

MINUTES OF THE MEETING
WESTCHESTER COUNTY PLANNING BOARD

Cassella Conference Room
Michaelian Office Building
White Plains, New York
Tuesday, February 7, 2012

BOARD MEMBERS PRESENT:

Susan Konig, Chair (Village)
Dwight Douglas, Vice Chair (City)
Douglas Hocking (City)
Steven Schoenfeld (Town)
Neil Sullivan (City)
Bernard Thombs (Town)
Jay Pisco, Commissioner, Department of Public Works and Transportation
Lou Vetrone for Thomas Lauro, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

James Arndt (City)
David Menken (Town)
Kathleen O'Connor, Commissioner, Department of Parks, Recreation
Vacant board position

STAFF PRESENT:

Edward Buroughs, Commissioner
Norma Drummond, Deputy Commissioner
Patrick Natarelli, Chief Planner
Anthony Zaino, Director of Urban Design
Tracey Corbitt, Principal Planner
William Brady, Associate Planner
Lukas Herbert, Associate Planner
Megan Miller, Planner
Katherine Eisenman, Planner
Ellen Brief, Program Specialist

GUESTS:

Joseph Kenner, Assistant to the County Executive
Joseph Hankin, President, Westchester Community College
Kevin Garvey, Westchester Community College
Robert Cirillo, Westchester Community College
Mario Cavali, Westchester Community College
Pat D'Imperio, Westchester Community College
Marge Glusker, Westchester Community College
Tony Scordino, Westchester Community College
Christopher Crane, Assistant to the Board of Legislators

I. Call to Order

The meeting was called to order at 8:00 a.m. by the Chair, Susan Konig.

II. Meeting Dates

Ms. Konig noted that the next Board meetings would be held on March 6, April 3 and May 1. She asked that members e-mail if they had any interest in meeting at other dates and times.

III. Adoption of Minutes

[Ms. Konig requested that Westchester Community College (WCC) representatives present their 2012-2013 Proposed Capital Budget prior to other agenda topics.]

As Mr. Douglas, Mr. Thombs and Ms. Konig were not present at the December 6 meeting, there was not an adequate count of members in attendance to approve the minutes; the vote on this matter was held over for the March meeting.

IV. Chairman's Remarks

Ms. Konig informed members that today's meeting was the start of her stewardship as Chair of the Planning Board. She said that she is grateful to County Executive Robert Astorino for his faith in her abilities and for appointing her to serve. She was congratulated by members for her appointment.

Ms. Konig said that a task the Board could undertake is to update and refine the Planning Board Manual and to revise or reaffirm the Board's priorities.

Later in the meeting, Ms. Konig acknowledged the resolution passed by members last month that honored Ms. Lewy's service as Chair of the Board. She solicited suggestions on how to further acknowledge her service. Mr. Douglas recommended nominating Ms. Lewy for a WMPF Outstanding Citizen Planner Award and others thought this an excellent idea.

V. Commissioner's Remarks

Mr. Buroughs welcomed Mr. Pisco, the Commissioner of the Department of Public Works and Transportation to the Planning Board.

Later in the meeting he updated the Board on Department staffing changes. He noted that six positions funded by Department of Housing and Urban Development (HUD) grants were terminated at the end of the year, and that one planner in one of the abolished positions had qualified to move to fill the position vacated by Christopher Gomez who left the Department at the end of the year to accept the position of Director of Planning and Development for

Port Chester. Mr. Buroughs said that if the HUD issue remains unresolved and more trust accounts which fund salaries are withheld, additional staff reductions will occur.

Mr. Buroughs informed the Board that a zoning review of all 43 county municipalities, for inclusion in a February 29 report to the federal housing Monitor, was underway. He said he hoped that this comprehensive report would resolve the zoning issue - an area of concern for HUD.

Mr. Buroughs remarked that the Westchester Municipal Planning Association's Land Use Training Institute (LUTI) would be held on March 12, 15 and 22, and that a "hold the date" flyer would be e-mailed today. He said that Floyd Lapp would be the keynote speaker and address the topic: Robert Moses, Visionary or Villain.

Ms. Konig noted that attendance at the LUTI would provide continuing education hours for Planning Board members.

Mr. Buroughs said that the public hearing on the Tappan Zee Hudson River Crossing Project Draft Environmental Impact Statement is scheduled for March 1 and that the deadline for submission of comments is March 15. A notice about this will be circulated to board members.

VI. Referrals

Ratification of actions taken by staff in response to planning and zoning actions referred to the County Planning Board –November 16, 2011 through December 15, 2011 and December 16, 2011 through January 15, 2012.

Ms. Konig invited comments or questions on the referrals. Mr. Schoenfeld commented on the Town of New Castle's proposed Town Code amendment to create a Green Building Law to mandate green building practices for municipal, commercial and high rise multi-family buildings greater than 5,000 square feet. He stated that in economically challenging times, potential impediments to development should not be mandated, that each project should be evaluated based on economic feasibility. He said that it would be beneficial to work with a building's applicant, to encourage rather than mandate "green" practices.

Mr. Hocking noted that the definition of green technology can differ and that knowing the details would better provide an accurate assessment of what "green" means in this case. He noted that Arlington Virginia has a progressive and realistic approach to balancing green technology and development. He said that the imposition of extra building requirements may be only possible through an incentive approach, not a mandate.

Mr. Buroughs said that staff would look into this further and he recommended that the board hold off the approval of New Castle referral response at this time.

A motion to approve both of the Referrals Reports (minus the New Castle referral response) was made by Mr. Douglas, seconded by Mr. Schoenfeld and passed by the board.

Referral of Interest

DBF 12-001 Rivertowns Square, Site Plan; Draft Environmental Impact Statement

Mr. Buroughs informed the board that the public hearing for the Rivertowns Square site plan draft environmental impact statement was held last week and that the comment period remains open until February 29. He noted that a copy of the draft referral response letter is in the day-of-meeting folders for review by the board. Mr. Buroughs remarked that the project, as an isolated site plan, works well and that the development would become a new center, in accordance with Village planning policy. However, he said, that the question remains, what will be the visual impact on the Saw Mill River Parkway? Some buildings will be located closer to the parkway than existing buildings and very little landscape screening is proposed. The visibility of signage is also a concern raised in the draft letter.

Mr. Douglas cited involvement with the project and recused himself from discussion and any vote. Ms. Konig asked if there was any precedent for large buildings along the parkway.

Mr. Thombs stated that the project, as it stands, exposes the roadway to advertizing. Mr. Hocking stated that one approach would be to treat this as a signage issue. Mr. Buroughs remarked that the village could request a signage plan from the developer and that this item could be added to the referral response letter in order to allow for a more specific consideration of the potential impacts of signs and lighting. The addition could recommend that the Village condition the approval of the site plan on the subsequent submission by the applicant of a detailed signage and lighting plan and its approval by the Village. The letter could include a request that the County Planning Board have the opportunity to participate in any required review. Mr. Buroughs asked Mr. Herbert to revise the letter and circulate it to members for comment.

VII. Matters for Board Action

A. Fiscal Year 2012 Action Plan Amending FY 2009-2013 Consolidated Plan

[Presented after Matter for Discussion: WCC 2012-2013 Proposed Capital Budget]

Ms. Drummond projected PowerPoint slides and presented the summary of applications and the funding recommendations for the Community Development Block Grant (CDBG) 2012 Fiscal Year Action Plan. She noted that, if an agreement on the rejected certification with the Department of Housing and Urban Development (HUD) over the Housing Settlement was not reached by September 30, funding dollars would be lost. She remarked that 10% of the total grant funding is reserved for the 31 eligible communities targeted in the Settlement.

She noted that the dollar amounts available for funding projects was reduced over the years from a high point in FY 2002 of \$7,004,000 to the current amount for FY 2012 of \$3,929,158. She attributed this reduction to Congress' cutting of funding by 10% and the loss of four municipalities from the Consortium; Bronxville, Larchmont, Mamaroneck Town

and Tuckahoe had opted out. Ms. Drummond suggested that they may be waiting to see the “dust settle” in the Housing Settlement dispute before they will consider reenlisting.

Ms. Drummond stated that of the FY 2012 budget, \$749,452 would go towards operating expenses, \$802,000 towards rehabilitation program expenses, and that \$100,000 - the unallocated portion of the \$400,000 set aside for Affirmatively Furthering Fair Housing (AFFH) - would go to the Property Improvement Program (PIP). Project grants would receive \$1,938,018 and design services \$339,050. She said that the non-profit agency or municipality would need to contribute a 25% match to the funding amount received for each project.

Ms. Drummond reported that 157 applications were received by the June 1, 2011 deadline and that, of these, 20 municipalities submitted 96 applications and 34 non-profit agencies submitted 61 applications. She contrasted these amounts to the 2008 numbers. In that year, 28 municipalities submitted 146 applications and 38 non-profits submitted 80 applications. She noted that 103 of the 157 applications were from Westchester’s 10 most distressed communities. Ms. Drummond said that the technical assistance offered by staff to communities resulted in the submission of more focused and realistic applications.

Ms. Drummond stated that the three funding priorities for selection were: affordable housing, investing in sustainable communities and opportunities for youth. She said that the ten most distressed communities (*2000 census data*) in the county submitted 65% of the applications – 58 from municipalities and 45 from non-profit agencies. Thirty of these applications were recommended for funding - a total \$3,231,609 or 69% of all the available funds.

Ms. Drummond noted the timeline for the review process: a public hearing was held on January 12, the comment period will close on February 12 and Planning Board approval is needed today. If approved, the matter would go before the Board of Legislators in February or March and be submitted to the department of Housing and Urban Development (HUD) on March 15, or by the latest August 15, 2012. The fiscal year begins on May 1 or, if circumstances dictate, 45 days later.

In addition to the quality of the project, Ms. Drummond stated that the previous experience of the applicant, their ability to work on multiple projects simultaneously, the municipality’s progress with AFFH, and the completeness of the application were taken into consideration when deciding to award funding. The municipalities receiving the most award dollars were Port Chester, Peekskill, Ossining Village, and Sleepy Hollow.

Ms. Drummond noted that Requests for Proposals were needed for Emergency Solutions (*formerly Shelter*) Grants (ESG) for the homeless or those in imminent danger of becoming homeless. This program’s components and regulations had changed in December 2011 - limiting eligibility - and now only households with 30% of the county’s Annual Median Income (AMI) are eligible. She said that HUD cut the HOME program by 37% this year, and that all these funds would be needed to meet the 750 units required in the Settlement.

A motion to support the recommendations for the goals and funding in the Fiscal Year 2012 Action Plan was made by Mr. Douglas and seconded by Mr. Thombs and passed by the board.

B. Capital Project RGC14 Golf Course Irrigation, Dunwoodie Golf Course; Capital Budget Amendment

Mr. Natarelli stated that, last year, the Planning Board approved two resolutions for a Capital Budget Amendment for the Dunwoodie Golf Course Irrigation, but the resolutions were not submitted to the Board of Legislators in 2011. The County Executive wants to resubmit the resolution for 2012. Mr. Natarelli noted that there is no change in scope, location or the dollar amount in the revised resolution now before the Board; only the budget year is changed to 2012.

Mr. Sullivan made a motion, which Mr. Pisco seconded, to rescind resolutions 11-026 and 11-030 and amend the Planning Board report on the 2012 Capital Project Requests to include the additional sum of \$2,360,000 for Capital Project RGC14 Golf Course Irrigation Rehabilitation.

C. 1 Lawrence Street, Town of Greenburgh – Disposition of Property

Mr. Natarelli said that when Akzo Nobel Chemicals, Inc., attempted to sell a lot, the company had a title search performed and it reported that a map had been filed in the County Clerk's office in 1926 indicating that the County was to acquire the approximately seven acre lot. However, no record has been found of the transfer of the deed and a second later map was located by the Law Department that indicated that the County did not acquire the property. He said the County has no interest in the property and, according to the Charter, to dispose of the acreage properly a report from the Planning Board is required. Mr. Natarelli said that the County's claim on the property needs to be relinquished to allow for a clear sale and the resolution before the Board supports the conveyance of a quitclaim deed to accomplish this.

A motion to support the conveyance of a quitclaim deed for the property, 1 Lawrence Street in the Town of Greenburgh, was made by Mr. Douglas, seconded by Mr. Schoenfeld and approved by the Board.

VIII. Westchester Community College, 2012-2013 Proposed Capital Budget
[Presented after the Chairman's Remarks]

Mr. Garvey introduced the visitors from WCC to the board members. Accompanied by a PowerPoint slide show, he spoke about WCC's four proposed projects with Capital Budget funding requests for the 2012-2013 fiscal year:

1. WCC-75, which introduces new and replacement technologies at the off campus locations for funding totaling \$506,000. (\$108,000 for 2012/13)
2. WCC-76, which introduces new and replacement technologies at the Valhalla campus – for the purchase of computer equipment and peripherals, the meeting of IT

infrastructure requirements, and the installation of “state of the art” technologies. This funding totals \$5,484,000. (\$1,172,000 for 2012/13)

3. WCC-79, for roof replacement of the Children’s Center, Classroom Building, and Bookstore for funding totaling \$8,722,000. (\$1,210,000 for 2012/13)

4. Various Planning Studies to assist in the planning and development of WCC’s Capital Projects which protect and preserve the College’s infrastructure, assure compliance with regulations and codes, and which will enable WCC to undergo a sustainable energy feasibility study to investigate the cost benefits of new energy sources and their potential cost savings. The total funding requested is \$375,000. (\$75,000 is requested each year, including 2012-13)

Mr. Garvey then updated members on the college’s satellite locations in Peekskill, Yonkers, Ossining, Mt. Vernon and the WCC Center for the Arts in White Plains:

- Ossining Extension Center now offers courses required for a new Veterinary Technology Associate in Applied Science degree. The Center continues to partner with hospitals, nursing homes and various community organizations to provide training and externship opportunities for students.
- The Mount Vernon Extension Center has been steadily growing for the last 8.5 years and offers credit programming in Liberal Arts, Business, and Culinary Arts and non-credit programming in English as a Second Language, and Culinary Arts.
- The Peekskill Extension Center serves over 3,000 students per year. The Center's keystone programs are digital filmmaking, digital art and design, and music technology.
- WCC Center for the Arts serves an average of 4000 credit enrollments and 950 non-credit enrollments annually. Recently, the Center added a range of general education courses to its extensive offerings in the visual arts, design, photography, digital arts, and crafts.
- The Yonkers Extension Center has grown approximately 30% in credit enrollment nearly every year since opening in 2001. The Center subsequently increased needed student services such as academic and financial aid advising, placement testing and academic support.

Mr. Garvey updated members on the progress of the campus’ previously approved capital construction projects:

- The WCC-20, Student Center Improvements/Expansion includes an 8,000 sq. feet addition to the building, new high efficiency boilers, HVAC equipment, upgrades to the existing fire alarm panel, and the installation of a building wide fire sprinkler system. The renovations are expected to be completed in January of 2013.
- The WCC- 43, Technology Building installation of energy efficient windows is completed. The elevator renovation is scheduled for completion next week.
- The WCC-45, Academic Arts Building renovations were completed in September of 2011. New HVAC systems with computerized controls, new fire alarm panels and stage flooring were installed. The building had its boilers replaced in the summer of 2009.

- The WCC-56, Physical Education Field Improvements include new drainage, an emergency access road, and lighting and bleacher renovations. This project, currently under design, is the final 2-phases of a 3-phased project.
- The WCC-66, Science Building renovations were completed in September of 2011. The Science Building shares the boiler plant and chiller plant with the Academic Arts building. These plants, and laboratory tables and exhaust fume hoods were replaced.
- The WCC-68, Administration Building renovations, currently in design, will include upgrades to the building lighting, floor surfaces, door hardware and interior signage for ADA compliance. An upgrade to the fire alarm panel is also included.
- The WCC-69, Hartford Hall renovations, scheduled for completion in July of 2012, include interior repair work, concealment of required mechanical and electrical systems, and installation of a new fire alarm panel. The window air conditioning units will be replaced with ductless split system units and the tile roof system will be repaired.
- The WCC-70, Physical Education Building renovations includes the installation of an air conditioning system, upgrades to the electrical services, a new high pressure gas service and a new fire alarm panel. Bids are currently under review and construction is scheduled to begin in April of 2012.
- The WCC-78, campus-wide Safety and Security Improvements, currently under design, will include the installation of emergency communications such as installing PA systems, alert sirens, and digital signage at strategic locations throughout the campus.

Ms. Konig solicited questions and comments from members, and a brief discussion ensued. Mr. Douglas asked about the economic viability of WCC. Mr. Hankin stated that economic necessity required the reduction of operating expenses and an increase in tuition rates. He said that, in the past, budget costs were split into thirds between the county, the state and the student population. However, due to recent reductions in state and county contributions, students now carried 49% of the costs. He stated that enrollment continues to be robust.

Mr. Garvey expressed gratitude to the Planning Board for their time and support. Ms. Konig thanked the representatives from WCC for their presentation and asked Ms. Drummond to present next on the Fiscal Year 2012 Action Plan.

IX. Matters for Board Information

[Mr. Buroughs spoke after Mr. Ntarelli's presentation on 1 Lawrence Street, Town of Greenburgh – Disposition of Property]

A. Stormwater Management Law

Mr. Buroughs gave a brief overview of the County's Stormwater Management Law, Article II-A of Chapter 241 of the Laws of Westchester County. He spoke about the requirement to create a Reconnaissance Plan that would identify flood or stormwater management problems and existing mitigation measures and would propose capital improvements to reduce flooding damage in the county's six major watersheds. He said that the legislation, as written, created a partnership by stipulating that a minimum 50% financial cost sharing be provided by municipalities meeting the eligibility criteria. The plan, he said, would need to be developed by staff in consultation with the Stormwater Advisory Board and ultimately need to be adopted by the Board of Legislators.

Mr. Buroughs noted that the board could capitalize on organizations, such as the Long Island Sound Watershed Inter-municipal Council (LISWIC), the Saw Mill Watershed Advisory Board and the Northern Westchester Watershed Committee, which are already in place and are addressing flooding issues and use their work as a model to apply to other watersheds.

