right, title and interest in and to the Premises thereunder contemporaneously with the execution of the proposed Lease Agreement; and

(ii) Nine Hundred Thousand and 00/100 Dollars (\$900,000.00) to the County.

In addition to granting the right to lease the Premises, the County will grant Mayfair the following non-exclusive easements on, over, through, across and under the County Use Site: (i) for a portion of the private access road known as "Westchester Community College Knollwood Road Entrance" which extends from Knollwood Road to the driveway situated on the Premises ("Access Road"); (ii) for storm water run-off; (iii) for sanitary sewer equipment; (iv) for underground water mains and other devices; and (v) for electric utility lines, wires, conduits, and other devices necessary to provide electricity; fiber optic, cable and telephone lines, wires, conduits, and other devices necessary to provide data and communication services; pipelines for the transportation of natural gas and related equipment. Mayfair will be required to promptly restore the easement areas after any work in such areas.

The County will be solely responsible during the Lease Term for all costs and expenses of operation, maintenance and repair of the Access Road (except the aforementioned easement area restoration), including but not limited to, surfacing, resurfacing, paving, graveling, regravelling, filling potholes, grading, reconstruction, drainage improvements, snow and ice removal (including application of traction or deicing materials (typically sand and/or salt) when snow or ice prevail). The Access Road is necessary to enter the Premises.

The Planning Department ("Planning") has advised that the proposed project may be classified as an Unlisted action pursuant to the State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 NYCRR Part 617. A Resolution, along with a Short Environmental Assessment Form prepared by Planning are attached hereto to assist your Honorable Board in complying with SEQRA. Should your Honorable Board conclude that the proposed action will not have any significant adverse impact on the environment, it must approve the Resolution adopting a Negative Declaration prior to enacting the remainder of the legislative package. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

In addition, by Resolution 17-14, adopted September 6, 2017, the Westchester County Planning Board recommends that the County proceed with the proposed Lease Agreement. The Commissioner of Planning has also provided a report in accordance with Section 191.41 of the Laws of Westchester County.

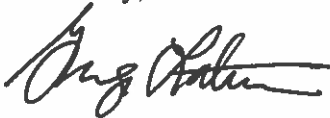
I have been informed that because the term of the proposed lease exceeds the thirty (30) year limitation of terms contained in Section 104.11(5)(f), a Local Law amending Section 104.11(5)(f) has been submitted to your Honorable Board. Also submitted to your Honorable Board is a Local Law pursuant to Section 104.11(5)(b) authorizing the County to enter into (i) a Lease Agreement with Mayfair for affordable rental housing exclusively for low and moderate income seniors aged sixty-two (62) years and older; (ii) a Termination Agreement with the Town whereby the Town would surrender its current Town Lease with the County for the Premises; and (iii) a Cancellation of Declaration with the Town and West-H.E.L.P pursuant to the terms of a recorded Declaration of Restrictions against the Restricted Parcel.

As noted above, if your Honorable Board agrees with this proposed transaction, then it should pass the Local Law amending Section 104.11(5)(f) first, and the Local Law approving the Lease Agreement, Termination Agreement, and Cancellation of Declaration second. In addition, there are two Resolutions attached, one for each Local Law, authorizing a Public Hearing as required by §209.141(4) of the Westchester County Administrative Code.

I have been further advised that pursuant the Laws of Westchester County Section 209.171(7), the attached Local Law amending Section 104.11(5)(f) is subject to permissive referendum, because it changes a provision of law relating to the sale, exchange or leasing of County property. Consequently, the proposed Local Law may not take effect until sixty (60) days after its adoption, assuming that within that time a petition protesting its adoption is not filed by the number of qualified electors required by law. Since the proposed Lease Agreement has a term longer than thirty (30) years, the Local Law approving the Lease Agreement cannot take effect until the effective date of the amendment to Section 104.11(5)(f).

I believe that the leasing of the Premises to Mayfair for the provision of affordable rental housing exclusively for low and moderate income seniors aged sixty-two (62) years and older will be of great benefit to the County of Westchester. Therefore, I recommend the favorable action of your Honorable Board on the annexed proposed legislation.

