

DEBEVOISE & PLIMPTON LLP

919 Third Avenue
New York, NY 10022
Tel 212 909 6000
www.dcbvoise.com

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James E. Johnson
Partner
Tel 212 909 6646
Fax 212 909 6836
jejohnson@dcbvoise.com

Andrew Bodewes
Vice President
Conifer Realty LLC
183 East Main Street, Suite 600
Rochester, NY 14604

**United States ex rel Anti-Discrimination Center of Metro New York, Inc. v.
Westchester County, New York (No. 06 Civ. 2860 (DLC))**

Dear Mr. Bodewes:

I appreciate the opportunity to meet with you and your team, among others, on March 1, 2012. I write to clarify my views and direct your attention to guidance I gave to Westchester County and reported to the Court in April, 2011. At this meeting, Conifer proposed a 36-unit affordable housing development located at Hunts Lane in Chappaqua ("Chappaqua Station"), in which all 36 housing units would count toward the County's obligation to develop 750 Affordable AFFH Units under the Stipulation and Order of Settlement and Dismissal in the above-captioned matter.

At the meeting I noted my concerns about the site location and configuration of the proposal. Those concerns were informed by guidance issued more than a year ago concerning best practices for affordable housing locations. For your convenience, I list them here:

- Sites should be in or adjacent to a largely or completely non-minority residential neighborhood.
- Sites located in an eligible census block but isolated from non-minority residential neighborhood by visual or other barriers – such as a highway, railroad or commercial strip – or unusual points of entry are undesirable unless significant mitigation measures are taken to provide visual and physical access across these barriers.
- The configuration of the site or the design of the buildings should not inherently stigmatize or isolate residents as low income.
- Small development sites (i.e., those containing less than 10 units) should be near existing residential uses and should be comparable in scale relative to current and planned adjacent land uses.
- Large development sites should seamlessly integrate with adjoining residential areas and/or be of a size and design that reinforces positive neighborhood qualities (such as social connection, sense of place, pedestrian amenities, and usable open space).

- Multifamily buildings should be located within walking distance (approximately ten minutes) of public transportation, such as a bus stop or train station. One- to four-family homes and accessory units need not have such a level of access to transit.
- Multifamily developments should be in reasonable proximity to and ideally have walkable connections to community resources, such as downtown areas, grocery shopping, pharmacies, banking and other convenience shopping; employment opportunities; schools; religious institutions; medical and social services; and parks and recreational facilities.
- To the extent possible, multifamily buildings should be served by water supply systems and also public sewage or state-of-the-art sustainable means of on-site treatment. One- to four-family homes and accessory units can be served by wells and also individual septic systems or private package plans, rather than municipal infrastructure.
- Sites should exhibit no obvious negative environmental influences that cannot be corrected or acceptably mitigated. Environmental impacts include but are not limited to: deteriorating or blighted residential uses; massive parking lots or storage yards; unsightly loading zones at retail facilities; heavy industrial uses; excessive noise or physical hazard from railroad, vehicular, or air traffic; dumps, sanitary landfills, or salvage yards; sewage treatment plants; stored hazardous materials; buried or spilled hazardous wastes; operating oil wells; mine shafts; and gravel pits.

See Monitor's April 2011 Report, p. 11-12 (attached to this letter). The Report advises that "[a]s the County, municipalities and developers conceptualize projects, they should focus their attention on [these criteria]. Sites that lack many of these features will likely be subject to heightened scrutiny from the Monitor." *Id.*

In my capacity as Monitor, I write to ask for your views on how the Chappaqua Station development comports with the best-practices criteria. I understand that your response is voluntary. If the Chappaqua Station development does not comport with any standard, please explain why that specific standard should not be followed. Because the design and configuration of the building is an integral component for many of these standards, please provide all concept drawings for the Chappaqua Station development, including drawings that illustrate Chappaqua Station's attachment to the bridge. Finally, please indicate what specific sites in Chappaqua, if any, were considered as alternatives, and why they were not ultimately chosen. I would appreciate receiving your written response by May 13, 2012.

Please let me know if you have any questions. Your cooperation is very much appreciated.

Very truly yours,


James E. Johnson

Enclosures

cc: **Honorable Robert Astorino, County Executive**
Kevin J. Plunkett, Deputy County Executive
Mary J. Mahon, Special Assistant to the County Executive
Glenda Fussá, Deputy Regional Counsel, New York Office, HUD
Susan E. Carpenter, Town Supervisor, Town of New Castle
Richard Brownell, P.E., Planning Board, Town of New Castle
Benjamin Torrance, Esq., Assistant United States Attorney