[Mr. Buroughs next made additional Commissioner's Remarks]

IX. Other Business

There was no new business.

X. Adjournment

The meeting adjourned at 9:45 a.m.

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BOARD MEMBERS PRESENT:

Susan Konig, Chair (Village)
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James Arndt (City)
Neil Sullivan (City)
David Menken (Town)
Bernard Thombs (Town)
Kathleen O'Connor, Commissioner, Department of Parks, Recreation
Jay Pisco, Commissioner, Department of Public Works and Transportation
Thomas Lauro, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

Douglas Hocking (City)
Steven Schoenfeld (Town)
Vacant board position

STAFF PRESENT:

Edward Buroughs, Commissioner
Patrick Natarelli, Chief Planner
Tracey Corbitt, Principal Planner
William Brady, Associate Planner
Lukas Herbert, Associate Planner
Susan Darling, Associate Planner
Robert Doscher, Principal Planner
Paul Gisondo, Associate Planner
Megan Miller, Planner
Nick Magilton, Planner
Ellen Brief, Program Specialist

GUESTS:

Catherine Borgia, County Legislator, 9th District
Joseph Kenner, Assistant to the County Executive
Christopher Crane, Assistant to the Board of Legislators

I. Call to Order

The meeting was called to order at 8:05 a.m. by the Chair, Susan Konig.

II. Meeting Dates

Ms. Konig noted that the next Board meetings would be held on April 3, May 1 and June 5. She noted that she had not heard from any Board members about a preference to change the meeting start time and that for now the traditional 8 a.m. start time appears acceptable to all.

III. Adoption of Minutes

[The minutes were approved later in the meeting, after Matters for Board Action]

Ms. Konig solicited corrections and comments on the December 6 minutes, none were made.

As Mr. Douglas, Mr. Thombs and Ms. Konig were not present at the December 6 meeting they abstained from the vote to approve the minutes of this date.

A motion to approve the minutes from the December 6 meeting was made by Mr. Lauro seconded by Mr. Sullivan and approved by the board.

Ms. Konig solicited corrections and comments on the February 7 minutes, none were made.

As Mr. Arndt, Mr. Menken and Ms. O'Connor were not present at the February 7 meeting, they abstained from the vote to approve the minutes of this meeting.

A motion to approve the minutes from the February 7 meeting was made by Mr. Sullivan seconded by Mr. Douglas and approved by the board.

IV. Chairman's Remarks

Ms. Konig reminded the Board that the Westchester Municipal Planning Federation's (WMPF) Land Use Training Institute (LUTI) will be held on March 12, 15 and 22 and that attending offered an opportunity for members to earn the four hours of training required under NYS law.

She inquired about the progress of submitting an entry for the previous Chair, Cheryl Lewy, for a WMPF Distinguished Citizen Planner Award. Mr. Buroughs stated that the nomination had not as yet been made, and that he would follow up on this. Ms. Konig also remarked that, because of Ms. Lewy's interest in advancing bike paths throughout the county, naming a bike path after Ms. Lewy may be a fitting tribute.

Ms. Konig noted that articles about planning, developers and up-zoning in Westchester have recently been in the news. She noted that although it was understandable that developers would attempt to achieve the best economic results for their projects, municipalities would also need to be hyper vigilant and aware of all the possible scenarios that will impact their communities. She said that when presenting and discussing the **Westchester 2025: Plan Together** initiative it was important to make it clear that it is presented only in an advisory capacity.

V. Commissioner's Remarks

Mr. Buroughs noted that staff had completed the extensive review and analysis of municipal zoning ordinances and that this was printed out in a large format and a copy mailed to the federal housing Monitor.

He said that the department will present on the topic *Westchester 2025: Plan Together* - Comprehensive Plans, Resources, Results at the Land Use Training Institute the evening of March 12 and on Flooding and Land Use Planning on March 15.

VI. Referrals

Ratification of actions taken by staff in response to planning and zoning actions referred to the County Planning Board – January 16, 2012 through February 15, 2012.

Ms. Konig invited comments or questions on the referrals. Mr. Douglas recused himself from the vote on DBF 12-001 Rivertowns Square-Draft EIS.

A motion to approve the Referrals Report was made by Mr. Menken, seconded by Mr. Arndt and approved by the board.

Referrals of Interest

A. Referral File: IRV 12-004 – Continuum Living at Irvington, Draft Environmental Impact Statement, Village of Irvington

Referencing a PowerPoint slideshow, Mr. Herbert informed members about a proposal for a 121-unit development of assisted living apartments in the Village of Irvington; 40 would be targeted for residents with dementia. He said that the 4.6 acre site at 30 South Broadway is currently occupied by the Foundation for Economic Education Development and an existing building on the site could be adaptively reused or demolished. Additional wings of building would be 2, 3 or 4 stories high. There would be a total of 105,000 square feet of floor area and 50 parking spaces.

Mr. Herbert remarked that the site, zoned MF–Multifamily, does not allow for assisted living housing. The applicant is requesting a zoning amendment special use permit to add assisted living. Approvals for this permit and the site plan are needed. Also, the applicant is seeking County Industrial Development Agency (IDA) financing which may require that a portion of the project accommodate below-median income tenants.

Mr. Herbert noted that the site is one of the few remaining MF zoned properties available for development in Irvington. He said that the Village's affordable housing ordinance requires that 10% of the units be allocated as affordable and that it is not clear how this ordinance applies to assisted living facilities as the use was not permitted when the inclusionary requirement was adopted. Mr. Herbert said that three affordable housing units would be

required if the maximum number of multi-family units possible were built on the site. The equivalent math would require the 121 assisted living units to provide 13 affordable housing units. Mr. Herbert suggested that the affordable housing component could be independent and simply located on the site of the assisted living facility. He stated that the public hearing is on March 7 and that once the hearing is closed there will be a minimum of ten days to comment.

Mr. Buroughs said that the Village's 2003 Comprehensive Plan never contemplated assisted living development and that applying affordability to this type of facility is complicated by the service component offered at the facility. He remarked that the affordable housing issue could be raised by the County's IDA.

Ms. Konig inquired if there is a sense of what the community wants for the site. Mr. Natarelli said that often residents welcome development that will add to the tax base and will not impact the population in schools. She asked if there was infrastructure in place to handle the facility. Mr. Herbert replied that the area is served by sewer and water.

Mr. Douglas commented on the substantial increase in the size of the project, due to the use change, and the potential impact of the subsequent increase in the amount of impervious surfaces. He thought a portion of the project should be set aside for affordable housing.

Mr. Sullivan said that municipalities need to consider how to address the ensuing demographic change of an aging population.

Ms. Konig, answering a question from Mr. Pisco, stated that shift workers usually staff assisted living facilities and that they do not require onsite housing.

Mr. Buroughs said that the scale of the project relative to the size of the site may be a consideration.

Mr. Sullivan noted that the existing building was visually appealing and should be retained and adapted to the new use.

Mr. Thombs said that the amount of parking should include spaces for the support staff.

Mr. Natarelli remarked that the development's architectural style should blend with the character of the nearby 1950s red brick garden apartments and match the existing neighborhood's height and setback requirements.

B. Referral File: NWC 12-002 – Conifer Realty Workforce Housing, Site Plan, Town of New Castle

Mr. Herbert, projecting slides from a PowerPoint presentation, spoke about the 36 "workforce" apartments (24 one-bedroom, 12 two-bedroom) proposed for a 5-story building in the Town of New Castle. There would be 40 at-grade parking spaces on the ground level under the units and all the apartments would meet the County's affordable affirmatively

further fair housing (AFFH) requirements. He said that the 16,617 square feet site is bordered by Hunts Place, Metro-North Railroad, the Saw Mill Parkway and the Quaker Road (NYS Route 120) Bridge. As the project fills the entire site, easements will need to be obtained from Metro-North and the NYS Department of Transportation to allow construction access.

Mr. Buroughs noted that the site was used as a staging area by NYS DOT's contractor during the rebuilding of the Quaker Road Bridge. He reported that the federal Monitor. His staff and six employees of the U.S. Department of Housing and Urban Development (HUD) visited the site last Wednesday. Because the site is located next to the center of Chappaqua and connects to sidewalks in the community, they seemed to approve of the site's location for affordable housing.

Mr. Herbert, answering a question from Mr. Lauro, stated that the recycling area will be located in a dumpster enclosure.

Mr. Sullivan said that dust from the highway may be a health concern. Mr. Douglas stated that a noise study and air quality analysis should be done, as these issues could impact the resident's quality of life.

Mr. Lauro remarked that the location of the project's sewer hookup is a critical concern.

Ms. O'Connor noted that there was no on-site parkland for the project. Mr. Herbert said that green areas in the town were within walking distance.

In response to a question, Mr. Herbert noted that the responsibility for snow removal on the walkways over the bridge was not identified.

Mr. Herbert said that workforce housing is permitted in the I-G General Industrial District if a property is within 500 feet of the train station, subject to the issuance of a special permit. A request has been by the applicant to reduce the number of parking spaces from 52 to the proposed 40. Mr. Herbert said that there is no date set for a public hearing. A draft comment letter will be distributed to the board for review and comment before submission to the town.

VII. Matters for Board Action

A. 2012/2013 Westchester Community College Capital Budget Requests – Adoption of Planning Board Report

Mr. Natarelli stated that the Board received a copy of the draft report to review. He noted that the presentation by the college on this matter was at the February 7, 2012 meeting.

A motion to adopt the Planning Board Report on the Westchester Community College 2012/2013 Capital Budget Requests was made by Mr. Douglas, seconded by Mr. Sullivan and approved by the board.

B. WD001 Eastview Meter Connection and Distribution Chamber- Amendment of Planning Board Report on 2012 Capital Project Requests

Mr. Lauro, accompanied by a PowerPoint slideshow, noted that the Eastview Meter Connection and Distribution Chamber project was presented at the October 10, 2011 Planning Board meeting in a different form. He said that there are different levels of mandated requirements, that April 2012 is the deadline for providing ultraviolet (UV) treatment of the water supply, and that there are significant penalties for non-compliance. He presented a brief review of the history of federal and state water supply regulations and spoke about the DEP ultraviolet light disinfection facility at the City-owned Eastview site adjacent to the County's Valhalla Campus at Grasslands. This UV facility will treat all water flowing from the Catskill/Delaware system to provide additional disinfection for potentially harmful microbiological contaminants. The Catskill/Delaware UV facility is scheduled to be completed in 2012.

This \$9.2 million CBA amendment before the board would fund the design, construction management and construction of a water supply main, meter connection and distribution chamber and the needed appurtenances to access the treated water from DEP's UV treatment facility at Eastview so as to provide it to a third of the county: the two county Water Districts #1 (*Yonkers, Mt. Vernon, White Plains, Scarsdale*) and #3 (*Grasslands Campus*); Westchester Joint Water Works (*Mamaroneck, Harrison*); United Water Westchester (*Port Chester, Rye, Rye Brook*); and the villages of Tarrytown, Sleepy Hollow and Briarcliff Manor. He outlined the path of the proposed water main link to Kensico Plaza where the County currently draws water from the DEP system.

Answering a question from Ms. Konig on the accuracy of the project's costs, Mr. Lauro replied that the amount of the project was inflated to 2015 dollars, the midpoint date of the construction.

Mr. Thombs inquired about the impact of the project on the traffic flow on the Saw Mill Parkway. Mr. Lauro answered there will be lane closures and some impact on the traffic in Valhalla.

A motion to amend the County Planning Board report on the 2012 Capital Project Requests to include the report on the new Capital Project WD001 Eastview Meter Connection and Distribution Chamber was made by Mr. Douglas, seconded by Mr. Arndt, and approved by the board.

B. WD002 Eastview Pumping Station and Transmission Main(s)- Amendment of Planning Board Report on 2012 Capital Project Requests

This \$8.725 million project before the board would fund the design, construction management, and construction of an Eastview Pumping Station and Transmission Main(s) to provide treated drinking water from the UV treatment facility at Eastview to the two county Water Districts #1 and #3, Westchester Joint Water Works, and United Water Westchester.

Mr. Lauro stated that the percentage of the total project flow utilized will be used to calculate the project costs for each participant.

A motion to amend the County Planning Board report on the 2012 Capital Project Requests to include the report on the new Capital Project WD002 Eastview Pumping Station and Transmission Main(s) was made by Mr. Douglas, seconded by Mr. Menken, and approved by the board.

IX. Matters for Board Discussion

A. Planning Federation Session – Westchester 2025: Plan Together, Comprehensive Plans, Resources, Results

Mr. Buroughs informed the board that a presentation on this topic will be offered by Planning staff at the LUTI on March 12; Robert Galvin from Monarch Planning Group and Frank Fish from BFJ Planning will join in the presentation. He said that a tentative outline for the talk includes: the legal parameters of comprehensive plans; a short overview of the work completed on *Westchester 2025: Plan Together*; and an overview of the resources that are available to municipalities - exemplified by the work now being done by staff for Rye Brook. Mr. Menken noted that he will be presenting at LUTI that evening on the Government Use of Social Media. Mr. Buroughs reported that staff will present on Flooding and Land Use Planning on March 15.

Mr. Brady, accompanied by a PowerPoint slideshow, noted that the Board was last updated on this initiative in December 2011. He reported that feedback on some of the 16 draft base study chapters, filled with data and analysis, produced by staff for Rye Brook is expected back from the Village in the upcoming weeks. Mr. Brady stated that the extensive information and maps provided will allow the Village to move forward and complete a Comprehensive Plan. He showed a slide listing the categories of the chapters which included: the History of Local Planning, the Use of Land, Transportation, Natural Resources, Current Zoning, Residential Development, and Infrastructure and Utilities - to name a few. Mr. Brady briefly reviewed the project status for some of the county municipalities.

Ms. Corbitt said that the information on Rye Brook posted on the County's Web site will provide information that the Village can use to make local decisions and reduce their costs for drafting a comprehensive plan.

Mr. Douglas stated that other communities would be interested in the list of items that will be provided by the County so that they can determine the gaps that they will need consultants to address.

Ms. Konig thanked Mr. Brady and Ms. Corbitt for their talk, and said that, due to time considerations, the talk on stormwater management projects will be moved to the April meeting. She invited Mr. Buroughs to speak on the municipal zoning ordinances.

IX. Matters for Board Information

A. Current Stormwater Management Studies and Projects
[Due to time constraints, this presentation was tabled.]

B. Review and Analysis of Municipal Zoning Ordinances

Mr. Buroughs said that a copy of the Review and Analysis of Municipal Zoning Ordinances, due at the end of February, had been provided to the federal housing Monitor, as he had requested. Ms. Konig asked that a copy of the report be distributed to board members.

Mr. Buroughs remarked that the first zoning ordinance was adopted by New York City in 1916 and that in 1926 the U.S. Supreme Court upheld the legality of zoning ordinances. Between those years, 16 Westchester municipalities adopted their own zoning codes. He said this history is important to understand as zoning has been in place in much of Westchester for over 90 years. He added that 90 years of review and amendments can result in very complicated regulations and not all being “current.”

He said that a dozen staff worked on researching and compiling the review and analysis of zoning in all 43 Westchester municipalities. He said the results revealed 853 unique zoning districts, and that 653 of these permit residential development and 200 limit uses to non-residential uses. Mr. Buroughs stated that many of the terms used by HUD and the monitor when they discuss zoning are not necessarily terms used in zoning codes. Therefore, one chapter of the county’s report defines terms as used in the report. For example, to ask if a code permits “a townhouse” is difficult to answer as “townhouse” is a type of building and not a zoning land use. He noted that in a word search of all the municipal zoning codes, no results or mention of “Section 8” and/or “HUD” were found that implied restrictive practices.

Mr. Buroughs said that each zoning district in the county was looked at for 31 factors (reported in tables) and for the federal Monitor’s prescribed six restrictive items (reported in the text). These six items are those that limit: (1) multifamily housing, (2) the size of a development, (3) Section 8 or other affordable housing, (4) the number of bedrooms in a unit, (5) the lot size or other density requirements that encourage single-family housing or restrict multifamily housing and (6) townhouse development. None of the municipal zoning codes were discovered to apply exclusionary restrictions in these six areas but instead handle them in standard zoning practice in ways found in codes across the country.

Mr. Buroughs, answering a question from Ms. Konig, stated that yes, records were kept on the amount of staff time spent working on this report.

Ms. Corbitt said that, in the course of the work, good planning policy was uncovered, such as the requirement in New Castle’s code that mandates residential units be located above retail stores and that such policies could be shared with other municipalities.

Mr. Douglas asked if the information gathered in this report would be available to the public. Mr. Buroughs replied that the intent is to widely distribute the report and publish it on the Department’s Web site within a week or two.

Mr. Douglas said that public drinking water reservoir watersheds are a significant impediment to multi-family development as public water and sewer are not available.

X. Other Business

Mr. Buroughs began the brief report on the public hearing on the Tappan Zee Hudson River Crossing Project Draft Environmental Impact Statement. He said Commissioner Pisco and Mr. Herbert and Mr. Magilton of the Planning staff attended the March 1 public hearing. Mr. Pisco stated that many in attendance remarked on the potential reuse of the existing bridge as a park once a new bridge is completed and about adding a transit component to the new construction. Mr. Herbert observed that most of the public at the hearing demanded that transit be provided on the new bridge and thought that Bus Rapid Transit was crucial and rail transit less so.

XI. Adjournment

The meeting adjourned at 9:55 a.m.

MINUTES OF THE MEETING
WESTCHESTER COUNTY PLANNING BOARD

Cassella Conference Room
Michaelian Office Building
White Plains, New York
Tuesday, April 3, 2012

BOARD MEMBERS PRESENT:

Susan Konig, Chair (Village)
Dwight Douglas, Vice Chair (City)
James Arndt (City)
Douglas Hocking (City)
Neil Sullivan (City)
Kathleen O'Connor, Commissioner, Department of Parks, Recreation and Conservation
Jay Pisco, Commissioner, Department of Public Works and Transportation
Michael Coley for Thomas Lauro, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

Steven Schoenfeld (Town)
Vacancy (Town)
Vacancy (Town)
Vacancy (Village)

STAFF PRESENT:

Edward Buroughs, Commissioner
Patrick Natarelli, Chief Planner
Deborah DeLong, Director of Housing
David Kvinge, Director of Natural Resources
William Brady, Associate Planner
Lukas Herbert, Associate Planner
Megan Flanagan-Miller, Planner
Kim Holland, Program Administrator
Lawrence Kelly, Program Administrator
Ellen Brief, Program Specialist

GUESTS:

Joseph Kenner, Assistant to the County Executive

I. Call to Order

The meeting was called to order at 8:00 a.m. by the Chair, Susan Konig.