Sincerely,



George Latimer
County Executive

GL/LAC/lc
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending approval of a legislative package which contains the following:

(A) a Local Law pursuant to the Laws of Westchester County Section 104.11(5)(b) authorizing the County of Westchester (the “County”) 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., (“Mayfair”) to lease approximately 7.7220 acres of County-owned property located off Knollwood Road in the town of Greenburgh neighboring the Westchester Community College campus (the “Premises”) and for various easements on County-owned property in order to facilitate Mayfair’s development, rehabilitation and operation on the Premises of an affordable housing project consisting of approximately seventy-four (74) residential rental units exclusively for low and moderate-income senior citizens aged 62 and older (“Lease Agreement”); and

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(iii) a Cancellation of Declaration of Restrictions with the Town and West-H.E.L.P., a New York not-for-profit corporation (“West-H.E.L.P.”) pursuant to the terms of a recorded Declaration of Restrictions against the Original Leased Premises and the surrounding area comprising an approximate thirty-three (33) acre parcel of County-owned land (together the “Restricted Parcel”), which Declaration of Restrictions is deemed automatically cancelled upon the termination of the current lease and requires a

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sublease has since expired.

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agreed to terminate the Town Lease and relinquish all of its right, title and interest in and to the Premises thereunder contemporaneously with the execution of the proposed Lease Agreement; and (ii) Nine Hundred Thousand and 00/100 Dollars (\$900,000.00) to the County.

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The Planning Department (“Planning”) has advised that the proposed project may be classified as an Unlisted action pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations, 6 NYCRR Part 617. A Resolution, along with a Short Environmental Assessment Form was prepared by Planning are attached hereto to assist your Honorable Board in complying with SEQRA. Your Committee has carefully considered the Short Environmental Assessment Form and the applicable SEQRA regulations. For the reasons set forth in the attached Short Environmental Assessment Form, your Committee believes that this proposed action will not have any significant impact on the environment and accordingly recommends passage of the annexed Resolution prior to the remainder of the legislative package.

In addition, by Resolution 17-14, adopted September 6, 2017, the Westchester County Planning Board recommends that the County proceed with the proposed Lease Agreement. The Commissioner of Planning has also provided a report in accordance with Section 191.41 of the Laws of Westchester County.

Your Committee has been informed that because the term of the proposed lease exceeds the thirty (30) year limitation of terms contained in Section 104.11(5)(f), a Local Law amending Section 104.11(5)(f) has been submitted to your Honorable Board and will require an affirmative vote of not less than a majority of the voting strength of your Honorable Board.

Also submitted to your Honorable Board is a Local Law pursuant to Section 104.11(5)(b) authorizing the County to enter into (i) a Lease Agreement with Mayfair for affordable rental housing exclusively for low and moderate income seniors aged sixty-two (62) years and older; (ii) a Termination Agreement with the Town whereby the Town would surrender its current Town Lease with the County for the Premises; and (iii) a Cancellation of Declaration with the Town and West-H.E.L.P. pursuant to the terms of a recorded Declaration of Restrictions against the Restricted Parcel and which requires an affirmative vote of not less than two-thirds of the voting strength of your Honorable Board.

As noted above, if your Honorable Board agrees with this proposed transaction, then it should pass the Local Law amending Section 104.11(5)(f) first, and the Local Law approving the Lease Agreement and the Termination Agreement second. In addition, there are two Resolutions attached, one for each Local Law, authorizing a Public Hearing as required by §209.141(4) of the Westchester County Administrative Code.

Your Committee has been further advised that pursuant the Laws of Westchester County Section 209.171(7), the attached Local Law amending Section 104.11(5)(f) is subject to permissive referendum, because it changes a provision of law relating to the sale, exchange or leasing of County property. Consequently, the proposed Local Law may not take effect until sixty (60) days after its adoption, assuming that within that time a petition protesting its adoption is not filed by the number of qualified electors required by law. Since the proposed Lease

Agreement has a term longer than thirty (30) years, the Local Law approving the Lease Agreement cannot take effect until the effective date of the amendment to Section 104.11(5)(f).

Your Committee believes that the leasing of the Premises to Mayfair for the provision of affordable rental housing exclusively for low and moderate income seniors aged sixty-two (62) years and older will be of great benefit to the County of Westchester. Therefore, your Committee recommends the favorable action of your Honorable Board on the annexed proposed legislation.

Dated: _____, 2018
White Plains, New York

FISCAL IMPACT STATEMENT

SUBJECT: Lease Agreement Mayfair

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts)

B) EXPENSES AND REVENUES

Total Current Year Cost \$ 25,000 Annually

Total Current Year Revenue \$ 900,000 one time payment

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: Expense Account 101-46-3300-4380

Revenue Account 101-46-3300-9274

Potential Related Operating Budget Expenses: Annual Amount \$ 25,000

Describe: Yearly Snow and Ice Removal Contract, DPW responsible for maintenance of Access Road

Potential Related Revenues: Annual Amount \$ 900,000

Describe: One Time Payment upon signing of Lease Agreement

Anticipated Savings to County and/or Impact on Department Operations:

Current Year:

Next Four years: \$25,000

\$26,000

\$27,000

\$28,000

Prepared by: Robert Kopenhaver

Title: Director of Admin Svcs

Department: Public Works

Reviewed By: 


dw 7/9/18

Budget Director

7/9/18

If you need more space, please attach additional sheets.

