

**65514**

DATE: October 17, 2018

TO: Board of Acquisition and Contract

FROM: Norma V. Drummond  
Commissioner of Planning

SUBJECT: Resolution authorizing the County of Westchester to execute an amendment to the Developer Infrastructure Agreement with Chappaqua Station, LLC (the “Developer”) in order to permit its in-house construction company Conifer-LeChase Construction, LLC to be an additional payee from funds in the original budget for the construction of necessary site work and infrastructure improvements, all in support of an affordable AFFH development to be known as Chappaqua Station.

On July 2, 2015, your Honorable Board approved a Resolution authorizing the County of Westchester to enter into agreements to purchase and subsequently convey approximately 0.34-acre of real property located at 54 Hunts Place in the Town of New Castle (the “Property”), to fund the construction of necessary site work and infrastructure improvements and to accept and/or release any rights in the Property deemed necessary in furtherance of this development including, without limitation, easements and/or subordination agreements, all in support of an affordable AFFH development to be known as Chappaqua Station which will be constructed on the Property and will provide twenty-eight (28) one and two-bedroom affordable AFFH rental units.

This Resolution also authorized the County to enter into an agreement with Chappaqua Station, LLC (the “Developer”), its designee, successors or assigns currently anticipated to be Chappaqua Station Housing Development Fund Company Inc., a not-for-profit corporation organized and existing under the Not-For-Profit Corporation Law of the State of New York, to convey fee title to the Property for One (\$1.00) Dollar to the developer. Additionally, the prior resolution authorized the County to enter into an Intermunicipal Agreement (“IMA”) with the Town of New Castle (the “Town”) in a not-to-exceed amount of \$1,650,000 (the “FAH Funds”) for construction of site work and infrastructure improvements.

On June 22, 2017, your Honorable Board approved a Resolution amending the July 2, 2015 Resolution to: 1) delete all references to an IMA with the Town in a not-to-exceed amount of \$1,650,000 for infrastructure improvements; and 2) to authorize the County to enter into a

Developer Infrastructure Agreement with Chappaqua Station, LLC to provide construction management services in connection with the construction of site work and infrastructure improvements.

On July 6, 2017, your Honorable Board approved a Resolution amending a previous Resolution which authorized the County to enter into a Developer Infrastructure Agreement with Chappaqua Station, LLC to provide construction management services in connection with the construction of site work and infrastructure improvements all in support of an affordable AFFH development to be known as Chappaqua Station, in order to consent to the potential assignment of the agreement to the developer's lenders.

Chappaqua Station, LLC has requested that the Developer Infrastructure Agreement include a provision permitting its in-house construction company Conifer-LeChase Construction, LLC to be added as an additional payee from funds in the original budget for the construction of necessary site work and infrastructure improvements performed at 54 Hunts Place in the Town of New Castle. The Developer requested this change for income tax purposes.

The goal and objective of this agreement is to carry out the County's obligations under the Settlement Agreement by constructing affordable AFFH units in accordance with the terms of said Settlement Agreement. This development will enhance the neighborhood through its 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 the attached Resolution.

NVD/CP/dly  
Attachment