II. Meeting Dates

Ms. Konig noted that the next Board meetings would be held on May 1 and June 5.

III. Adoption of Minutes

Ms. Konig solicited corrections and comments on the March 6, 2012 minutes, none were made.

As Mr. Hocking was not present at the March meeting, he abstained from the vote to approve the minutes.

A motion to approve the minutes of the March 6, 2012 meeting was made by Mr. Arndt, seconded by Mr. Coley and approved by the board.

IV. Chairman's Remarks

Ms. Konig congratulated the department on the American Planning Association's County Planning Division and the National Association of County Planners Award of Merit in the Best Practices category that will be presented on April 15 for the department's Homeseeker Web site. Mr. Buroughs noted that the site capitalizes on innovative technology which facilitates outreach to a broad community and welcomes and encourages diverse populations to take advantage of the affordable housing opportunities offered in Westchester.

Ms. Konig requested Mr. Buroughs to distribute the now out-of-date Planning Board manual to all members so that a discussion could begin on updating its provisions.

Ms. Konig spoke of recent news articles addressing the need for oversight on private Local Development Companies (LDC) that use public financing for their projects. LDC's allow governments to award contracts without public bidding, to sell tax exempt bonds and to take public property for resale or development. She noted that, although required to file reports, a few LDC's, including the recently dissolved Yonkers' Ridge Hill Development Corp., have not submitted any. Ms. Konig said that members could explore how the Planning Board, in an advisory capacity, could help municipalities address the role of LDCs.

Ms. Konig noted the recent public announcement of plans to bring a 1,300-seat, eight screen Sundance Cinema to the former Akzo Nobel chemical plant campus near the east side of the intersection of Lawrence Street and the Saw Mill River Parkway in Dobbs Ferry. She said that drivers, from eight theaters, departing at one time into one traffic lane may be a problem at this location. The site will also include retail shops and restaurants, a hotel and residential rental apartments. Mr. Douglas noted that movies at the theaters may not end at exactly the same time, although the departure times may sometimes be close. He said that, as a consultant for the village, he is looking at this plan and, in general, the reaction has been positive and the choice of Dobbs Ferry for this arts theater is perceived as a coup for the village.

V. Commissioner's Remarks

Mr. Buroughs said the County's Web sites, recently hacked and offline, are scheduled to be back online today.

He noted that the press release on Earth Month, included in the mailing to members, highlights several county initiatives and projects. One Earth Month event will highlight the completion, in Yonkers, of the last section of the South County Trailway in the old Put railroad right-of-way. The ribbon-cutting celebrating the completion will be held on April 30. Mr. Buroughs remarked that the County did not own the right-of-way to a half-mile section of the trailway - from Rt. 119 in Elmsford to Warehouse Lane in Greenburgh, and was looking into alternative routes for this small section.

Mr. Buroughs note that also as a part of the Earth Month celebration, Pitch in for Parks will take place on April 15. Ms. O'Connor remarked that many hundreds of residents volunteer to help with such tasks as trail clearing and pruning, flower bed preparation, and debris removal at this annual event.

Ms. O'Connor mentioned that a report commissioned by the Friends of Westchester County Parks identifies the impact of county parks on the local economy. It received good news coverage. She noted that a 50th anniversary celebration of the formation of PRC will be held at George's Island in April.

Mr. Buroughs informed members that the Westchester Municipal Planning Federation's Annual Awards Dinner is scheduled for June 7; the location has yet to be finalized. He said that several county departments had submitted nominations.

Mr. Buroughs asked members to e-mail Mr. Herbert with any comments they may have on the draft referral letter, in the day-of-meeting folder, on the Chappaqua Station Apartments.

VI. Referrals

Ratification of actions taken by staff in response to planning and zoning actions referred to the County Planning Board – February 16, 2012 through March 15, 2012.

Ms. Konig invited comments or questions on the referrals.

Mr. Hocking recused himself from the vote on NRO 12-003, Zoning Text Amendment: Animal Husbandry Uses, New Rochelle.

A motion to approve the Referrals Report was made by Mr. Arndt, seconded by Mr. Hocking and approved by the board.

VII. Matters for Board Action

A. Bridleside, 256 June Road, Town of North Salem - BPL50 Fair and Affordable Housing Capital Budget Amendment

Mr. Buroughs remarked that this proposed development was before the board as both a referral from the North Salem Planning Board and as a funding request through a fair and

affordable housing capital budget amendment. He noted that the members had received a draft referral response letter in the meeting packet. He added that development of this site had been before the board previously and that a site plan had been subsequently approved by the Town. However, the downturn in the economy led the developers, Wilder Balter Partners, Inc., to modify the original plan for 3,000 square foot luxury townhomes with a large footprint to a clustered, multi-family Affirmatively Furthering Fair Housing (AFFH) rental apartment development which is now before the Town planning board for an amended approval.

Mr. Kelly, accompanied by a PowerPoint slideshow, presented background on the proposed AFFH affordable rental apartments, named Bridleside, located on June Road near the Putnam County border. He said that a public hearing on the project was scheduled for tomorrow in North Salem.

The eight newly constructed 2-story buildings would include a total 64 rental apartments: 20 one-bedroom units averaging 750 square feet; 40 two-bedroom units averaging 950 square feet; and five three-bedroom/two-bath units averaging 1,150 square feet. A 65th unit would be reserved for a superintendent. All the apartments would have patios or terraces and would be affordable to families at or below 50% and 60% the county's Annual Median Income and would remain affordable for 50 years. Monthly rents, varying according to bedroom and household size, would range from \$1,012 to \$1,683.

Mr. Kelly stated that he anticipated that all 65 units would be eligible and count towards the 750 units required to be constructed under paragraph 7(a) of the Stipulation and Order of Settlement and Dismissal (the Housing Settlement).

He stated that only 14 acres of the 40-acre site will be disturbed by the development and 24.8 acres would be placed under a conservation easement in perpetuity.

Also planned for the site is a 3,200 square foot club house with a management office and a community room and 144 parking spaces. As no public transportation is nearby, the developer would provide bus transportation to Metro-North train stations, medical facilities and shopping with the cost included in his operating budget. Answering a question from Mr. Hocking, Mr. Kelly stated that the developer would provide bus service to residents in future years. Mr. Kelly said that paths will connect the apartment buildings to the nearby high school, middle school and the Town's Volunteer Park.

Mr. Kelly stated that the project would include a sewer treatment plant and a subsurface waste disposal field. Mr. Burroughs noted that subsurface discharge, even of treated effluent, is required within the Croton (New York City drinking water) watershed.

Mr. Kelly remarked that Wilder Balter Partners, Inc. had a good track record in the county as developers and had built other affordable housing such as the Roundtop Apartments and the rental and condominium apartments for persons 55 or older, Jacobs Hill, both in the Town of Cortlandt.

Mr. Kelly said the resolution before the board would recommend a \$6.5 million capital budget appropriation: \$4 million for land acquisition and \$2.5 million for infrastructure improvements.

Ms. Konig noted that the initial proposed project for this site was for market rate housing and did not require a county subsidy; as an affordable housing project the county would incur a cost. Mr. Hocking said that the developer changed the scope of the project due to the economic realities of the marketplace.

Ms. Konig noted that a long commute and lack of proximity to work sites may be an issue for persons who may relocate from outside the county to such a remote site, which is not served by transit. Ms. DeLong said that people may choose the location because it is best for their families and then work out the logistics.

Mr. Kelly stated that the site location is less than five-miles to the small shopping strip mall in Goldens Bridge. Ms. O'Connor noted that the site is near the County's Mountain Lakes Park.

Mr. Buroughs remarked that, years ago, separate court decisions had required the Town of North Salam to rezone properties for multi-family development and that this is one of those sites. The rationale for multi-family development on this particular site, he said, should therefore not be part of the County Planning Board's consideration as the zoning is the result of a unique legal process.

Mr. Hocking asked if there would be regulations in place to assure that the infrastructure was maintained over the course of the 50-years and that the units would be required to remain affordable. Mr. Kelly said that the Declaration of Restricted Covenants addressed this.

Mr. Douglas said that he has found that there is consistent strong demand for affordable housing in the county and these units, geared for families, would easily be filled. He said that affordable housing geared to seniors has experienced vacancies - due to the lack of Section 8 rent subsidies which assists seniors to qualify.

Mr. Pisco asked who would be responsible for maintenance of the infrastructure, including the sewage treatment plant. Mr. Kelly replied that the site owner/management company would be and that the financing structure required by the state include establishment of a reserve fund for future capital expenses.

Mr. Douglas expressed concern that the development did not yet have local approvals and said that this was inconsistent with past practice. He also asked if New York State financing was in place. Ms. DeLong replied that the developer's application to the state was under review. He asked that words stating that the County Planning Board approval was contingent upon: (1) the project receiving approvals from the Town of North Salem and (2) on the development's receipt of all anticipated subsidies for the project from New York State. Mr. Kelly said he would modify the resolution as requested.

Mr. Hocking inquired about the balance remaining of the \$51 million allocated for affordable AFFH under the Settlement and asked if there are calculations available on a cost per unit basis and on occupancy rates. He said that this information would offer a perspective that would help to evaluate individual housing projects in the context of the whole. Mr. Buroughs said new information on financing has been included in a recent report to the federal housing monitor and that it could be presented to the Planning Board at the May 1 meeting.

Mr. Douglas moved that, after Mr. Kelly's revisions, the County Planning Board amend its report on the 2012 Capital Project Requests to include the additional sum of \$6.5 million for the 256 - 258 June Road AFFH project in the Town of North Salem. Mr. Hocking seconded the motion. Mr. Sullivan and Ms. Konig voted no. As seven votes were needed to pass the motion, it did not carry.

Mr. Douglas suggested that, to be respectful of staff time, the Board should at a future meeting engage in a discussion of the criteria needed to unanimously approve an affordable AFFH development.

Mr. Sullivan, referring to a memo on AFFH he had circulated to members, said that he disagreed on the core analysis of the Settlement. He said that the real problem is families in the urban centers living in squalor and that moving a few families to isolated locations will not improve conditions. He also said that is troubled by the 50-year restriction on new affordable housing as no one can know what conditions will be in 50 years.

Mr. Douglas stated that whether or not the Settlement is a poor approach to housing and addressing issues is not relevant as it is the County's obligation to follow it's agreed to terms. Mr. Sullivan said he could not "rubber stamp" the Settlement's approach by casting a vote to fund AFFH. Mr. Hocking remarked that, although he did not like the Settlement, a discussion around the issues would be a good item to add to the agenda as members need to get past the problems they have with the Settlement and focus on ways to meet the obligation to build 750 AFFH units. He also noted that though 50 years is being required, circumstances could still lead to changes in today's arrangements. Mr. Douglas noted that a large amount of staff resources and many hours of work go into advancing these projects. He noted that department staff reductions in 2012 were impacted by the Settlement due to the reduction in Community Development Block Grant funding.

Mr. Buroughs noted that, as the vote did not carry for this capital budget amendment recommendation, it could be reconsidered by the Planning Board, but he suggested that this not take place until after the Town of North Salem takes final action on the site plan now before the Town Planning Board.

B. RP003 Playland Ice Casino Roof System - Capital Budget Amendment

Ms. Flanagan-Miller stated that the financing for the Playland Ice Casino Roof System is included in an existing Capital Project already reviewed by the Board. The resolution now before the Board would advance the \$3,350,000 financing allocated for 2013 for use in the current year to go towards the \$3,700,000 total project cost. (There is an existing appropriation of \$350,000.) She showed slides which illustrated the deteriorating condition

of the roof: the asphalt shingles damaged by severe weather conditions, the damaged wooden ceiling and poor conditions of structural truss system. She said that falling debris on the rink's ice surface is a safety issue that needs immediate attention.

Mr. Natarelli reported that maintenance for the Ice Casino, listed on the National Register of Historic Places, had been deferred over the years and the building is now in critical condition. Since there is no federal or state money involved there is no requirement for review of the project scope by the State Historic Preservation Officer.

Ms. O'Connor stated that the Ice Casino is revenue producing and that the inside was restored in 2007 when the building hosted the Empire State Games. She said that a phased plan would be applied in order to keep the building open during the repairs.

Mr. Hocking asked about the soundness of the buildings structure and asked if there was money in the proposed budget to finance the replacement of beams if determined to be needed.

Mr. Hocking made a motion to approve the resolution that amends the Planning Board report on the 2012 Capital Project Requests to include the Capital Project RP003 Ice Casino Roof System. Mr. Arndt seconded the motion and the resolution passed.

Ms. Konig asked Ms. Holland to present next.

VIII. Matters for Board Information

A. Tappan Zee Hudson River Crossing Project Draft Environmental Impact Statement – County Comments

[Presented after Matter for Board Information- item C, Weatherization Assistance Program]

Mr. Buroughs noted that members had received a copy of the County's March 30, 2012 letter to the NYS Department of Transportation commenting on the draft Environmental Impact Statement of the Tappan Zee Hudson River Crossing Project. He said that County Executive Robert P. Astorino supports the prompt review and approval process for a new Hudson River bridge crossing and stresses that a transit component for the project is essential to help to reduce traffic congestion and to provide transportation alternatives. He mentioned a few of the items included in the letter.

Mr. Buroughs said the letter states that consideration should be given to convert the proposed temporary access road and its emergency extension into a permanent Bus Rapid Transit (BRT) ramp that would link the BRT lanes of the bridge to the Tarrytown station of the Metro-North Railroad. The letter requests that a planned section of RiverWalk located below the Tappan Zee Bridge be included in the project in order to provide a bicycle and pedestrian pathway, and that this be addressed in the final Environmental Impact Statement.

B. Current Stormwater Management Studies and Projects

Mr. Kvinge, illustrating his talk with a PowerPoint slideshow, informed the Board about the flood mitigation projects announced by County Executive Robert P. Astorino at a press

conference in February that will address chronic flooding along the Bronx River and Sound Shore. There are seven Capital Projects with an estimated cost totaling \$9 million scheduled to move forward. Mr. Kvinge briefed members on these projects:

- (1) The Fisher Lane/Bronx River Parkway wetland and floodplain restoration in Greenburgh.
- (2) The County Center stream bank stabilization along the Bronx River in White Plains.
- (3) The Garth Woods and Harney Road stream bank stabilization in Yonkers, Eastchester and Scarsdale.
- (4) The Oak Street Pump Station flood proofing and stormwater infrastructure project in Mount Vernon and Yonkers.
- (5) The Anita Lane Bridge stream channel improvement project in the Village of Mamaroneck.
- (6) The Hutchinson River culvert replacement project – a partnership with New Rochelle.
- (7) The Pine Brook culvert and stream channel improvements – a partnership with the Village of Larchmont.

C. Weatherization Assistance Program- Update

[Presented prior to Matters for Board Information, Item A]

Ms. Holland, illustrating her presentation with a PowerPoint slideshow, stated that in 2010 the Department received a \$4.5 million Weatherization Assistance Program (WAP) Grant funded from the American Recovery and Reinvestment Act (ARRA) through the NYS Division of Housing and Community Renewal. She said that the goal of WAP is to install energy conservation measures in the homes of income-eligible persons, especially homes occupied by the elderly, persons with disabilities and children. She said that owners are required to fund 25% of the WAP work on their buildings.

She reported that the department's WAP clients include: the White Plains Housing Authority (two buildings/262 units), the Port Chester Housing Authority (five buildings/340 units), the Children's Village, Dobbs Ferry – Shelter for Youth (23 cottages/151 units), A-HOME (seven buildings/22 units), and the Greyston and the Sharing Community (two buildings/58 units). Ms. Holland stated that the department conducts income eligibility reviews, arranges energy audits and monitors the weatherization installations. She said that construction on more than 800 low-income residential units will be completed by May.

Ms. Konig asked if all of the grant money was utilized. Ms. Holland replied that \$0.5 million of ARRA funds, not used by the specified deadline, will be returned.

D. Overview of the Flood Guidance Manual

Ms. Konig asked that this agenda item be presented at a future meeting.

IX. Other Business

There was no new business.

X. Adjournment

The meeting adjourned at 9:45 a.m.

MINUTES OF THE MEETING
WESTCHESTER COUNTY PLANNING BOARD

Cassella Conference Room
Michaelian Office Building
White Plains, New York
Tuesday, May 1, 2012

BOARD MEMBERS PRESENT:

Susan Konig, Chair (Village)
Dwight Douglas, Vice Chair (City)
Neil Sullivan (City)
Steven Schoenfeld (Town)
Kathleen O'Connor, Commissioner, Department of Parks, Recreation and Conservation
Patricia Chemka, for Jay Pisco, Commissioner, Department of Public Works and
Transportation
Thomas Lauro, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

James Arndt (City)
Douglas Hocking (City)
Vacancy (Town)
Vacancy (Town)
Vacancy (Village)

STAFF PRESENT:

Edward Buroughs, Commissioner
Norma Drummond, Deputy Commissioner
Patrick Natarelli, Chief Planner
Deborah DeLong, Director of Housing
David Kvinge, Director of Natural Resources
William Brady, Associate Planner
Lukas Herbert, Associate Planner
Tracey Corbitt, Principal Planner
Nick Magilton, Planner
Ellen Brief, Program Specialist

GUESTS:

Joseph Kenner, Assistant to the County Executive
Catherine Borgia, Legislator, Board of Legislators
Barney Malloy

I. Call to Order

The meeting was called to order at 8:00 a.m. by the Chair, Susan Konig.

II. Meeting Dates

Ms. Konig noted that the next Board meetings would be held on June 5, July 10 and August 7 at 8 a.m. She asked if one of the meetings scheduled for the summer months were ever cancelled. Mr. Natarelli remarked that one meeting would be needed in either July or August for members to review and take action on the Planning Board Report on the 2013 Capital Budget Requests. Ms. Konig said that a summer meeting date will be set at the June meeting.