TO: Lynne A. Colavita
Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: May 29, 2018

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
WESTHELP LEASE AREA**

The Planning Department has reviewed the above referenced project in accordance with the State Environmental Quality Review Act.

The project involves the reconfiguration of the existing nine buildings on the site to provide 74 apartments and construction of an 81-space parking area on the interior of the campus. In addition, the lease area will be expanded to include all of the area enclosed by an existing perimeter fence, representing approximately 1.5 additional acres for a total of 7.5 acres of leased land.

Pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR), this project may be classified as an Unlisted action. As such, a Short Environmental Assessment Form has been prepared for consideration by the Board of Legislators.

Please contact me if you require any additional information regarding these documents.

Att.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner of Planning
Claudia Maxwell, Associate Environmental Planner

To: Honorable George Latimer
County Executive

From: Norma Drummond
Commissioner

Date: July 3, 2018

RE: Lease Agreement for and Easements on 7.772 Acres of County-owned Property
Knollwood Road in the Town of Greenburgh, Adjacent to Westchester Community
College – Mayfair Housing

Pursuant to Section 191.41 of the County Charter, submitted herewith is the required report of the Commissioner of Planning on the above-referenced lease for and related easements on County-owned property.

The proposal is for the County to enter into a ground and facility lease agreement and declaration of easements for approximately 7.772 acres of County-owned property located off Knollwood Road in the Town of Greenburgh, adjacent to Westchester Community College, with Mayfair Housing, LLC, and Mayfair Housing Development Fund Company, Inc., in order to facilitate Mayfair's development, rehabilitation and operation on, of the premises of an affordable housing development consisting of approximately seventy-four residential rental units exclusively for low and moderate-income senior citizens aged 62 and older. The term of the lease is for 65 years. The County will grant Mayfair certain non-exclusive easements on, over, through, across and under the Westchester Community College campus ("WCC Campus") and County property for access and utilities. The proposal also authorized the County to enter into an agreement with the Town of Greenburgh whereby the Town will surrender its current lease with the County for the premises. Mayfair will pay to the County a sum of \$900,000 and the sum of \$600,000 to the Town for the right to lease the Premises.

Previously the County leased the premises to West-H.E.L.P., a New York not-for-profit corporation, as a shelter for homeless persons; this lease was terminated on September 30, 2011. Both West-H.E.L.P. and the Town of Greenburgh and executing documents to terminate the Declaration of Restrictive Covenants filed on the property to allow for this senior housing use.

The leasing of the property to Mayfair is consistent with the County Planning Board's long-range planning policies set forth in Westchester 2025-Context for County and Municipal Planning and Policies to Guide County Planning, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in Patterns for Westchester: The Land and the People, adopted December 5, 1995, in that it will support the development of affordable housing.

Based upon these facts, I recommend the lease for and easements on County-owned property, as described above to Mayfair Housing LLC, and Mayfair Housing Development Fund Company, Inc., in order to facilitate Mayfair's development, rehabilitation and operation on, of the premises

of an affordable housing development consisting of approximately seventy-four rental units exclusively for low and moderate-income senior citizens aged 62 and older.

While not required under the County Charter, this matter was brought before the Westchester County Planning Board. On September 6, 2017, the Planning Board adopted the enclosed resolution in support of the proposed long term lease for affordable housing. While the number of units has increased the resolution spoke to the support of leasing the property, and, as such, remains sufficient.

NVD/sf

cc: Ken Jenkins, Deputy County Executive
Joan McDonald, Director of Operations

RESOLUTION NO. - 2018

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. -2018 entitled “A LOCAL LAW amending Section 104.11(5)(f) of the Laws of Westchester County to provide the County of Westchester with authority to enter into a Ground and Facility Lease Agreement and Declaration of Easements with Mayfair Housing LLC, and Mayfair Housing Development Fund Company, Inc., for approximately 7.7220 acres of County-owned property located off Knollwood Road in the Town of Greenburgh neighboring the Westchester Community College campus and for various easements on County-owned property in order to facilitate Mayfair’s development, rehabilitation and operation of an affordable housing project consisting of approximately seventy-four (74) residential rental units exclusively for low and moderate-income senior citizens aged 62 and older, for a term of sixty-five (65) years which exceeds the thirty (30) year limitation of lease terms that is contained in Section 104.11(5)(f).” The public hearing will be held at ___ m. on the ___ day of _____, 2018 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.