

MAYOR MARVIN'S COLUMN

Last Tuesday evening, the County Board of Legislators approved the Affordable Housing Stipulation Agreement by a vote of 12 – 5. Bronxville's representative, Gordon Burrows, voted "no". Legislator Vito Pinto, representing neighboring Eastchester and Tuckahoe, voted in favor of the stipulation.

I continue to believe that this agreement is ill conceived, poorly written and has so many terms open to interpretation that it will be litigated for years to come, thus offering the same level of uncertainty, as going to trial.

Some of the questions/issues that are of particular concern as they relate to Bronxville include:

- The still open ended issue of whether the County can use eminent domain to acquire property and whether local zoning laws can be overturned in furtherance of this agreement. (There is some legal precedence that states local zoning can only be overturned if proven there was a discriminatory purpose in its original adoption.)
- How the one Federal monitor will learn the characteristics unique to the land, building inventory and economics of the 31 communities involved in the settlement in the 120 days he has to craft an implementation plan?
- Particularly disheartening to me is that under the settlement terms, we cannot create affordable housing to accommodate people who currently work for our Village and schools. Presently, we have employees who drive as much as two hours each way to get to their jobs in Bronxville. Under this stipulation, they will only be allowed to add their name to a lottery list. The availability of the list must be actively advertised in areas outside of Westchester County, making the odds almost insurmountable. It is a shame we can't consider helping those who help us.
- Given our fully developed Village, where in Bronxville, is there a suitable site for building affordable housing? For example, the Kensington Road site has seven to ten million dollars in Brownfield clean-up before a shovel can be put in the ground. Economics dictate that only high end builders can put the land to profitable use. At the September Board of Trustees meeting, the Board decided to reissue a Request for Proposal (RFP) for the site as we had discussed at the prior July Board meeting. In recent months, a critical mass of quality developers have expressed interest in that property. It has always been the Trustees' goal to have it environmentally clean and back on the tax roll with a development that will enhance the value of the neighborhood.

As a point of fact, the Kensington project has received all its final land use approvals. The housing stipulation agreement excludes such developments which have already received preliminary or final land use approval. Our RFP will offer developers the opportunity to build the exact structure that was previously

approved by all our Village Boards as well as the Department of Environmental Conservation back in 2007.

Other open spaces in the Village do not appear suitable for development as well. The Girl Scout Cabin area is parkland in a flood plain, Alfredo Field is unstable marshland and located in the Town of Eastchester, the Morgan Manhattan Storage building does not have ingress or egress to meet fire codes for residences and the parking lot across from the Avalon, currently leased by the Village for public parking, is also an expensive brownfield site with at least 5 underground tanks still in place.

- The stipulation provides for the development of 750 units of housing in seven years and provides \$50 million to construct these units. Conservative estimates for the cost of developing 750 units in Westchester County are in the neighborhood of \$200 million. I am concerned the County is doomed to fail with an agreement that is so under-funded. I have seen no specific plans of how funds will be leveraged by 400%?
- Who will pay the carrying costs going forward even assuming structures get rehabilitated or built with the current level of funding?

Since there is no floor just a ceiling on the income needed to apply for these units, the rent by necessity will have to be below market. As a result, the building will have to be assessed at below market rates, yet the municipal services required including school and village services would remain constant.

- Why are those individuals in County government who admittedly falsified Federal documents for a period of over six years not being held accountable by the courts?

This lawsuit was not the result of Westchester County's lack of affordable housing. In fact, Westchester is used as a model throughout the country for the number and variety of affordable housing options available to its residents. The case rests entirely upon the falsification of documents under The False Claims Act committed at the County level, not by Westchester villages and towns.

All of this being said, the stipulation passed 12 to 5. So now the Village Trustees and I must be extremely vigilant to make sure that we are serving the best interests of our Village and those of you who elected us to be stewards of our community. I invite all your thoughts, ideas and comments as we move forward in uncharted waters.