III. Adoption of Minutes

Ms. Konig solicited corrections and comments on the April 3, 2012 minutes. Mr. Douglas noted that, on page six, he had stated one of the remarks attributed to Mr. Hocking.

As Mr. Schoenfeld was not present at the April 3 meeting, he abstained from the vote. Ms. Konig asked that the vote to approve the minutes be tabled until the June meeting when Mr. Hocking and the additional members needed to meet a quorum vote for approval may be present.

IV. Chairman's Remarks

Ms. Konig noted that the mailing to members included a copy of the draft Westchester County Planning Board Manual, the County Code Provisions for the Planning Board, the board's Rules of Procedure and copies of various policies that have been adopted by the board over the years. She said that she would like the Board to review these documents to determine members' expectations of the role of the Planning Board and, if needed, to revise the documents, procedures and policies.

V. Commissioner's Remarks

Mr. Burroughs reported that a ribbon-cutting, celebrating the completion of the final major section of the county's 36-mile combined South and North County Trailways, was held on April 30 at the trailway, accessed from the City of Yonkers' Redmond Park. He said that County Executive Robert P. Astorino was joined by three former county executives, Alfred DelBello, Andy O'Rourke and Andy Spano. Also attending was Ken Jenkins, chairman of the Board of Legislators; former Yonkers Mayor Angelo Martinelli; Joe Schiavone, the author of the book "The Last of The Old Put"; two former Commissioners of Planning; and other legislators, officials and staff who worked to make the trailway possible throughout the decades of the project's planning and construction. Mr. Burroughs presented a slideshow of photos from the event.

VI. Referrals

Ratification of actions taken by staff in response to planning and zoning actions referred to the County Planning Board – March 16, 2012 through April 15, 2012.

Ms. Konig invited comments or questions on the referrals. Mr. Douglas said that, as he only serves on the City's Planning Board in a capacity to recommend, he did not need to recuse himself on referral PKS 12-002, Central Fire House-Draft Scope in Peekskill.

Mr. Schoenfeld remarked that referral NWC 12-002, Chappaqua Station Apartments-Conifer Realty, a proposed five-story apartment building comprised of 36 affordable affirmatively furthering fair housing (AFFH) for the hamlet's downtown, was problematic and that he would not vote to approve the referral letter for this project.

A motion to approve the Referrals Report was made by Mr. Sullivan seconded by Mr. Douglas and, excluding NWC 12-002, was approved by the board.

Mr. Douglas commented that the draft referral letter received by members, IRV 12-002, addressing Continuum Living at Irvington, was well written. Mr. Natarelli noted that the comment period for this project would last until ten days after the close of the public hearing - scheduled for the next evening. Mr. Buroughs requested members to e-mail their comments on this letter to Mr. Herbert by Friday.

Referral of Interest

A. Referral File No. MTP 12-001 – Pace University Master Plan Update, Draft Environmental Impact Statement, Town of Mount Pleasant

Mr. Herbert described the proposed update to the Master Plan for the Pleasantville campus of Pace University which would consolidation Pace's two northern Westchester campuses onto the 199.8 acre Pleasantville campus in the Town of Mount Pleasant. The Briarcliff Manor Campus which provides residences for around 590 students, offices for approximately 160 administrative staff and tennis courts and athletic fields would, after the consolidation, be sold. Mr. Herbert noted that a shuttle bus currently transports students between the two campuses.

The plan calls for three residence halls to be constructed and for the renovation of an existing hall. Three new smaller residential buildings on the north part of the Pleasantville Campus would provide housing for the students relocating from the Briarcliff. The townhouses located in this area and would be demolished.

Additional dining and student meeting space would be provided within an expanded student center building. North Hall, currently a residence building, would be renovated for the use of administrative offices. Recreational facilities would be expanded: a new softball field and tennis courts would be added and an existing baseball field would be renovated, the football field would be expanded to include a new track and field house facilities. The new construction would not disturb the forested areas on the edges of the site. Parking, for approximately 2,000 spaces, would be moved to several locations along the periphery to allow for the creation a new campus green.

Mr. Herbert reported that vehicular access to the campus would remain off of Bedford Road and one of the three existing entry points would be closed. The main entrance would be reconfigured to include a new roundabout as well as a welcome center building.

Mr. Herbert said that a sliver of County owned land would likely be sold to Pace. Mr. Natarelli noted that this parcel is part of the old right-of-way for Route 117 - the ownership of which reverted to the County from the state when Route 117 was reconstructed. Mr. Buroughs noted that the sale of this land would be before the Planning Board for recommendation if it moves forward.

Mr. Herbert remarked that the implementation of the revised master plan would require several actions. Three amendments to the zoning text are requested: (1) increasing the maximum permitted building height to 4 stories/55 feet under certain circumstances, (2) changing the required minimum distance between buildings to 30 feet minimum and, (3) reducing the minimum setback between playfields and property lines to 25 feet when adjoining permanently open land or highway rights-of-way. He noted that site plan approval is required from the Town Planning Board and an amendment to the special permit for college use in a residential zone is required from the Zoning Board of Appeals.

Mr. Herbert said the Environmental Impact Statement (EIS) states that student enrollment is stable and will not grow in the future, and that Pace University's student body is the largest in the county - greater than that of Westchester Community College.

Ms. Konig asked if the sewage lines at the Pleasantville Campus would accommodate this expansion. Mr. Herbert said the sewer lines from both campuses currently feed into the same County main, so there should be sufficient capacity.

Ms. Konig asked if the University was a good neighbor - allowing the community to access the library and other campus facilities. Mr. Herbert, answering a question from Ms. Konig, replied that there is a large buffer zone between the campus and existing residences to the north, so it was unlikely that any residents would be impacted by the new construction.

Answering a question from Ms. O'Conner, Mr. Herbert replied that the lights from the baseball field were far from nearby residential buildings and would not be seen.

Mr. Lauro asked where the parking would be relocated to. Mr. Herbert indicated the smaller lots scattered throughout the site on a slide of the map - a reduction of 70 spaces. Mr. Herbert, answering a question from Mr. Sullivan, said that Pace would need to return to the Planning Board if they, at a later date, decided to add a parking structure.

Mr. Douglas said that it looked as if the baseball field was "shoehorned" into the site. Mr. Sullivan asked if the field could be moved closer to the clubhouse. Mr. Herbert said there were steep slopes in this area. Mr. Buroughs noted that the ball field site was on land recently purchased by Pace. Mr. Herbert said in the scoping documents a suggestion was made to share fields, but this was not addressed in the EIS.

Mr. Herbert reported that the draft comment letter states that the plan is consistent with *Westchester 2025*, asks that adequate space for recycling and a food composter be provided, suggests that the Department of Public Works and Transportation be contacted to discuss a bus stop at the site and commends the applicant for addressing green building concerns.

Mr. Buroughs requested that members e-mail their comments on the draft letter to Mr. Herbert by Friday.

VII. Matters for Board Action

None

VIII. Matters for Board Information

A. Affirmatively Furthering Fair Housing

· Financing of affordable AFFH developments

Ms. Konig invited Ms. Drummond to present on the financing of AFFH developments.

Ms. Drummond, accompanied by a PowerPoint slideshow, described the financial breakdown, as of March 19, 2012, for the 750 AFFH units mandated in the Housing Settlement. There is a total \$51,600,000 of BPL50 Fair and Affordable funds available. She stated that the estimated average cost per unit is \$68,800.

Ms. Drummond provided an overview of what housing is approved and is pending, the cost-per-unit and the dollar balance. Ms. Drummond said that two rental developments were approved by the federal monitor: Freedom Gardens in Yonkers (three one-bedroom units) and Roundtop in Cortlandt (83 one & two-bedroom units). The cost-per-unit for these 86 rental apartments averaged \$63,685. (\$5,474,000 total cost).

She stated that five homeownership developments were approved: Cottage Landings in Rye (18 one-bedrooms), Palmer Avenue in Larchmont (46 one & two-bedrooms), Manville Road in Pleasantville (1 one-bedroom), Crompond Crossing in Yorktown (26 three-bedrooms) and North State Road in Briarcliff Manor (14 two-bedrooms). The cost-per-unit for these 105 homeownership units is \$109,729 (\$11,521,500 total cost).

Ms. Drummond pointed out that constructing homeownership units are much more costly than building rental AFFH units - \$109,729 versus \$63,685. She said that the 2-4 family homeownership renovation or conversion projects were more economical at a cost-per-unit of \$44,000. Two developments were approved in this category: 42 First Street (three units) in the Village of Pelham and 55 Pleasant Avenue (two units) in the Village of Pleasantville for a total cost of \$220,000.

Ms. Drummond summarized the combined cost-per-unit for both rental and homeownership AFFH housing approved by the federal monitor. This combined total of 196 units utilized \$17,215,500 of the \$51,600,000 funds at a cost-per-unit average of \$87,835.

Ms. Drummond stated that there are a potential 239 AFFH units pending for 2012: 177 rental units, 43 home ownership units, and five 2-4 family units at a total estimated cost of

\$20,820,000 averaging \$87,113 per unit. She reported that the combined (units approved and units pending) cost-per-unit is \$87,438.

Ms. Drummond estimated that the 77 units could be built without public subsidy through inclusionary zoning requirements, subject to a housing market recovery. When these units are added into the 196 approved and 239 pending units the average cost-per-unit amount for the 512 unit total is \$74,288.

Ms. Drummond said that 64 units may be feasible on county land. There would be no cost for the land and \$1,600,000 of BPL50 funding could be allocated for infrastructure. When these units are combined with the 512 approved and pending units the total 576 units average a \$68,812 cost-per-unit.

Answering a question from Ms. Konig, Ms. Drummond said the county-owned land would be sold to the developer for \$1 and land use approvals would be required from the local municipality.

Ms. Drummond reported that the quota for category “C” housing units is accounted for and that in planning for new AFFH units, consideration is given to meeting the requirement to fill the A and B categories, as defined in the Housing Settlement.

To meet the 750 units required an additional 174 units will need to be identified and funded. Ms. Drummond stated that there will be an \$11,964,500 balance remaining of BPL50 funds for this purpose at a cost-per-unit of \$68,782. Ms. Drummond stressed that these dollar figures change over time and that the “snapshot” presented today was accurate at this point.

· Occupancy of existing affordable developments

Ms. DeLong, accompanied by a PowerPoint slideshow, spoke about the occupancy rates of existing rental affordable housing in 2011-2012. She said that 56 of the nearly 100 affordable housing developments are rental units. She reported that data was missing on eight units - three units' period of affordability had expired and five units were missing current information and needed to be monitored.

Ms. DeLong reported on the 2,063 units in the 48 rental developments. There are 51 units vacant - a 2% vacancy rate. She presented statistics on the rental developments according to size:

- In the 35 apartments in the ten 2-4 unit developments there is one vacancy – a 3% vacancy rate.
- In the 134 apartments in the fifteen 6-14 unit developments there are five vacancies– a 4% vacancy rate.
- In the 267 apartments in the eight 20-49 unit developments there are six vacancies– a 2% vacancy rate.
- In the 1,627 apartments in the fifteen 50-unit and larger developments there are 39 vacancies– a 2% vacancy rate.

Ms. DeLong noted that the larger developments have lower vacancy rates and that the rate for the smaller developments is less than 5%. She said that 5% is considered a healthy rate and is near to the January 2012 national vacancy rate which, according to the Wall Street Journal, is 5.2%. She said that when you exclude assisted living facilities, which have a high resident turnover and vacancy rate, the affordable housing vacancy rate in the county averaged less than 4%.

Mr. Douglas remarked on the good quality of the report. He said that the issue of assisted living facilities deserved further scrutiny. Ms. Drummond stated that the county last funded such a facility 12 years ago. She noted that for developers to obtain conventional financing, the banks require them to provide a market study.

B. Homeseeker Web site – Update on Central Intake System

Ms. DeLong presented a PowerPoint slideshow and provided members with an update on the data collected from the information form visitors to the Homeseeker Web site complete and submit in order to be apprised of upcoming affordable housing opportunities. She said the report reflects 18-months of data – collected from September 30, 2010 to March 31, 2012.

Ms. DeLong stated that the site went live in September 2010, initially only providing information on affordable homeownership opportunities in the county, and the site subsequently was expanded to include affordable rental apartments. She reported that over 2,000 persons have completed and submitted the online form and noted that, in the last three months, 444 additional persons had registered on the list serve - many of whom registered at the Affordable Housing Expo, where computer stations were made available to the public.

Ms. DeLong reported on some of the data tabulated from the information collected online: 65% live in Westchester, 20% in the Bronx and 6% in New York County. Of those living in Westchester: 29% hail from Yonkers, 22% from the eligible communities of the Housing Settlement, 16% live in Mount Vernon and 11% are from White Plains.

A preponderance of those responding, 72%, indicated their interest was in homeownership. Ms. DeLong said that this data may be skewed because for a year, prior to rental information being added to the site, homeownership opportunities were exclusively addressed. Eighteen percent of the respondents indicated an interested in both rental and ownership housing and 10% were interested in affordable rentals.

Of those responding, the breakdown for the number of persons comprising a household is: 26% for a two person, 26% for three person, 19% for four person, 8% for five person and 3% for a six person household.

Of those reporting their race, 631 or 31% chose not to indicate this, 815 or 40% selected African American and 431 or 21% indicated White. When asked to indicate ethnicity, 21% chose not to indicate any, 47% selected non Hispanic and 32% indicated Hispanic.

When asked to select what area of Westchester they would like to live in 25% of the persons submitting the form chose lower Westchester, 25% mid county, 23% northern Westchester, 19% the Hudson River area and 8% chose Long Island Sound (LIS).

Because such a low percentage of interest was indicated for the LIS, Ms. Drummond said that consideration is being given to adding a map to the site to better indicate the communities for each of the regions listed in the county.

Ms. O'Connor thought that a map would help to more accurately define the regions in the county, as depending on one's geographical perspective, White Plains could be considered Northern Westchester.

C. Stormwater Advisory Board and Reconnaissance Plan Development

Ms. Konig stated that, due to time considerations, this agenda item would be tabled and could be presented at the June meeting.

IX. Matters for Board Discussion

A. Planning Board Manual

- Rules of Procedure
- Adopted policies
- Subjects to revisit

Mr. Buroughs, referring to the documents mailed to members - the Draft 2009 Westchester County Planning Board Information Manual and the Rules of Procedure of the Westchester County Planning Board as amended in December 2003, noted that the procedures for processing referrals was not addressed in these documents. Mr. Buroughs said that certain referral thresholds and categories of actions categorize a referral as a matter of local concern. Matters deemed that of local determination do not need to be addressed by the Board. He said these thresholds, established several years ago, could be one item that is revisited in a review of the Planning Board procedures.

Ms. Konig said that the repercussions of the Housing Settlement has altered what would have been a local matter of a municipality into a concern that needs to be addressed by the County.

Mr. Buroughs noted that there are three positions on the Planning Board that need to be filled by the County Executive - two openings for member's from towns and one for a member from a village. He said that one member of the Planning Board also needed to serve and fill the vacant position on the county's Housing Opportunity Commission (HOC), as Mr. Douglas had recently resigned from the HOC. Ms. Konig suggested that any recommendations members have of persons qualified to fill these vacancies be sent to her to pass on to the County Executive.

Ms. Konig asked if a discussion of the manual and its policies, rules and procedures should wait until there are is a fuller board. Mr. Douglas thought it would be beneficial to wait until

there was a fuller count of members on the Board. Ms. Konig said that a review of the materials could begin with the current board configuration and a discussion paper developed. Mr. Schoenfeld recommended that members could “red line” the items they thought needed to be changed. Mr. Buroughs said that a litmus test of a policy's usefulness could be applied to determine if it should remain or should change.

Mr. Douglas suggested that a historic prospective which addresses the impetus for the Planning Board's initial involvement in housing issues and actions would be helpful. Mr. Schoenfeld said that it would be good to isolate housing policy from the stipulations of the Housing Settlement and examine them.

X. Other Business

None

XI. Adjournment

The meeting adjourned at 9:45 a.m.

MINUTES OF THE MEETING
WESTCHESTER COUNTY PLANNING BOARD

Cassella Conference Room
Michaelian Office Building
White Plains, New York
Tuesday, June 5, 2012

BOARD MEMBERS PRESENT:

Susan Konig, Chair (Village)
Dwight Douglas, Vice Chair (City)
James Arndt (City)
Douglas Hocking (City)
Mark Rosen (Town)
Neil Sullivan (City)
Steven Schoenfeld (Town)
Kathleen O'Connor, Commissioner, Department of Parks, Recreation and Conservation
Patricia Chemka, for Jay Pisco, Commissioner, Department of Public Works and
Transportation
Michael Coley for Thomas Lauro, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

Vacancy (Town)
Vacancy (Village)

STAFF PRESENT:

Edward Burroughs, Commissioner
Patrick Natarelli, Chief Planner
Deborah DeLong, Director of Housing
David Kvinge, Director of Natural Resources
Lawrence Kelley, Program Administrator
Katherine Eisenman, Planner
Lukas Herbert, Associate Planner
Tracey Corbitt, Principal Planner
Nick Magilton, Planner
Ellen Brief, Program Specialist

GUESTS:

Mary Mahon, Special Assistant to the County Executive
Joseph Kenner, Assistant to the County Executive
Catherine Borgia, Legislator, Board of Legislators
Christopher Crane, Assistant to the Board of Legislators
James Guiney, Intern, Office of the County Executive
Jake Williams, Intern, Office of the County Executive

I. Call to Order

The meeting was called to order at 8:05 a.m. by the Chair, Susan Konig.

II. Meeting Dates

Ms. Konig said that, if there was no objection, the July and August Board meetings would be consolidated and that the next Board meeting would be held on July 24, and then on September 4 and October 2 at 8 a.m. No opposition to the date change was made.

III. Adoption of Minutes

Ms. Konig solicited corrections and comments on the April 3, 2012 minutes. None were made.

A motion to approve the April 3 minutes was made by Mr. Douglas, seconded by Mr. Hocking and approved by the Board. As Mr. Schoenfeld and Mr. Rosen were not present at the April 3 meeting, they abstained from the vote.

