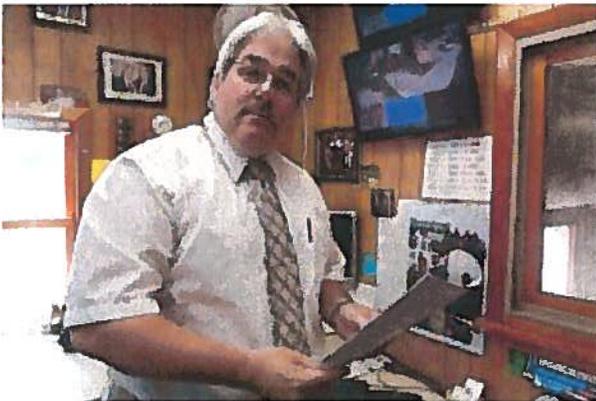


Rob Astorino-HUD dispute: Monitor gets an earful from Westchester mayors, supervisors

June 5, 2013 by JOHN DYER / john.dyer@cablevision.com



The federal monitor overseeing Westchester County's fair housing settlement with the Department of Housing and Urban Development got an earful from mayors and town supervisors recently, after he sent them a letter asking for information about local zoning.

The way the mayors and supervisors read it, the letter seemed to infer that Westchester towns are using zoning to keep minorities out.

Newsday has obtained copies of some two dozen letters local officials sent in response. Many of the letters reject that inference

emphatically.

"It is incomprehensible to us that Larchmont can be characterized this way," wrote Larchmont Mayor Anne McAndrews in an April 18 letter to James Johnson, the Manhattan-based lawyer overseeing the controversial 2009 settlement.

Johnson's portrayal of the village's zoning was "not only inaccurate, but very unfair," wrote McAndrews.

The mayor's remarks reflect the general tone of responses from officials in the 31 affluent, mostly white municipalities who received Johnson's inquiry in late March. Most of the letters sent to Johnson in response roughly parallel the position of Westchester County Executive Rob Astorino, in regard to the HUD settlement.

Astorino, a Republican running for re-election, has told HUD that Westchester County need not

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take measures to combat exclusionary zoning, because exclusionary zoning does not exist in Westchester. The county executive has argued that zoning determines what kinds of buildings can be constructed in an area, not who can live in the buildings.

Johnson sent each municipality a scorecard assessing their zoning vis-à-vis affordable housing needs. In his letter, he asked for comments to be included in a report he plans to release regarding roadblocks faced by minorities seeking to live in well-to-do Westchester municipalities.

In a good many of the 26 responses obtained by Newsday, officials corrected what they took to be false assumptions on Johnson's part.

An official in Bronxville noted that Johnson seemed to think there was a hotel in the village, when in fact there is none. Several officials in northern Westchester wrote that the federal monitor did not appear to realize that developers face high hurdles when building in the New York City watershed, particularly with regard to environmental impacts.

The most strident comments focused on Johnson's use of figures from a 2004 Rutgers University study, which argued that the county needed to construct almost 10,800 units of affordable housing.

Astorino has repeatedly blasted HUD for citing the 2004 study, saying it has nothing to do with the 2009 settlement and questioning its legitimacy as a basis for public policy. His chief spokesman, Ned McCormack, continued to condemn use of the study on Wednesday.

"They are holding these municipalities to a standard that doesn't exist," McCormack said.

In his letter to Cortlandt, Johnson writes that the town needs to build 403 units of affordable housing by 2015, as outlined in the Rutgers study.

Cortlandt Town Attorney Thomas Wood disagreed.

"Neither I nor any member of the Town Board are aware of any process wherein any study of housing needs in the region was reviewed or offered for public comment, nor are we aware of the adoption of the same by the County of Westchester," Wood wrote in his April 30 letter to Johnson.

Tuckahoe Village Attorney John Cavallaro offered a similar view.

"It is the village's position that it has absolutely no affordable housing obligation under the settlement," Cavallaro wrote to Johnson in a May 16 letter.

Asked about the letter on Wednesday, Tuckahoe Mayor Steven Ecklund expressed frustration with "inaccuracies" in the original letter from Johnson, mentioning that Johnson had seemed unaware of the village's present efforts to provide affordable housing.

"I maintain, and I have always maintained, that the zoning ordinance for the Village of Tuckahoe is best left in the hands of the village board and zoning board," Ecklund said, "and not in the hands of individuals sitting in offices in Washington."

The 2009 settlement stems from allegations that the county accepted millions in federal funds without adequately promoting fair and affordable housing, as required under federal law. Rather than fight those allegations in court, the county and HUD negotiated the settlement. Astorino's predecessor, Democrat Andy Spano, signed the settlement a little more than four years ago.

Technically, the settlement applies only to the county, but it includes the 31 municipalities as locations where the county – not the municipalities – must build at least 750 units of affordable housing. The county claims to have 386 units in the pipeline for development, more than the 300 required by the end of the year, under the settlement.

In a statement sent to Newsday on Wednesday, Johnson declined to address the tone of the responses sent to him.

"All eligible municipalities were given the opportunity to respond and most did; the responses have been helpful," he said in an email. "I will give a view of my analysis when I have completed my work and prepared a written report to be filed with the court."

The monitor's report could play a major role in the long-running dispute between Astorino and HUD.

The federal agency has threatened to cut \$7.4 million in federal funding for Westchester County unless Astorino produces a plan to address what HUD characterizes as discriminatory zoning in the 31 municipalities. The county executive has countered that he and his staff have submitted reams of documents showing that the municipalities welcome anyone who can afford to move in.

Astorino went to federal court to stop HUD from cutting the funding. In April, a federal judge gave the two sides until June 14 to work out their differences.

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