



## **VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA**

<b>MEETING DATE:</b> OCTOBER 26, 2021
<b>AGENDA ITEM SECTION:</b> PUBLIC HEARINGS
<b>AGENDA ITEM NO. :</b> 2
<b>AGENDA ITEM:</b> CONTINUATION OF PUBLIC HEARING TO CONSIDER A WRITTEN REQUEST FOR WAIVER FROM THE DOBBS FERRY ZONING CODE §300-40(A)(1) MANDATORY SET-ASIDE OF AFFORDABLE HOUSING UNIT ON THE SAME PROPERTY AS THE PROPOSED DEVELOPMENT OF 19 LIVINGSTON AVENUE
<b>ITEM BACKUP DOCUMENTATION:</b> 1. MEMORANDUM DATED OCTOBER 21, 2021 FROM VALERIE MONASTRA, AICP TO MAYOR ROSSILLO AND MEMBERS OF THE VILLAGE BOARD OF TRUSTEES



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## MEMORANDUM

**TO:** Mayor Rossillo and Members of the Village Board of Trustees

**FROM:** Valerie Monastra, AICP

**Re:** Affordable Housing Payment in Lieu

**DATE:** October 21, 2021

**CC:** Richard Leins Esq., Village Administrator  
Lori Lee Dickson Esq., Village Attorney

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The Village Board is currently considering a request to waive the affordable housing set-aside per Section 300-40(C)(4) of the Zoning chapter of the Village Code. If the Village Board were to request a waiver, the Board must require an applicant to undertake at least one of the following actions:

- i. To purchase, construct or affirmatively facilitate the construction of the affordable housing unit(s) at alternate location(s) within the Village; or
- ii. To deposit into the affordable housing fund a per-unit fee in lieu, in an amount to be determined by the Board of Trustees based upon the unique facts and circumstances of the proposed development; or
- iii. To undertake a combination of both construction of a unit(s) at another location or payment of per-unit fee in lieu, but in no event should the combination fail to represent the totality of the applicant's obligation for required affordable housing units in the proposed development.

At the October 12, 2021, Village Board meeting, the Board requested additional information on the payment of per-unit fee charged in other communities. After review of 15 municipalities in Westchester County that have affordable housing regulations, only three municipalities established a payment of per-unit fee in lieu of providing affordable housing units on-site. They are the Village of Ossining, the City of White Plains, and the City of New Rochelle.

- The Village of Ossining requires a payment of \$350,000 per dwelling unit (2021 Fee Schedule).
- The City of White Plains requires a payment equivalent to 1.25 times the United States Housing and Urban Development Westchester County AMI for a household of four for the year in which the project is approved (Section 9-7-3(H)(2) of the Zoning chapter in the White Plains City Code). The 2021 HUD Westchester County Household AMI is \$127,500 for a family of four. Therefore, the buyout for one unit would be \$159,375.

- The City of New Rochelle's fee varies depending on the size of the project. For projects with less than 20 units that have not provided more than 50% of the project's required square footage of affordable housing on-site, must pay \$66.67 per square foot in lieu of construction (Section 331-152(D)(5) of the Zoning chapter in the New Rochelle City Code).

Each of the three municipalities that offer the payment of per-unit fee has an established affordable housing fund and uses those funds to pay for infrastructure improvements, land acquisition for affordable housing, and/or the cost of third-party administration services for affordable housing programs. Typically, communities that use their affordable housing funds to acquire land or develop housing use an Urban Renewal Agency or Local Development Corporation to undertake that work because State law restricts a municipality's ability to undertake this work or fund private developments.

Many of the other communities I reviewed did not offer an affordable housing waiver process, and a few contained waiver provisions only if the applicant were able to "provide evidence that the inclusion of any or all the affordable housing units required would render the development financially infeasible."