Later in the meeting - after Mr. Herbert's report on the Referral of Interest, Ms. Konig solicited corrections and comments on the May 1, 2012 minutes. None were made.

A motion to approve the May 1 minutes was made by Mr. Douglas, seconded by Mr. Sullivan and approved by the Board. As Mr. Arndt, Mr. Hocking and Mr. Rosen were not present at the May 1 meeting, they abstained from the vote.

IV. Chairman's Remarks

Ms. Konig welcomed the newly appointed member, Mr. Rosen, to his first meeting of the Planning Board. Mr. Buroughs noted that although Mr. Rosen has a Larchmont mailing address, he is a resident of the Town of Mamaroneck. Ms. Konig requested that members and staff in the room introduce themselves, and they did so.

V. Commissioner's Remarks

Mr. Buroughs remarked that, at next month's July meeting, the Board would need to act on the 2013 Capital Project Report, an overview of which Mr. Natarelli will present later in the meeting.

He reported that Mr. Arndt was appointed to serve as the Planning Board liaison on the Housing Opportunities Commission (HOC), and that he will replace Mr. Douglas, who recently resigned his seat on the HOC.

Mr. Buroughs remarked that, at this and future meetings, members could continue to discuss and analyze the Planning Board manual and policy guidelines to determine if these are

currently effective or if they need to be updated and revised - or to determine what items currently in place work and should be retained.

Mr. Buroughs informed the Board that the 39th Annual Westchester Planning Federation Awards dinner will be held this coming Thursday evening at the Sleepy Hollow Country Club, Briarcliff Manor. He said that the County will receive two Special Commendation Awards for The "Brook" at Tibbetts Brook Park in the City of Yonkers and for the Fox Commons Townhomes and Edgewood Park Improvements in the Village of Port Chester. He reported that the former chair of the Planning Board, Cheryl Winter Lewy, will receive the President's Award. Ms. Konig said she plans on attending.

Mr. Buroughs noted that, in the day-of-meeting folder, there is a flyer publicizing a Department of Planning program: *Watershed Assessment & Low Impact Development for Local and Regional Stormwater Management*, to be held on September 21, 2012 at the County Center in White Plains. He said that, to outreach to persons serving on municipal planning and zoning boards, the program presented will be less technical and have a broader approach to the topics.

VI. Referrals

Ratification of actions taken by staff in response to planning and zoning actions referred to the County Planning Board – April 16, 2012 through May 15, 2012.

Ms. Konig invited comments or questions on the referrals. Mr. Schoenfeld said that he approves the referrals report with the exception of NWC 12-002, Chappaqua Station Apartments - Conifer Realty.

A motion to approve the Referrals Report was made by Mr. Hocking seconded by Mr. Douglas and was approved by the board.

Referral of Interest

A. Referral File No. WHP 12-012 – Zoning Text Amendment: Campus Office District City of White Plains

Mr. Herbert described the proposed Zoning Text Amendment intended to increase the diversity of the types of development in the City of White Plains. He said that the city requested and received a copy of the Department of Planning publication *Office Park Housing*, and had based its plan for the reconfiguration of office parks along the I-287 corridor on the content of this report.

He illustrated his talk with a PowerPoint slide show which included aerial views of Mamaroneck Avenue across from Saxon Woods Park where, in Harrison, an office park was divided into multiple tenant sites. In a slide of Westchester Avenue, Mr. Herbert indicated some of the new uses for office parks along this avenue: Fordham University's medical

center, a fitness center on the site of the old Journal News campus, and a swim school for children on Red Oak Lane.

Mr. Herbert said that the City intended to add a definition of “Planned Office Park Development” to the zoning ordinance and expand the List of Use Regulations for the Campus Office District to include, among others, multi-family dwellings.

Mr. Buroughs remarked that because current development trends and the business climate are working against large, single-tenant land uses, this zoning change could increase the economic feasibility of large campus parcels. He said that municipalities, the business community and the Department agree on the viability of adapting campus office parks for multi-use redevelopment.

Mr. Herbert noted that the planned distance of a 75 foot front yard setback requirement should be more flexible to accommodate the accessibility of bus transportation for multi-family housing residents. He said that when possible, the parking space allotment could be scaled downward, as different peak times of use may allow for shared spaces by the multi-use tenants.

Mr. Herbert said in order to achieve a balanced plan development for the City, limits on the percentage of floor area allowed for retail development should be considered so that out-of-scale retail or extensive strip commercial development is limited.

Mr. Douglas commended the Department on its good work - for publishing a report which guided the City of White Plains to the adaptive reuse of its campus office parks.

VII. Matters for Board Action

A. Grant Park II, City of Yonkers – BPL01 Housing Implementation Fund, Capital Budget Amendment

Mr. Kelly noted that members had received copies of the executive summary and the resolution for this project. Accompanied by a PowerPoint slideshow, he presented information on this fair and affordable housing project in the City of Yonkers, a part of the Mulford Gardens HOPE IV Revitalization Plan. The outdated, deteriorated and now demolished 550-unit Mulford Gardens project, built in 1939, was among the county’s oldest public housing. The city is requesting Housing Implementation Funds (HIF) for infrastructure improvements for the Grant Park II Apartments at 1 and 5 Whetstone Avenue. These 56 apartments will be located in two four-story elevator buildings.

Mr. Kelly said that the total development cost of the Grant Park II project is \$ 22,284,000 and the total HIF funds needed is \$1,568,000, plus \$235,000 in soft costs, for a total of \$1,803,000. He said there is an array of funding sources, including tax credit equity and federal HOPE IV funds to replace aging public housing.

The development includes an existing 3,500 square foot building that contains an exercise facility, business center and a community room. There will be laundry rooms throughout the buildings and playgrounds on the site.

Earlier phases of the Yonkers' revitalization plan included Croton Heights Apartments, 60 affordable rental apartments; Father Pat Carol Green Townhouses, 62 two-family townhomes; the 40-unit Ashburton Senior Apartments; and the 100 units of Park Terrace (*Grant Park I*). Mr. Kelly noted that a ribbon-cutting for the Park Terrace affordable rental apartments, built on the old Mulford Gardens site, is being held today in Yonkers and that County Executive Robert P. Astorino will attend.

Mr. Kelly reported that there were previously 550 units on the Mulford Gardens site, so once the entire HOPE VI multi-phase affordable housing redevelopment is completed, the resulting 364-units, built utilizing water saving efficiencies, will result in a net reduction of density waste flow.

Answering a question from Mr. Sullivan, Mr. Kelly said that yes, this project fell outside the purview of the housing settlement.

Mr. Kelly briefly reviewed information on a slide that indicated an apartments' square footage, its monthly rental cost and the range of income needed for a household to qualify for tenancy.

Ms. DeLong, answering a question from Mr. Hocking, said that as the project did not go out to bid there are no pre-bid dollar numbers to compare to post bid costs. She said that the state looks at the cost relative to the scope of the project and that the developer has a long standing track record with the city.

Mr. Douglas stated that this was a good project, that there were fewer units on the site, and that the scale of the project was more family friendly.

Mr. Douglas made a motion for the Planning Board to approve the resolution supporting HIF funding, not to exceed \$1.85 million, for the Grant Park II infrastructure improvements in the City of Yonkers. Mr. Schoenfeld seconded the motion and the resolution was unanimously approved.

VIII. Matters for Board Discussion

A. 2013 Capital Project Requests – Overview

Mr. Natarelli projected a PowerPoint slideshow and spoke about the 2013 Capital Budget Project Requests. He made a distinction between the Capital Program, the multi-year scheduling of public physical improvements and the Capital Improvements Budget, which refers to improvements scheduled for the next fiscal year. He said that most projects are large

in scale, but also smaller scale acquisitions such as computers and software may be included in a budget.

He cited some examples of county Capital Projects: needed improvements to county golf courses, maintenance for Playland Park, the River Walk Trailway, upkeep for the Bronx River and Central Westchester Parkways, seven sewer treatment plants and facilities on the Grasslands Reservation. Mr. Natarelli noted that capital projects are financed by County bonding, by local, state and federal funding, by special taxing districts and, in a small way, with County dollars.

Mr. Natarelli said that \$10 million is the maximum amount that can be bonded for a project without holding a state voter referendum for the bond. The last time bonding for a project went to referendum was for the funding of the penitentiary in 2004/2005. He said a project could be bonded in phases.

Mr. Natarelli stated that the capital project requests must be submitted by May 1 of each year to the Planning Board and to the Capital Projects Committee. This nine member committee is comprised of the County Executive (Chairman); the Budget Director; the Commissioners of the Departments of Planning, Public Works and Transportation, Environmental Facilities, and Parks, Recreation and Conservation; the Chief Information Officer; and the Chairpersons of the Board of Legislators (BOL) and the BOL Committee on Budget and Appropriations.

Mr. Natarelli stated that the capital budget expenses impact the county's real estate taxes and that since 2011 the dollar amount for the tax levy appropriations portion of the budget has been trending downward. In 2011 the estimated tax levy appropriations cost was \$152.5 million, in 2012 it was \$118.2 million and in 2013 it may be \$105.2 million.

Mr. Natarelli reported that the district and non tax levy for 2011 was approximately \$12.7 million in 2011, \$61.7 million in 2012 and may be \$94.3 million in 2013. Mr. Natarelli said that the special districts tax only those persons or properties within the special districts, and mentioned examples - such as the airport facility charge and the refuse, recycling, sewer and water districts.

He said the total requested appropriations for 2011 was approximately \$165.2 million, for 2012 was just under \$180 million and for 2013 may be \$199.5 million. He said that these dollar amounts are trending upwards due to the incorporation of the costs for operating and maintaining the good condition of existing facilities.

Mr. Natarelli noted the four major categories of the proposed projects in the 2013 Capital Budget: recreation (\$32.735 million); the county airport (\$16.975 million); sewer and water facilities (\$73.059 million); and building, land and miscellaneous projects (\$36.854 million).

Mr. Natarelli briefly reviewed the major proposed projects in the 2013 Capital Budget:

- Blue Mountain Reservation Building and Sportsmen Center - \$5.5 million
- Golf Courses Rehabilitation - \$6.875 million
- Willson's Woods Site Work - \$3.15 million
- Playland Ice Casino Roof - \$3.35 million

- Fair and Affordable Housing - \$7.5 million
- Underground Steam Main, Valhalla Campus - \$6.5 million
- Woodfield Cottage Renovations - \$9.82 million

Ms. O'Connor stated that the number of visitors each year to Willson's Woods pool in Mt. Vernon had increased and was now 56,000.

Mr. Natarelli noted that if the BOL approves the amount already requested for the Playland Ice Casino Roof then the amount requested for this project will be deleted from the 2013 Capital Budget requests.

Mr. Natarelli reviewed the numerous projects that are requested for the County Airport:

- A002A , Airport Approach Protection - \$0.5 million
- A025B, Electrical System Upgrade - \$0.315 million
- A0060, Fuel Farm Improvements - \$1.0 million
- A083A, Terminal Systems Upgrade - \$2.0 million
- A0096, Aircraft/Firefighter Road Rehabilitation - \$0.410 million
- A0106, Runway 11/29 Rehabilitation - \$0.5 million
- A0108, Runway Safety Area Improvements - \$1.0 million
- A0120, Ground Support Equipment Facility - \$3.5 million

Mr. Natarelli said that the use of runway 11/29 was restricted due to the tree height limitations on nearby Connecticut properties. The useable distance of the runway is diminished because of this. The funding for this project would change the path of this runway to improve this situation.

Ms. Chemka stated that a change in federal aviation regulations mandates a 300 foot safety area at the end of runways be in place by 2015 and that funding was being requested in 2013 to meet this mandate.

Mr. Natarelli announced that a meeting presenting an overview of the 2013 Capital Budget Requests will be held at 2 p.m. today and tomorrow at 1:00 p.m. in conference room A on the 9th floor.

Mr. Buroughs stated that members will receive a draft analysis of the 2013 capital budget projects, that the final Planning Board Capital Project Request will incorporate their comments and that the approved report must be submitted to the Capital Projects Committee by September 10. Mr. Buroughs requested that members submit their comments to the Department prior to the next Board meeting on July 24.

B. Referrals Process

Mr. Buroughs said that, for referrals, the burden is on the municipality, city council, planning or zoning board to follow the correct legal procedures and submit a referral to the County Planning Board. It is then up to the Board to determine how to address the referral. He said in that in 2003 the Board decided to allow for local determination for site plans of less than

5,000 square feet of new or renovated floor area or less than 10,000 square feet of land disturbance. The exception to this is actions that were given a Positive State Environmental Quality Review (SEQR) Declaration. Department staff acknowledges the municipality's e-mail or fax notification to provide the local board with the necessary record to show compliance with the legal referral requirements. Mr. Buroughs said that the Board could consider modifying the square foot parameters or other criteria for determining local determination.

Mr. Herbert reported that about 50% of the referrals are submitted by e-mail and approximately 30% of the referrals submitted do not fall under the Planning Board's jurisdiction. Mr. Douglas said that the City of Peekskill sent all the referrals to the Department via e-mail, as this allowed the referrals to be processed quickly.

Mr. Buroughs briefly reviewed the referrals process material that members had received, and this included information on the referrals review process. He said that, due to time constraints, referral letters may be distributed prior to the Boards official vote of approval and that this process replaced a more cumbersome one where index cards were kept and member's approval was catalogued prior to the comment letter being sent.

He said that state and county law differ, that the state requires municipalities to report their actions on referrals but county code does not. Mr. Buroughs remarked that referrals of interest presented to the Board are often selected if the project requires a change in the zoning code or in the type of use.

Mr. Hocking asked if the referral recommendations were well received by large municipalities and acknowledged that, despite the expertise of the County Planning Department, in New Rochelle, the county's input is not heard.

Mr. Douglas said that the skills and expertise of Department Staff contributes a great value to local municipal planning departments.

Ms. Konig remarked that a zoning change for the Croton-on-Hudson letter was perceived by some as problematic and contained discriminatory language and the project could have benefited from the department following up and sending subsequent comments. Mr. Buroughs said that language accommodating additional comments could be included in the comment letter.

Mr. Herbert stated that some small municipalities will wait until after they receive the Planning Boards referral comment letter before they decide or act on a project. Mr. Schoenfeld said that language in the letter could address this and state that the Board may supplement the comment letter and they are also free to take action. Mr. Douglas stated that, for the most part, the referrals comment letters have worked as is and instances requiring further comment may occur so infrequently that watering down the letter and altering the format as it is currently written in may not be needed.

IX. Matters for Board Information

A. Stormwater Advisory Board and Reconnaissance Plan Development

Due to time constraints, Ms. Konig tabled this item for presentation at the next meeting.

X. Other Business

There was no other business to present.

XI. Adjournment

The meeting adjourned at 9:50 a.m.

MINUTES OF THE MEETING
WESTCHESTER COUNTY PLANNING BOARD

Cassella Conference Room
Michaelian Office Building
White Plains, New York
Tuesday, July 24, 2012

BOARD MEMBERS PRESENT:

Susan Konig, Chair (Village)
James Arndt (City)
Mark Rosen (Town)
Neil Sullivan (City)
Steven Schoenfeld (Town)
Kathleen O'Connor, Commissioner, Department of Parks, Recreation and Conservation
Jay Pisco, Commissioner, Department of Public Works and Transportation
Thomas Lauro, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

Dwight Douglas, Vice Chair (City)
Dennis Starr (City)
Vacancy (Town)
Vacancy (Village)

STAFF PRESENT:

Edward Buroughs, Commissioner
Patrick Natarelli, Chief Planner
Deborah DeLong, Director of Housing
Lawrence Kelley, Program Administrator
Katherine Eisenman, Planner
Lukas Herbert, Associate Planner
Tracey Corbitt, Principal Planner
Susan Darling, Associate Planner
William Brady, Associate Planner
Edward Hoffmeister, Associate Planner
Meghan Flanagan-Miller, Planner
David DeLucia, Director, Department of Parks, Recreation & Conservation
Howard Spreckman, Director of Administrative Services, Department of Information Technology

GUESTS:

Joseph Kenner, Assistant to the County Executive
Christopher Crane, Assistant to the Board of Legislators

I. Call to Order

The meeting was called to order at 8:05 a.m. by the Chair, Susan Konig.

MINUTES
Westchester County Planning Board
Meeting of July 24, 2012
Page 2

II. Meeting Dates

Ms. Konig noted that Board members had been alerted via e-mail that a change in the date of the September Board meeting would be considered at this meeting. She said that, if there was no objection, the date will be changed from September 4 to September 11. No opposition to the date change was made. The following meetings will be October 2 at 8 a.m. and November 13, at 8:00 a.m.

III. Adoption of Minutes

Ms. Konig solicited corrections and comments on the June 5, 2012 minutes. Mr Schoenfeld noted the presence of several bracketed items. Commissioner Buroughs explained that these were corrections that should have been made before the draft was distributed.

A motion to approve the June 5 minutes with the corrections was made by Mr. Sullivan, seconded by Mr. Schoenfeld and approved by the Board. As Commissioner Pisco was not present at the June 5 meeting, he abstained from the vote.

IV. Chairman's Remarks

Ms. Konig said that a new member had been appointed by the County Executive, from the City of New Rochelle, and that he would be attending the next meeting. She asked members to give some thought to the Planning Board manual and policy guidelines to identify specific subjects that could be placed on the agenda for discussion.

V. Commissioner's Remarks

Mr. Buroughs remarked that in response to the monitor's request for more information regarding the County's February submission on zoning ordinances and the legal basis for the conclusions drawn, Professor John Nolon of Pace University Law School, an expert on land use law, was retained by the County to prepare a brief on New York State law as it applies exclusionary zoning. His report found that the County's analysis was consistent with the Berenson line of court cases which require that all municipalities have zoning ordinances which allow for multi-family housing units. Commissioner Buroughs noted that not all of the monitor's questions could be answered as the types of data requested do not exist or would require such interpolation of data to produce the requested information that the final figures would be essentially meaningless. He also noted that other data requested relating to local municipal actions on land use matters is not information to which the County has access. He added that the County has been asked to provide the names of all staff who worked on the zoning analysis.

