

**45652**

DATE March 27, 2015

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing a third amendment to the agreement between the County of Westchester and Palmer Avenue Housing Development Fund Company, Inc. (as the designee of WB Pinebrook Associates, LLC) for the construction of eleven (11) of the forty-six (46) affordable Affirmatively Furthering Fair Housing Ownership Units to be located at 2101 – 2105 Palmer Avenue in the Village of Larchmont in order to change the expiration date and increase the dollar amount.

On February 24, 2011, your Honorable Board approved a resolution to enter into an agreement with WB Pinebrook Associates, LLC, or its designee, , to supplement the cost of construction of eleven (11) affordable Affirmatively Furthering Fair Housing (“AFFH”) ownership units to be located at 2101 – 2105 Palmer Avenue in the Village of Larchmont. The development consists of fifty-one (51) one, two and two-bedrooms with dens fair and affordable ownership condominium units of which forty-six (46) of the units will count toward the obligations of the housing Settlement Agreement.

Pursuant to the resolution approved on February 24, 2011, the County entered into an agreement with WB Pinebrook Associates, LLC’s designee, Palmer Avenue Housing Development Fund Company, Inc. on July 28, 2011, having a term of two (2) years, commencing on March 1, 2011 and terminating on February 28, 2013 in an amount not to exceed \$1,025,000.00 (the “Agreement”).

On or about January 16, 2012, the County and Palmer Avenue Housing Development Fund Company, Inc. entered into an amendment to the Agreement to extend the period in which the parties agreed to enter into a Land Acquisition Agreement from one hundred eighty (180) days from the date of execution of the Agreement to one (1) year from the date of execution of the Agreement.

On February 21, 2013, your Honorable Board approved a resolution to again amend the Agreement in order to change the expiration date from February 28, 2013 to March 1, 2015. The Second Amendment was subsequently executed.

Authority is now being sought for a third amendment to again amend the above referenced Agreement to change the expiration date from March 1, 2015 to May 31, 2015 as well as to increase the dollar amount of the Agreement from \$1,025,000.00 to \$1,225,000.00, an increase of \$200,000.00. The additional time is needed as a result of unexpected delays in the cleanup of contaminated soil which took longer than expected and at an additional cost.

The goal and objective of the original Agreement and this amendment is to create fair and affordable housing which is safe, secure and energy efficient. The project will create home ownership opportunities for low and moderate income individuals and families that would not otherwise be able to afford to purchase a home in Westchester County. It will also enhance the neighborhood with interactive design and landscaping. Department of Planning staff will monitor and track construction of the Development, as well as monitor compliance with the affordability requirements.

I recommend approval of this third amendment to the Agreement.

EB/cp/jpi  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - UNIVERSITY JOINT SECRETARY

**RESOLUTION**

UPON A COMMUNICATION FROM THE COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED: that the County of Westchester is authorized to execute a Third Amendment to the agreement with Palmer Avenue Housing Development Fund Company, Inc., (designee of WB Pinebrook Associates, LLC), to supplement the cost of construction of eleven (11) affordable Affirmatively Furthering Fair Housing ownership HOME units located at 2101 – 2105 Palmer Avenue in the Village of Larchmont in order to change the expiration date from March 1, 2015 to May 31, 2015 and to increase the dollar amount by \$200,000 from \$1,025,000.00 to \$1,225,000.00, , and it is further

RESOLVED: that all other terms and conditions of the agreement will remain the same; and be it further

RESOLVED: that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Original Agreement	\$1,025,000.00
First Amendment	\$0.00
This Amendment	\$200,000.00
<b>TOTAL</b>	<b>\$1,225,000.00</b>
<b>AGREEMENT NUMBER</b>	<b>C-HOME-10-86</b>

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
263	19	173K	4380	T173	\$200,000.00

Budget Funding Year(s)  
(must match resolution)

FY 2010

Start Date: March 1, 2011

End Date: May 31, 2015

Funding Source

Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

**\$200,000.00**  
(must match resolution)

Federal Aid \$200,000.00 – U.S. Department of Housing and Urban Development

Other \_\_\_\_\_