



Mary C. Marvin
Mayor

April 18, 2013

James E. Johnson, Esq.
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022

Re: United States *ex rel* Anti-Discrimination Center of Metro New York, Inc. v. Westchester
County, New York

Dear Mr. Johnson:

This is in response to your March, 21st, 2013, letter to the Village of Bronxville regarding the above referenced matter.

Thank you for the opportunity to review your draft report as it relates to the Village of Bronxville. We do have comments on both the Narrative and Fact Sheet sections of the draft report. We will provide our comments below by using the topic headings from your report where we have comment, and providing our comments under the appropriate topic heading. The comments are as follows:

I. Narrative Description

1. Model Zoning and County Benchmark

The draft report states that the Village has not adopted the model affordable housing ordinance.

Comment

This statement is correct as of this date. However, you should be aware that the Village has engaged the services of a professional planning consultant (BFJ Planning) to review our zoning laws in order to determine whether they contain impediments to affordable housing. We will expect the planning consultants to include the issue of adopting the model ordinance in their review.

2. Zoning Ordinance

This section states that multi-family housing is permitted as of right in three (3) of six (6) residential zoning districts and one (1) commercial district.

Comment

The Village of Bronxville is divided into nine (9) zoning districts. Multi-family housing is permitted in six (6) of the nine (9) districts

3. Restrictive Practices

The draft states that accessory apartments are not permitted.

Comment

There are a number of accessory housing units in the Village which are permitted grandfathered uses.

4. Zoning Map, Development Pattern and Development Potential

a. This section states that approximately 5.4% of the Village's total land area is occupied by multi-family housing.

Comment

We do not know the source of this figure. However, it seems quite low to us. Just a table-top review of our zoning map would indicate that considerably more than 5.4% of the Village's land is developed with multi-family housing. In any event, we believe a much more telling figure is that, according to quickfacts.census.gov, fifty-one (51%) percent of the housing units in the Village of Bronxville are located in multi-unit structures.

b. The draft report states that, "The three (3) story and six (6) story multiple residence districts permit multi-family development, but these districts are largely made up of hotels, hospitals, and age restricted residences."

Comment

There is no hotel in the Village of Bronxville. There is one hospital (Lawrence Hospital) in the Village. Lawrence Hospital is located in the Village's Central Business A district. We are not aware of there being an age restricted residential development in the Village.

II. Bronxville Fact Sheet

5. Draft Report: e, f, g & h. Order of magnitude area available for development – 0 acres.

Comment

The Village of Bronxville has a total land area of approximately one (1) square mile which has development on most lots. However, every property is not fully developed under existing zoning.

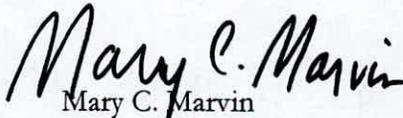
6. Draft Report: i. Average selling price for multi-family (condo units)
\$790,000.00.

Comment

We do not know how this figure was calculated. However, our assessment office points out that taking a simple average of a discrete number of sales can be very misleading. If one very high priced unit sells during the time frame of the sample, results can be skewed. In any event, the assessment office advises that the Village has multi-family units with market values at a variety of price points including units in the \$250,000 - \$300,000 price range.

Thank you again for the opportunity to comment on the draft. We hope this information will be helpful to you in completing your report.

Very truly yours,


Mary C. Marvin
Mayor