Ms. Konig commented that the legal costs to the County must be mounting. Mr. Sullivan asked if the County is still ahead of schedule on housing construction and whether any

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zoning problems were discovered. He said more clarity was needed in this case. Other members wondered if the County was being made an example of, and asked if the \$12 million in CDBG funds were still being withheld. Commissioner Buroughs said that the money was still being withheld by HUD and that no exclusionary zoning regulation was identified found by the County.

VI. Referrals

Ratification of actions taken by staff in response to planning and zoning actions referred to the County Planning Board.

- May 16, 2012 through July 15, 2012

No Referrals of Interest were reported. A motion to approve was made by Mr. Sullivan seconded by Mr. Rosen and approved by the Board.

VII. Matters for Board Action

A. Planning Board Report on the 2013 Capital Project Requests

Mr. Natarelli said that members had received the draft Planning Board Report of the 2013 Capital Budget Requests and a draft transmittal memo of the report to the County Executive and Capital Projects Committee. The draft report provides the proposed Planning Board analysis and comments on the physical impacts of each proposed capital project. The transmittal memo is intended to provide an overview and to highlight key projects. He asked for any questions or comments. He advised the members that the Planning Board's obligation is to review these projects for their potential environmental impacts and not for fiscal impacts. The actual 2013 Capital Budget to be proposed by the County Executive may not include all of the projects submitted by County departments which are reviewed in the Planning Board's report. He said that the County has a triple A rating from the ratings agencies and that the capital budget is tending lower. Certain departments, such as the County Airport, have their own revenue stream.

Mr. Natarelli said that Westchester is a mature county with a variety of infrastructure renovation and rehabilitation needs which require ongoing attention. He said that any questions or comments members may have about the capital budget should be directed to him.

A motion to approve the Report was made by Mr. Schoenfeld and seconded by Mr. Rosen and approved by the Board.

B. Bridleside, 256 June Road, Town of North Salem-BPL50 Fair and Affordable Housing -
Capital Budget Amendment

Mr. Kelly used a PowerPoint demonstration to illustrate his remarks about the project. He reminded members that this project was before the Board several months ago. At that time, the proposal had not received all local approvals which was a source of concern to some Board members. He reported that all local approvals have now been granted. The matter before the Board is a resolution that recommends the use of County capital funds to purchase the property and to subsidize infrastructure development costs so as to allow the housing units to be rented at affordable limits in compliance with the housing settlement.

Mr. Kelly described the project as 65 affordable AFFH rental units in eight two-story residential buildings, including on-site parking, on 14 acres of a 40.2 acre site. Most of the site will be kept as open space with the buildings clustered, reducing the footprint. He explained that the project will have its own sewage treatment plant on site and subsurface disposal, pursuant to NYS Department of Environmental Conservation and NYC Department of Environmental Protection regulations. The residential units will have a mix of sizes from one to three bedrooms. Transportation will be available free of charge to tenants in provide access to local shopping areas, public transportation and health care facilities. Mr. Kelly noted that the developer, Wilder Balter Partners, has built several successful developments and works cooperatively with the County to obtain funding and local approvals. He said that a number of public hearings were held by the town on the site plan and in compliance with SEQR prior to the grant of necessary approvals.

Ms. Konig noted that if this is to be workforce housing, then the location is very remote for working people with difficult to access to public transportation. Mr. Kelly explained that a lottery would be held for all income eligible applicants and that there are no preferences in the selection process. The County will fulfill its obligation by requiring the developer to market the units to a broad population, including outside of Westchester County, consistent with the terms of the housing settlement. He stressed that this is a public process, that anyone can apply who meets the income requirements and that hundreds of applications are anticipated.

Commissioner Buroughs reiterated that both the North Salem Town Board and Planning Board went through the approval process and noted that the land has been zoned for multi-family development for many years and that no rezoning was requested or required. The zoning of the land for multi-family development was a decision made by the Town long before the housing settlement of 2009. With the zoning in place, this site has presented an excellent opportunity to achieve development of housing units that can meet the terms of the housing settlement.

In response to Ms. Konig's question about what would happen if the Board does not recommend approval of the capital budget amendment, Mr. Buroughs noted that it would

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appear inconsistent with the Board's prior discussion of delaying action until local approvals had been obtained. He said it would also appear to question the actions of the Town of North Salem which has spent much time and effort on the review and approval process for this development.

Mr. Rosen said that if the Town wants this project, then he supports it.

Mr. Sullivan said that since the federal government wants the project to be home to a mix of people, not just people from the town, how will HUD feel if in the end the only residents come from North Salem. Mr. Buroughs stated that what is required is a broad geographic marketing requirement and that there is no pre-determined outcome. All applicants will be placed in a lottery, a fair system with no predictable results. Ms. DeLong said that this project will bring jobs to the area, that applicants make a voluntary choice on whether they want to live in this location and that everyone has the same opportunity. She stated that she has expertise in working with affordable housing in rural areas and that there are many people who find such locations desirable for a variety of reasons and are only too happy to have the opportunity to apply.

Mr. Rosen said that the Planning Board's decision should only be based on issues related to planning and that if all conditions have been satisfied and local approvals obtained the project should proceed.

Commissioner O'Connor said that her family lives in the area and while they may not all be happy about bringing so many additional people into a rural area, the zoning is in place and the law should be followed.

Several member expressed concern about interfering with the local housing market if these units are built and questioned how the financing for the project was put in place. Ms. DeLong explained that because the economy has severely curtailed construction, state-run tax credit programs for affordable housing provide an incentive to build. She said only a few developers can handle this type of project and shepherd it through the process necessary to receive all the approvals, which can take years.

Mr. Buroughs said that if the County does not participate in the funding, that it could be seen as a major blow to others looking for financing of AFFH housing. As the County is obligated to ensure the development of 750 units, he said, the lack of County Planning Board support of housing development on land zoned for such construction and with all local approvals in place would severely hinder the County in meeting its obligations. He stated that all issues have been addressed, the studies completed and everything about the project meets the Town's planning policy and regulations.

Ms Konig said that the federal government is forcing the County to do this. She asked if there was a motion on the draft resolution.

Mr. Schonfeld moved that the resolution recommending the Capital Budget Amendment regarding *Bridleside* be approved, seconded by Mr. Lauro. On the vote, Mr. Arndt, Mr. Rosen, Mr. Schoenfeld, Commissioner O'Connor, Commissioner Pisco and Commissioner Lauro voted yes. Ms. Konig and Mr. Sullivan voted no. The motion failed with only six votes in favor. Seven votes are required for action.

C. BIT3B Desktop Systems 2012-2016 - Capital Budget Amendment

Mr. Hoffmeister explained that this project is a continuation of previous projects to fund the replacement of aging computer equipment and to make needed upgrades, in this case for new software in the District Attorney's office. He introduced Mr. Spreckman from the IT Department who attested to the fact that this was a needed upgrade which would speed operations and improve the efficiency of the DA's office.

A motion to approve the Capital Budget Amendment was made by Mr. Schoenfeld, seconded by Commissioner Pisco and approved by the Board.

D. Tibbett's Park Bathhouse Infrastructure Rehabilitation - Capital Budget Amendment

Ms. Miller used a Power Point slide show to illustrate her remarks about the phased rehabilitation of the Tibbett's Brook Park pool complex. There is a need to replace the elevator in the bathhouse which is old and in need of constant repair. Replacement parts are scarce and it has been determined that a complete replacement of the elevator is necessary. This unforeseen expense is needed in order to allow handicapped access as well as bringing equipment to the catering areas of the pool off season.

When asked why this was an unforeseen expense, Mr. DeLucia responded that he has been working on this project for a year and a half and at the time this project was begun it was not known how structurally impacted the elevator was. The elevator gets more use now and fails constantly. The replacement will be done this winter.

The Board voted to approve the Resolution on a motion of Mr. Arndt seconded by Commissioner Pisco.

E. RBR03 Pier Rehabilitation, Ashford Avenue Bridge, Village of Ardsley/Dobbs Ferry - Capital Budget Amendment

Ms. Miller used a Power Point slide show to illustrate her remarks about the stabilization of the concrete bridge piers and other work as needed. She showed a slide of the five piers to be rehabilitated and explained that the bridge joints also need sealing. She noted that everyone has probably heard about the recent incident of chunks falling from the bridge onto the roadway below. Netting and planking has been put in place as protection. The work is expected to take approximately three months to complete.

The Board voted to approve the Resolution on a motion of Mr. Rosen seconded by Commissioner Pisco.

F. Recognition of Douglas Wyatt Hocking

Ms. Konig said that this recognition of former Board member Hocking was well deserved. Mr. Hocking, a resident of New Rochelle, was a member from 2009 until June 2012. The Board expressed gratitude for his years of service.

The resolution in recognition of Douglas Wyatt Hocking was adopted on a motion of Mr. Sullivan, seconded by Commissioner Pisco.

VIII. Matters for Board Discussion

There were no matters for discussion.

IX. Matters for Board Information

A. Village of Rye Brook Comprehensive Plan Base Studies

Mr. Brady showed Power Point slides to illustrate his discussion of the planning base studies prepared for Rye Brook as the first step in preparing a Village Comprehensive Plan. The work draws on the many and varied data bases and sources that are maintained by County departments. Mr. Brady and Ms Corbitt will present the work at a public meeting this evening in Rye Brook. He showed members a hard copy of the study, which may be obtained for a \$75 fee from the Planning Department, but is available free of charge on line at the County's web site.

He explained that the Village asked for help with its plan in order to save the money a consultant would have charged to do the base studies. This way the Village can hire a consultant to do the "next steps" in the process such as outreach, public meetings and specialized studies as well as drafting the plan itself.

The Planning Department has now standardized and formatted the process so that it can be used again to assist other municipalities who have decided to update a local comprehensive plan. Many Department staff participated in the process. Mr. Brady said that the base studies report contains 13 chapters, 21 appendices, 88 figures and tables, 28 maps and is 128 pages long. He gave members a quick look at the chapters and their content beginning with the Introduction which outlines planning studies that were previously completed over decades. Next is a chapter on External Influences-Regional Context which also covers the County Planning Board's *Westchester 2025: Plan Together* initiative. Other chapters include Land Use, Population, Transportation, Natural Resources and Recreation. The maps developed by the Planning Department include a new color-coded Soils Map. There are chapters covering

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Commercial and Residential Development as well as a Build-Out Analysis and Current Zoning.

Mr. Brady concluded that the Village is very pleased with what it has received, that the process worked well and the Department is ready to take on more such studies if requested to do so.

Ms Konig thanked Mr. Brady, Ms Corbitt and the staff for their work on this plan.

X. Other Business

There was no other business to present.

XI. Adjournment

The meeting adjourned at 10:00 a.m.

MINUTES OF THE SPECIAL MEETING
WESTCHESTER COUNTY PLANNING BOARD

Cassella Conference Room
Michaelian Office Building
White Plains, New York
Wednesday, August 1, 2012

BOARD MEMBERS PRESENT:

Dwight Douglas, Vice Chair (City)
James Arndt (City)
Mark Rosen (Town)
Neil Sullivan (City)
Steven Schoenfeld (Town)
Dave DeLucia for Kathleen O'Connor, Commissioner, Department of Parks, Recreation and Conservation
Jay Pisco, Commissioner, Department of Public Works and Transportation
Michael Coley for Thomas Lauro, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

Susan Konig, Chair (Village)
Dennis Starr (City)
Vacancy (Town)
Vacancy (Village)

STAFF PRESENT:

Edward Buroughs, Commissioner
Norma Drummond, Deputy Commissioner
Patrick Natarelli, Chief Planner
Deborah DeLong, Director of Housing
Lawrence Kelley, Program Administrator
Katherine Eisenman, Planner
Ellen Brief, Program Specialist

GUESTS:

Joseph Kenner, Assistant to the County Executive
Catherine Borgia, County Legislator, 9th District

I. Call to Order

The meeting was called to order at 8:03 a.m. by the Vice Chair, Dwight Douglas.

II. Matters for Board Action

A. Bridleside, 256 June Road, Town of North Salem – BPL50 Fair and Affordable Housing, Capital Budget Amendment

Mr. Douglas asked if there were any updates on this item since Mr. Kelly made a presentation on the fair and affordable housing project, Bridleside, at the July 24 Planning Board meeting. There were none. He inquired if the Town of North Salem had granted all necessary approvals. Mr. Kelly said that the Town has completed the SEQR process and granted site plan approval.

Mr. Douglas stated that the 65 affordable housing rental apartments of the project would count towards the amount of units required to be built in the county under the terms of the Stipulation and Order of Settlement and Dismissal. He said that the total \$6.8 million proposed to be provided by the County is comprised of \$4 million to purchase the land and \$2.8 million for the construction of infrastructure improvements.

Mr. Douglas requested a motion to approve the resolution recommending the use of County capital funds to support the development. Mr. Schoenfeld made the motion, Mr. Pisco seconded it. A vote was taken and the resolution was approved. Mr. Sullivan voted no.

Mr. Buroughs reminded members that the September meeting of the Planning Board has been rescheduled to September 11.

Mr. Sullivan asked if at the next meeting a report could be given on the impediments to electronic voting. Mr. Buroughs said that he had done some research and discovered dated County Attorney opinions on this question. He said that he would ask the County Attorney to revisit the matter.

III. Adjournment

The meeting adjourned at 8:05 a.m.

DRAFT MINUTES OF THE MEETING
WESTCHESTER COUNTY PLANNING BOARD
Cassella Conference Room
Michaelian Office Building
White Plains, New York
Tuesday, September 11, 2012

BOARD MEMBERS PRESENT:

James Arndt (City)
Dwight Douglas, Vice Chair (City)
Holly Hasbrouck (Town)
Mark Rosen (Town)
Dennis Starr (City)
Neil Sullivan (City)
Steven Schoenfeld (Town)
David DeLucia for Kathleen O'Connor, Commissioner, Department of Parks, Recreation and Conservation
Jay Pisco, Commissioner, Department of Public Works and Transportation
Thomas Lauro, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

Vacancy (Village)
Vacancy (Village)

STAFF PRESENT:

Norma Drummond, Deputy Commissioner
Patrick Natarelli, Chief Planner
Deborah DeLong, Director of Housing
David Kvinge, Director of Natural Resource Planning
Katherine Eisenman, Planner
Lukas Herbert, Associate Planner
Tracey Corbitt, Principal Planner
Susan Darling, Associate Planner
William Brady, Associate Planner
Meghan Flanagan-Miller, Planner
Kim Holland, Program Administrator
Ellen Brief, Program Specialist

GUESTS:

Joseph Kenner, Assistant to the County Executive
Christopher Crane, Assistant to the Board of Legislators

I. Call to Order

The meeting was called to order at 8:05 a.m. by the Vice Chair, Dwight Douglas. As there were new members present, he asked all persons in the room to introduce themselves; they did so.

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II. Meeting Dates

Mr. Douglas noted that future meetings will be at 8:00 a.m. on October 2, November 13 and December 4.

III. Adoption of Minutes

Mr. Douglas solicited corrections and comments on the July 24, 2012 minutes. Mr. Schoenfeld noted that the word 'item' was omitted after the word 'bracketed'. A motion to approve the July 24, 2012 minutes after the correction, was made by Mr. Pisco, seconded by Mr. Schoenfeld and approved by the Board. As Mr. Douglas, Mr. Starr, and Ms. Hasbrouck were not present at the July 24 meeting, they abstained from the vote.

Mr. Douglas asked if there were comments or corrections on the minutes of the special meeting held on August 1, 2012. None were made. A motion to approve the August 1, 2012 minutes was made by Mr. Arndt, seconded by Mr. Schoenfeld and approved by the Board. As Ms. Hasbrouck and Mr. Starr were not present at the August 1 meeting, they abstained from the vote.

IV. Vice Chairman's Remarks

Mr. Douglas noted that eleven years ago on this day the world changed when the twin towers were attacked. He asked that a moment of silence be observed to reflect on the events and consequences of September 11, 2001.

V. Deputy Commissioner's Remarks

Ms. Drummond announced that due to the time constraints associated with participating on the Planning Board, Ms. Konig had resigned.

Mr. Douglas noted that the County Executive appoints the Chair of the Planning Board and that the Vice Chair, who is voted in by board members, acts as Chair in the absence of the appointed Chair.

Ms. Drummond reported that the County Executive had asked Commissioner Buroughs to serve for several days as the County's representative on the Thruway Authority Selection Committee, which is reviewing and ranking the Design Build proposals for the Tappan Zee Hudson River Crossing Project. She stated that Mr. Buroughs is not at the Planning Board meeting because he is serving in that capacity today.

VI. Referrals

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Ratification of actions taken by staff in response to planning and zoning actions referred to the County Planning Board.

- July 16, 2012 through August 15, 2012

No Referrals of Interest were reported. A motion to approve the referrals report was made by Mr. Schoenfeld, seconded by Mr. Pisco and approved by the Board.

VII. Matters for Board Action

- A. 525 Ellendale Avenue, Village of Rye Brook – BPL50 Fair and Affordable Housing, Capital Budget Amendment

Ms. Drummond noted that the presenter, Ms. Holland, was not expected until 8:30 a.m. and asked that the next item on the agenda be addressed.

(Presented after Matters for Board Information/ Housing Settlement Update)

Ms. Holland, accompanied by a PowerPoint slideshow, spoke about the Ellendale Commons affordable housing project in the village of Rye Brook. She said that four 800 square foot, 1-bedroom condominium ownership apartments are planned for the 2-story building. Each Affirmatively Furthering Fair Housing (AFFH) unit will have one bath, hard wood floors and Energy Star appliances. There will be six parking spaces. The apartments are anticipated to be eligible under paragraph 7(c) of the Stipulation and Order of Settlement and Dismissal.

Ms. Holland said that the units will be affordable to households at or below 80% of Westchester's Annual Median Income (AMI) and will remain affordable for 50 years. She reported that site plan was granted by the Village Board through their recently adopted Fair and Affordable Housing (FAH) District floating zone. The sales price for each condominium would be \$150,000.

Ms. Holland reported that a portion of the total \$1.22 million project cost would be allocated from the Fair and Affordable Housing Fund: \$200,000 for land acquisition and \$100,000 for site work. Home funding of \$160,000 would go towards the construction costs and that this funding was included in the resolution for consideration now before the Board.

A motion to approve the resolution to amend the County Planning Board's 2012 Capital Project Requests report to include an amount not to exceed \$300,000 for the Ellendale Commons project was made by Mr. Schoenfeld, seconded by Mr. Starr and approved by the Board. Mr. Sullivan voted no.

VIII. Matters for Board Discussion

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A. Rules and Procedures of the Planning Board – Identify Subjects for Review, Discussion and Action

Mr. Douglas stated that this agenda item to address the role of the Planning Board and how the board conducts business could be postponed. Ms. Drummond said that the item may be best addressed when the new Chair is appointed, and that a discussion of the County attorney's opinion on video conferencing could also be discussed at that time.

She noted that under the open meetings law, participants in a meeting need to be visible and the site of the meeting accessible, so that the public can see that the speakers are not coerced. Mr. Schoenfeld said that this may not be practical and asked if board actions can be taken from non centralized locations and made public at a later date. Mr. Douglas said that this could be researched and discussed at the next meeting.

IX. Matters for Board Information

A. Housing Settlement – Update

Ms. Drummond stated that by the end of August, the County will have met the Department of Housing and Urban Development's 2012 benchmarks for affordable housing as stipulated in the housing settlement. She said that 207 AFFH units had financing in place and 130 units had building permits, and she anticipates that the 2013 benchmarks stipulated in the housing settlement will be met ahead of schedule by the end of 2012.

Ms. Drummond updated members on the advertizing and marketing campaign for Westchester's affordable housing. She said that one part of the plan to expand geographic outreach is to advertise on busses and subways in New York City. She reported on the results of one focus group that perceived the message of the sample ads as negative. She said that the advertisements were being adjusted to take this reaction into account and that going forward, ads would have a more positive approach.

Mr. Natarelli presented a PowerPoint slideshow to explain the methodology and results of a follow-up report to the County's initial report to the federal housing monitor on the impact of six zoning practices on affordable housing development. For this new report, the County further examined and analyzed existing zoning data and additional information collected from municipalities in order to present an analysis of whether it is physically and economically feasible for an adequate amount of affordable housing units to be built under existing zoning regulations. Mr. Natarelli said that the report considered restrictions on lot size as well as other density requirements that may encourage single-family housing or restrict multifamily housing.

The report listed the racial and ethnic composition of each zoning district in a given municipality and indicated which of the six zoning practices targeted by the monitor are

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present in that district. Mr. Natarelli noted that census data reports indicated that in the ten-year period from 2000 to 2010, there was an increase in the Black and Hispanic population in all of the county's municipalities.

Mr. Natarelli said the report also addressed the percentage of developable land, including land occupied by existing housing units, which is zoned for building multi-family housing as-of-right in each municipality. He said that the report did not allow for special permit districts and so the accounting is theoretical and does not reflect the possible practical applications that could result in the building of AFFH units. Mr. Douglas noted that a special permit becomes as-of-right as soon as it is granted, and that these permits are often granted to allow for affordable housing developments to be built.

Mr. Natarelli reviewed some of the results indicated in the tables of the PowerPoint slides, including one which indicated developed and undeveloped areas of each "eligible" municipality and he showed a map indicating these areas. Mr. Natarelli noted that this data presented a theoretical viewpoint and that such development factors as adaptive reuse and rezoning of land for multi-family use have not been taken into account.

Mr. Natarelli showed another map which depicted the areas of undeveloped land with environmental constraints such as steep slopes, wetlands and areas within the 100-year flood plain zone.

Using Bedford and Rye Brook as an example, Mr. Natarelli showed a slide of a chart that applied an 80% build-out factor to the maximum density permitted by the local zoning district to the amount of environmentally unconstrained and undeveloped acreage. He said that this analysis was done for all the eligible municipalities.

Mr. Natarelli noted that the assumption for the report was that a housing unit would equal 900 square feet. Ms. Drummond said that the number of units built could actually be higher; she cited an affordable housing project in Rye Brook where the theoretical model would produce 38 units, when the County actually has 85 potential units in the works.

Mr. Natarelli spoke on some of the other items that were addressed in the report: prevailing market rates for multi-family units, density incentives and the streamlining of the development process for municipalities. He said that staff began compiling the report the last week in July and that it was submitted to the monitor last Friday.

Answering a question from Mr. DeLucia, Mr. Natarelli replied that the amount of staff time for compiling this report was tracked. Mr. Sullivan said that he would like see an economic accounting of the County's cost for compiling this report and others, in order to comply with the stipulations of the housing settlement. Mr. Douglas remarked that the financial burden and staff hours invested for this reporting was great.

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Mr. Douglas remarked that the type of data requested by the monitor is calculated to prove that zoning in the county is not adequate in its support of multi-family development, and so also may conclude that municipalities need to revise their code. Mr. Natarelli said that the analysis requested in the report provides theoretical conclusions and does not take into account special permits, adaptive reuse of buildings for housing or zone changes for housing projects.

Mr. Starr remarked that taxpayers will want to know the costs of complying with the housing settlement. Ms. Drummond noted that responding to FOIA requests for documents on the settlement have also taken up many hours of staff time. Mr. Sullivan said that the funds used for the reports could have been used to more productive ends. Mr. Schoenfeld noted that this matter is currently in litigation and that he had concerns about presenting information on the costs of the settlement to the public.

Mr. Douglas acknowledged the many hours of high quality work contributed by Department of Planning staff. He asked Ms. Holland to present on the proposed affordable housing project in the Village of Rye Brook.

B. Stormwater Management Law – Update

(Presented after Matters for Board Action: 525 Ellendale Avenue, Village of Rye Brook)

Mr. Kvinge, illustrating his talk with slides, spoke about the Department of Planning's role in implementing the County Stormwater Management Law, which created a county-wide stormwater advisory board (SAB) and promotes the creation of advisory boards for each of the six major watersheds in the county: Croton River, Pocantico and Saw Mill Rivers, Coastal Long Island Sound, Bronx River, Inland Long Island Sound, and Peekskill and Haverstraw Bay. He reported that the Commissioner of Planning presides over the SAB, which next meets in October. He said that he would be giving a presentation on this at a conference of the New York Watershed Environment Association to be held at West Point on September 14.

The Stormwater Management Law requires the development of reconnaissance plans, prepared by the Commissioners of Planning and Public Works and Transportation (DPW&T), and requires project recommendations for funding. The law establishes Phase I (engineering and design) and Phase II (construction) project funding levels. The county will fund 50% of the project cost.

Mr. Kvinge reported that the department is collecting engineering studies, and that DPW is reviewing and providing brief overviews of technical evaluation studies. He said that the information collected from the completed questionnaires on flooding that were mailed to municipalities along with maps showing existing information, was supported with GIS mapping and FEMA flood hazard maps, and is being evaluated by staff according to standardized criteria. Mr. Kvinge noted that despite follow up, the return rate of the

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questionnaires from the municipalities was low, but that staff are moving forward and writing the required reports.

Mr. Kvinge said that staff are now drafting a Reconnaissance Plan for the Saw Mill River and Pocantico River watershed.

C. Environmental Benefit Projects – Manursing Lake and Mamaroneck River at Saxon Woods

Mr. Kvinge presented a PowerPoint slideshow that explained the aquatic habitat restoration and water quality improvements of two projects - the Manursing Lake at Playland Park/Edith Read Wildlife Sanctuary in Rye and at Mamaroneck River at Saxon Woods in the Town of Mamaroneck. They involved substantial invasive plant remediation and restoration activities.

Mr. Kvinge said that \$300,000 of the County's funding for the projects was mandated by a consent order related to the Long Island Sound and an additional \$500,000 was allocated from County capital project funds. Grants from the New York Department of Environmental Conservation (\$400,000) and from the National Fish and Wildlife Foundation (\$190,000) completed the funding for the projects.

At the Manursing Lake site, a manually operated tide gate was replaced with an automatically operated one, to better control tidal flow and the elevation of the water. This phase of the project was completed in October 2009. In the summer of 2010, the second phase of the project, which consisted of the restoration and creation of tidal wetlands and a tidal creek and coastal buffer, was completed.

Mr. Kvinge said that the ribbon-cutting for the project, coordinated by the project's manager Robert Doscher, was held in July 2011. The wildlife had responded quickly and well to the improved environment, and the project has been a great success.

Mr. DeLucia noted that the site is on county parkland and that the Edith Read Wildlife Sanctuary runs many programs and provides opportunities to interpret the restoration work to the public. He said that the public response to the dramatic change of the restoration has been positive.

Mr. Kvinge next spoke about the restoration of the shore line along the Mamaroneck River in Saxon Woods County Park. He said that invasive plant species were removed, and due to financial and time constraints, herbicides were used, with minimal runoff into the river. He said that the habitat was improved and wildlife had returned to the site. Mr. Kvinge noted that the county promotes the methods and techniques used for restoration through its web site and with educational signage displayed at the sites.

X. Other Business

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There was no other business to present.

XI. Adjournment

The meeting adjourned at 9:45 a.m.

MINUTES OF THE MEETING
WESTCHESTER COUNTY PLANNING BOARD
Cassella Conference Room
Michaelian Office Building
White Plains, New York
Tuesday, November 13, 2012

BOARD MEMBERS PRESENT:

Dwight Douglas, Vice Chair (City)
James Arndt (City)
Holly Hasbrouck (Town)
Jeremiah Lynch (Village)
Mark Rosen (Town)
Neil Sullivan (City)
David DeLucia for Kathleen O'Connor, Commissioner, Department of Parks, Recreation and Conservation
Patricia Chemka for Jay Pisco, Commissioner, Department of Public Works and Transportation
Thomas Lauro/Michael Coley, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

Vacancy (Village)
Dennis Starr (City)
Steven Schoenfeld (Town)

STAFF PRESENT:

Norma Drummond, Deputy Commissioner
Patrick Natarelli, Chief Planner
Tracey Corbitt, Principal Planner
William Brady, Associate Planner
Edward Hoffmeister, Associate Planner
Katherine Eisenman, Planner
Meghan Flanagan-Miller, Planner
Ellen Brief, Program Specialist

GUESTS:

Joseph Kenner, Assistant to the County Executive
Christopher Crane, Assistant to the Board of Legislators

I. Call to Order

The meeting was called to order at 8:10 a.m. by the Vice Chair, Dwight Douglas.

II. Meeting Dates

Mr. Douglas requested that persons in the room introduce themselves, and they did so.

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Mr. Douglas noted that future meetings will be at 8:00 a.m. on December 4 and January 8 and that future dates will be determined at the December meeting.

III. Adoption of Minutes

Mr. Douglas solicited corrections and comments on the September 11, 2012 minutes, none were made.

A motion to approve the September 11, 2012 minutes was made by Mr. Rosen, seconded by Mr. Arndt and approved by the Board. Mr. Lynch abstained from the vote, as he is recently appointed and was not at the September meeting. Mr. DeLucia was not in the room at the time of the vote.

IV. Vice Chairman's Remarks

Mr. Douglas remarked that a resolution thanking Susan Konig for her service as Chair of the Planning Board had not yet been executed and asked that a resolution be prepared for this purpose to present at the next meeting of the board.

Mr. Lauro stated that a Commissioner's meeting is scheduled for 8:30 a.m. and that, if the meeting goes past that time he will have to leave and, at that time, Michael Coley will fill in and represent the Department of Environmental Facilities.

V. Deputy Commissioner's Remarks

Ms. Drummond reported that County Executive Robert P. Astorino announced that he would release his 2013 budget tomorrow and that he is committed to a zero tax levy increase. She also noted that a meeting with the County Executive for all department heads and commissioners is scheduled for this morning.

VI. Referrals

Ratification of actions taken by staff in response to planning and zoning actions referred to the County Planning Board.

- August 16, 2012 through October 15, 2012

No Referrals of Interest were reported.

Mr. Douglas recused himself from the vote on referral DBF 12-002, Masters School – Community Arts & Athletic Center in Dobbs Ferry.

A motion to approve the referrals report of August 16, 2012 through October 15, 2012 was made by Mr. Lauro, seconded by Mr. Rosen and approved by the Board.

VII. Matters for Board Action

A. SW005 Post-Storm Infrastructure Reconstruction and Rehabilitation, Amendment of the Planning Board Report on the 2012 Capital Project Requests

Mr. Natarelli remarked that the County Charter required the Planning Board to submit a report on Capital Budget requests and all subsequent amendments to the adopted Capital Budget. He said that the damage caused by the recent Superstorm Sandy to County facilities necessitated the two resolutions before the board and that others may be forthcoming at the December meeting. He asked Commissioner Lauro to provide details of the extent of the damage.

Mr. Lauro spoke about the various County environmental facilities that were damaged by Superstorm Sandy. He said that the seawall at the New Rochelle Magnolia pump station was knocked down by a surge and was flooded and that the Hutchinson pump station in Mount Vernon was submerged by water from the Hutchinson River and a boiler was damaged and needs to be replaced.

Mr. Lauro noted that many County facilities are located in low lying areas and are vulnerable to storm surges and that, going forward, it is essential to do risk assessments.

A motion to approve resolution SW005 to amend the County Planning Board's 2012 Capital Project Requests Report to include the report "SW005 Post-Storm Infrastructure Reconstruction and Rehabilitation" which supports the allocation of \$1.85 million to repair County environmental facilities which collect, treat and dispose of sewage waste was made by Mr. Lynch, seconded by Ms. Hasbrouck and approved by the Board.

B. SY043 Yonkers Joint Wastewater Treatment Plant Post-Storm Reconstruction and Rehabilitation, Amendment of the Planning Board Report on the 2012 Capital Project Requests

Mr. Lauro reviewed some of the storm damage to the Yonkers Joint Wastewater Treatment Plant and listed the post-storm reconstruction and rehabilitation that would be needed to restore this facility, which collects, treats and disposes of sewage waste for approximately 200,000 county residents.

He said that the plant was submerged under two feet of water and that Con Edison was asked to cut power to the facility to minimize damage. Mr. Lauro reported that the facility's tunnels and basements were filled with 20 feet of corrosive seawater and that emergency contractors were called in to help deal with the storm's impacts. He noted that of the approximately 250 motors in the basement, about 200 of them needed to be cleaned to remove the corrosive salt of the seawater and were also treated to inhibit mold. He said that ultimately the compromised motors would need to be replaced, as cleaning them was an interim solution that allowed the treatment plant to get up and running. Mr. Lauro reported

that two 5,000 gallon tanks in the basement at the north end of the facility were lifted up by the storm, were cracked and that a portion of their 6,000 - 8,000 gallon contents of polymer leaked out and needed to be cleaned up.

The \$12.65 million in funding would be used for polymer mitigation, repairing the damaged infrastructure, electrical equipment, motors, generators, pumps, heating and HVAC systems, and to repair and replace other equipment and systems damaged by the storm.

A motion to approve resolution SY043 to amend the County Planning Board's 2012 Capital Project Requests Report to include the report for the "Yonkers Joint Wastewater Treatment Plant Post-Storm Reconstruction and Rehabilitation" was made by Mr. Arndt, seconded by Mr. Rosen and approved by the Board.

VIII. Matters for Board Discussion

A. The Flood Manual

Ms. Corbitt, illustrating her talk with a PowerPoint slide presentation, informed the board about the Department of Planning's manual "Flooding and Land Use Planning: A Guidance Document for Municipal Officials and Planners." She said that the purpose of the guide is to provide flooding and flood damage mitigation information to assist with land use decisions. The manual was funded in part from a Federal Emergency Management Agency grant administered by the New York State Emergency Management Office.

Ms. Corbitt noted that the manual's range of topics include: the role of government agencies, the regulations associated with flood control, stormwater management and design, the regional costs of flooding, comprehensive and watershed planning, and site plan review tools.

Ms. Corbitt stated that, whether their property is flooded or not, every county resident pays for the economic costs of flooding. Closed highways impact access and the revenue stream of local businesses. When businesses are closed because of flooding, then tax revenues diminish. Other regional costs include overtime pay for police, fire and emergency services and the cost to repair flood damage in public schools, roads, bridges and parks.

The Flood Manual also addresses the role of the County and municipalities in flooding and stormwater management, the importance of public involvement, zoning codes, low impact development and long range comprehensive planning and its relationship to floodplain management.

Ms. Corbitt said that municipalities can mitigate flood damage by addressing related topics in their codes such as steep slope disturbance, erosion and sediment control; wetland alteration and watercourse disturbance. She said subdivision regulations and tree ordinances should be updated and that flood impacts should be addressed in environmental quality reviews under SEQR provisions.

She said that municipal subdivision regulations could include requirements for flood and stormwater easements for watercourses, lakes, ponds and wetland and could establish design guidelines that address flooding and stormwater runoff and incorporate flooding standards into the site plan review process.

Mr. Sullivan said that the section on trees in the manual should be highlighted, as trees are hazardous in wind storms, fall and cause property damage and power outages. Ms. Corbitt acknowledged that judicious pruning may be needed and said that height limits for trees located under power lines can be stipulated. Mr. DeLucia stated that often trees have their root zone compromised by being located near a curb or sidewalk, or trees with rotted and hollow trunks that are damaged or diseased, fall during storms. Mr. Douglas noted that new subdivisions often require utilities to be built underground.

Mr. Douglas suggested that a discussion of the issues of concern brought to the forefront by the recent storm - such as steep slopes, wetlands and tree ordinances, could be an agenda item at the next meeting.

Ms. Chemka asked if FEMA funding was restricted for the use of addressing storm damage or whether the funds could be granted for improvements that would mitigate future storm damage. Mr. DeLucia said that a second team from FEMA was sent to scope out each project in detail and, in the past, some mitigation projects were granted and others denied.

IX. Matters for Board Information

There was no matter for information to present.

X. Other Business

There was no other business to present.

XI. Adjournment

The meeting adjourned at 9:05 a.m.

MINUTES OF THE MEETING
WESTCHESTER COUNTY PLANNING BOARD
Cassella Conference Room
Michaelian Office Building
White Plains, New York
Tuesday, December 4, 2012

BOARD MEMBERS PRESENT:

Dwight Douglas, Vice Chair (City)
James Arndt (City)
Holly Hasbrouck (Town)
Jeremiah Lynch (Village)
John Rogan (Village)
Mark Rosen (Town)
Steven Schoenfeld (Town)
Dennis Starr (City)
Neil Sullivan (City)
Kathleen O'Connor, Commissioner, Department of Parks, Recreation and Conservation
Jay Pisco, Commissioner, Department of Public Works and Transportation
Thomas Lauro, Commissioner, Department of Environmental Facilities

BOARD MEMBERS ABSENT:

None

STAFF PRESENT:

Edward Buroughs, Commissioner
Norma Drummond, Deputy Commissioner
Patrick Natarelli, Chief Planner
David Kvinge, Director of Natural Resource Planning
Tracey Corbitt, Principal Planner
William Brady, Associate Planner
Meghan Flanagan-Miller, Planner
Ellen Brief, Program Specialist

GUESTS:

Joseph Kenner, Assistant to the County Executive
Christopher Crane, Assistant to the Board of Legislators

I. Call to Order

The meeting was called to order at 8:05 a.m. by the Vice Chair, Dwight Douglas.

II. Meeting Dates

Mr. Douglas noted that the next meeting will be at 8:00 a.m. on January 8 and that future dates will be determined later in the meeting.

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III. Adoption of Minutes

Mr. Douglas solicited corrections and changes on the November 13, 2012 minutes, none were made.

A motion to approve the November 13, 2012 minutes was made by Mr. Sullivan seconded by Mr. Pisco and approved by the Board.

Mr. Starr and Mr. Schoenfeld abstained from the vote, as they were not at the November meeting. Mr. Rogan, newly appointed to the board, also abstained.

IV. Vice Chairman's Remarks

Mr. Douglas said he would defer his remarks until the agenda item discussion.

V. Commissioner's Remarks

Ms. Buroughs congratulated Mr. Rogan on his appointment to the Planning Board and welcomed him to his first meeting. Mr. Buroughs remarked that the County Executive will appoint one board member as Chair and that the Vice Chair is elected annually by the members.

Mr. Buroughs reported that the Tappan Zee Bridge selection committee finished its work last week and had made the recommendation for the selection of the design/build team. He said that the final decision will be made by the NYS Thruway Authority board of directors and that the governor would likely make a public announcement about the status of the process soon. He added that everything is on track for construction to begin in the spring and that completion is anticipated in five years.

Mr. Buroughs stated that he was thankful to County Executive Robert P. Astorino for appointing him to serve on the committee, as the selection process was fascinating. He noted that a broad representation of impressive professionals provided technical analyses to the 12 member committee. He stated that strict federal procurement guidelines were followed, that the selection was a "blind" process - only code names were used for the project submissions. The projects were first ranked for their engineering/technical merits and then price was factored in. After the first round of ranking, the selection committee raised the need for clarifications about some aspects of each proposal. The technical team followed up with discussion with each of the three proposers. The committee took a month's break while the answers were compiled for their review. After reconvening and hearing the results, the final recommendations were formulated and agreed to unanimously by the committee.

VI. Referrals

Ratification of actions taken by staff in response to planning and zoning actions referred to the County Planning Board.

- October 16, 2012 through November 15, 2012

No Referrals of Interest were reported.

Mr. Douglas recused himself from the vote on referral DBF 12-001B Rivertown Square-Final EIS, Dobbs Ferry.

A motion to approve the referrals report of August 16, 2012 through October 15, 2012 was made by Mr. Schoenfeld, seconded by Mr. Lauro and approved by the Board.

Mr. Lauro, commenting on referral PCH 12-001D Port Chester Comprehensive Plan-Draft GEIS, commended the steps the village is taking to safeguard infrastructure by updating the 1995 Sewer System Evaluation Survey in order to verify and quantify inflow/infiltration. He noted that many municipalities exceed their sewer use capacity. Mr. Douglas acknowledged the Department of Planning's assistance to Port Chester through the County's *Westchester 2025* initiative's build-out analysis of the village's downtown.

Mr. Buroughs remarked that the letters corresponding to the summaries presented in the County Planning Board Referrals Report had already been mailed to the municipalities; that members are voting to ratify actions that have already been taken. He noted that the policy establishing this practice was instituted several years ago. He noted that in the case of major development proposals, a report is presented by staff at a board meeting and the board is requested to provide direction on the scope and wording of the response letter.

VII. Matters for Board Action

- A. RP009 Ice Casino, Storm Reconstruction – Amendment of the Planning Board Report on the 2012 Capital Project Requests
- B. RP010 Playland, Storm Reconstruction – Amendment of the Planning Board Report on the 2012 Capital Project Requests

Ms. Flanagan said that the two projects before the board for consideration would fund the design and reconstruction of the systems and structures throughout Playland Park and at its Ice Casino building which were destroyed by Superstorm Sandy in October. She showed images of some of the damage in PowerPoint slides. The amount requested for RP009 is \$4,925,000 and the amount requested for RP010 is \$7,575,000.

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Ms. O'Connor reported on the extensive damage to Playland Park from the strong power of the storm's wind and floodwater. She said that the boardwalk is completely destroyed and the riders compromised. Reconstruction is needed on the lighting and sound systems and on roofing and fencing throughout the park.

Ms. O'Connor reported that the back doors of the Ice Casino were blown off and four feet of corrosive salt water flooded the basement where the boilers are located. She said and that this building will remain closed until the roofing and structural system repairs are completed. Ms. O'Connor stated that FEMA is at the park today assessing the damage.

Mr. Natarelli noted that the funding for RP009 and RP010 would be reimbursed by any private insurance money received for the damage to Playland Park. He stated that, as the timing for the action by the Board of Legislators is uncertain, two reports for each proposal are included, one to amend the Planning Board report on the 2012 capital budget requests and the other to amend the 2013 report.

Mr. Schoenfeld remarked that the board had voted to allocate funding for roofing at Playland. Mr. Natarelli said that this work, in the design stage, had not begun.

A motion to approve the resolution to amend the County Planning Board's Report on Capital Project Requests to include the report for Capital Project RP009 Ice Casino Storm Reconstruction was made by Mr. Pisco, seconded by Mr. Schoenfeld and approved by the Board.

A motion to approve the resolution to amend the County Planning Board's Report on Capital Project Requests to include the report for Capital Project RP010 Playland Storm Reconstruction was made by Mr. Starr, seconded by Mr. Sullivan and approved by the Board.

Mr. Buroughs noted that County Executive Robert P. Astorino requested all departments to report any other storm related impacts by January.

C. Planning Board Calendar for 2013

Mr. Douglas asked if members were amenable to the tentative calendar that members had received prior to the meeting. Two months listed offered a choice of dates. The consensus of members was to schedule meetings for September 10 and July 9, 2013.

A motion to approve Planning Board Calendar for 2013 as amended was made by Mr. Rogan, seconded by Ms. Hasbrouck and approved by the Board.

D. Resolution in Recognition of Susan Konig

Mr. Douglas noted the contributions of Susan Konig, the former chair and member of the Planning Board, and asked for a vote on the resolution which recognizes her service to the county.

A motion to approve resolution expressing gratitude to Ms. Konig for her services to the Planning Board was made by Mr. Sullivan, seconded by Mr. Arndt and approved by the Board.

VIII. Matters for Board Discussion

A. Issues of Concern Around Superstorm Sandy

Mr. Douglas said he wanted to explore a post Superstorm Sandy vision for the plans to protect County facilities, one which considered the impact of flood surges and the need to harden facilities to better survive future storm impacts.

Mr. Lauro stated that the Department of Environmental Facilities was looking at facility vulnerabilities and debating how to shore up the facilities. He said consideration was being given to the benefits of dry proofing (keeping flood water out) versus waterproofing, letting water enter but having protection of key components in place. He said that procedures for the protection and utilization of emergency equipment were being reviewed. Mr. Lauro noted that County staff proved the greatest asset in dealing with the storm. They were required to work around the clock, away from home and these conditions require us to consider their concerns about the wellbeing of their families.

Ms. O'Connor said that the around-the-clock Emergency Operating Center (EOC) was divided into 12-hour shifts, and that staff encountered dangerous driving conditions while traveling on roads to-and-from the EOC during the storm. She remarked that the timing for changes of shifts needs to be addressed in relation to driving during dangerous storm conditions. Mr. Buroughs noted that every County department supplies staff to the EOC and that many depend on public transit, which can be compromised during a storm, to get there. He said that the County Executive's office is following up on issues raised around the EOC during the recent storm.

Mr. Sullivan asked if using a Sandy model would help predict future emergency storm situations. Mr. Lauro said that predicting future events is difficult, that Sandy exceeded the engineering models for 100-year flooding events. Mr. Ntarelli noted that a 100-year event is

defined as a storm that has a one percent chance of occurring in one particular year. Mr. Kvinge said that accruing better data would help assess current situations, and that stream monitoring could supply this information.

Mr. Douglas said that the board needs to look at a broader picture of how facilities can be better protected from storms and that this approach would be more cost effective in the long run. Mr. Buroughs noted that the 2014 capital budgeting process begins in May and is adopted by the Planning Board by September. He said that concerns about the impacts of storms on County facilities can be part of the Planning Board's review of capital project requests.

IX. Matters for Board Information

A. Stormwater Reconnaissance Plans – Status Update
(*Presented after the Housing Settlement – Status Update*)

Mr. Kvinge, illustrating his talk with a PowerPoint slide show, spoke about the draft Saw Mill River – Pocantico River Watershed Reconnaissance Plan. He noted that this plan also includes smaller watersheds which either directly, or ultimately via streams, empty into the Hudson River. He said that the 2011 Westchester County Stormwater Management Law requires a watershed analysis and the prioritization of flooding mitigation projects to be funded through the County's partnership with local municipalities. Mr. Kvinge said that existing studies and information collected through outreach to municipalities was compiled and evaluated by the Department of Planning and the Department of Public Works. Ranking criteria was developed and a list of prioritized projects and recommendations was drafted. An overview and highlights of the key findings are presented in an Executive Summary.

Mr. Kvinge said that municipality codes and local ordinances were reviewed. Most municipalities adopted the model laws developed by the state and federal government. He said that standards above FEMA's minimums were recommended.

Mr. Rosen asked if a return on investment was a factor that was considered. Mr. Kvinge said that most of the engineering studies did not include cost benefit ratios and that these, and an analysis of the down and upstream impacts, will need to be prepared.

Mr. Kvinge noted that the Brady Avenue drainage improvement project in the Town of Mt. Pleasant received a high ranking for a 2007 flood mitigation study and had a good cost-benefit analysis. He said that half of the engineering studies would need more information in order to be correctly evaluated.

Mr. Buroughs remarked that developing the Reconnaissance Plans are a dynamic process and that there is a continuing open dialog with municipalities. He said plans need to be drafted for

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six more drainage basins, communities need to apply for the 50% funding and that these projects will come before the Planning Board for Capital Project review.

Mr. Kvinge cited some of the recommendations of the plan: reducing the amount of impervious surfaces, maintaining and improving infrastructure such as culverts and sewer systems, acquiring flood-prone land to reserve as open space for flood mitigation purposes and expanding public education and outreach efforts.

Mr. Kvinge said that a Reconnaissance Plan draft for the Coastal Long Island Sound watershed would be addressed next.

B. Housing Settlement – Status Update
(Presented after Matters for Board Discussion)

Mr. Buroughs presented a timeline of the County's zoning analysis submissions to the federal monitor overseeing the August 10, 2009 Stipulation and Order of Settlement and Dismissal (the Settlement).

- February 29, 2012: "Review and Analysis of Municipal Zoning Ordinances in Westchester County." This report identified 853 unique zoning districts and provided information in 31 categories for each county district. The report also offered an analysis of six "Restrictive Practices" for each of the county's 43 municipal zoning ordinances. The compilation of the data in the report concluded that the county's zoning regulations provide for all types of development and that the standards of the zoning districts reflect historic development patterns, the availability of supporting infrastructure and the local natural physical conditions. The local zoning ordinance analysis did not identify any practices with "exclusionary" impacts.
- July 6, 2012: "Affirmatively Furthering Fair and Affordable Housing Under New York and Federal Law and Policies." Prepared by Pace Land Use Law Center, this report provides a legal analysis of exclusionary zoning law in New York State. Pace's report stated that the county's zoning ordinances contained a wide range of uses (including multifamily housing), accommodates development that reasonably is expected to locate in a specific geographic area and conforms to state and federal policies for "smart growth." This report provided a legal base for the conclusions drawn from the February 29 analysis.
- July and August 2012: Several reports providing additional data: (1) Table identifying to what degree each municipality met its allocated number of affordable units under the Westchester County Housing Opportunity Commission (HOC) Affordable Housing Allocation Plan 2000-2015, (2) list of all personnel who participated in the preparation of the February 29 zoning review, (3) table indentifying the area and percentage of land zoned for building multi-family housing in each of the 31 "eligible municipalities," (4) tables identifying the racial and ethnic composition (Black and Hispanic) of each zoning

district in all of the 31 eligible municipalities – 2000 Census and 2010 Census, and (5) Tables indicating the presence of the six questioned “Restrictive Practices” in every zoning district in each of the 31 eligible municipalities.

- September 6, 2012: Data (maps and/or tables) for each of the 31 eligible municipalities for the “methodology for considering the cost and geographic implications of the six questioned zoning practices.” The data provided identified (1) acreage where multi-family housing is permitted, excluding when subject to special use provisions; (2) developed and undeveloped acreage where multi-family housing is permitted, excluding when subject to special use provisions; (3) undeveloped acreage, constrained (steep slopes, wetlands and 100 year flood plains) and unconstrained in zoning districts where multi-family housing is permitted, excluding when subject to special use provisions; (4) undeveloped acreage that is not constrained reduced by 80% build-out factor in zoning districts where multi-family housing is permitted, excluding when subject to special use provisions; (5) the theoretical number of multi-family units that can be developed in each zoning where multi-family housing is permitted, excluding when subject to special use provisions; (6) the prevailing market rate for multi-family units; the multi-family unit value and land value per unit by quartile in each eligible municipality; (7) the cost of construction of Westchester County-funded multi-family units; (8) density incentives within zoning ordinances for multi-family development for affordable housing; (9) the area and percentage of land zoned for building multi-family housing; and (10) the streamline approval process for approving housing that includes affordable housing within zoning ordinances.
- October/November 2012-Several reports providing additional data: (1) Excel files of all previously submitted data and tables, (2) a table revising the August 16, 2012 table identifying the racial and ethnic composition of each zoning district so as to add data for single-race white, (3) a table providing an update of the August 1, 2012 table showing to what degree each municipality has met its allocated number of affordable units under the Westchester County HOC Affordable Housing Allocation Plan so as to add the results of a new survey of the municipalities conducted by the County on October 11, 2012, (4) tables showing the percentage of single-race White, single-race Black and Hispanic populations in each zoning district with the same minimum lot area requirement (in all 43 municipalities) which show the calculated average for the districts in eligible and in non-eligible municipalities.

The data collected for report (4) revealed a wide variety of race and ethnicity populations in districts with identical minimum lot zoning and therefore concluded that there is no expectation revising the minimum lot area requirements would change the race and ethnicity characteristics of the population in a zoning district.

Mr. Buroughs mentioned that the monitor had not commented on the June Pace report. He stated that compiling the many reports for the monitor utilized an enormous amount of staff time - the equivalent of 1.5 years of work for one staff person.

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Mr. Buroughs said that a new letter, dated November 29, 2012, was received from the monitor that requested the County address his concerns that the affordable units that Affirmatively Further Fair Housing (AFFH) being built and planned are concentrated in a few areas and not distributed throughout the county's eligible municipalities, as well as his concerns around the rate of spending. He said these new questions will be addressed.

Mr. Buroughs noted that the "Settlement" does not require that housing be built in all the eligible communities; it stipulates only that 750 AFFH units must be built in census blocks that meet certain specific criteria.

Mr. Douglas noted that the very communities that provide affordable housing, the poorer municipalities in the county, are being penalized from the withholding of \$12.5 million Community Development Block Grant (CDBG) funds. Mr. Douglas asked if the board can request that CDBG funds be released to the needy communities. Ms. Drummond noted that the Urban County Council has made repeated requests to HUD for the release of funds.

Moving to the status of housing development, Ms. Drummond spoke on the AFFH sites identified in the third quarter status report prepared for the monitor. It reports on a total of 29 active developments with 691 AFFH units (497 rental units/183 homeownership) with 130 building permits issued. She noted that the County was on its way to reaching the December 2013 benchmarks. Today 294 units had financing in place; 300 are required by the end of next year. Two-hundred building permits need to be in place by December 2013 - today there are 138. Ms. Drummond said that the County had looked at 275 sites in 31 eligible communities and that 690 of the 750 units needed for the Settlement are in the pipeline.

Ms. Drummond noted that the County's Homeseeker Web site, which outreaches to populations at all locations and informs them of the affordable housing opportunities in Westchester, had won two national awards recognizing the sites innovation and excellence. From July 1 to December 30 there were 60,000 page views of the site.

Mr. Douglas asked about if any municipalities had opted out of the HUD consortium. Ms. Drummond answered that the agreement is a three-year cooperation that ends on April 30, 2015, and that Tuckahoe, Larchmont, Bronxville and the Town of Mamaroneck had dropped out.

Ms. Drummond said that the \$2.5-2.7 million of HOME funding is being held up by HUD limits and that this limits the leveraging of construction funds and the number of units that can be built.

Mr. Lauro asked what will happen with affordable housing in the County after the 750 units are built. Mr. Buroughs said that the number of affordable housing units supported by County funding prior to the Settlement is not much different from the number being

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supported now. He noted that Westchester County has a long record of supporting affordable housing.

Ms. Drummond said that 11 municipalities have adopted the model ordinance provisions, a document that was approved by the monitor. She stated that the County is required to market AFFH units to the populations least likely to apply for housing in the location of the units.

C. Repurposing the I-287 Corridor – Existing Conditions

Mr. Douglas asked that, due to time constraints, the presentation on Repurposing the I-287 Corridor be presented at the January 8, 2013 meeting of the Planning Board.

X. Other Business

There was no other business to present.

XI. Adjournment

The meeting adjourned at 9:55 a.m.