



Meeting Agenda - Final

Tuesday, September 16, 2025

3:00 PM

City Hall – City Council Chambers 4th Floor

Legislation and Codes

Call To Order

New Business

1. RESOLUTION – APPROVING COMMUNITY BENEFITS AGREEMENT WITH MGM YONKERS, INC. (POSTIVE FISCAL IMPACT.) (MAJORITY LEADER RUBBO)
2. LOCAL LAW - AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS TITLED “ZONING” BY ADDING A NEW ARTICLE XV IN RELATION TO AFFORDABLE HOUSING. (NO FISCAL IMPACT.) (ALL COUNCILMEMBERS.)
3. RESOLUTION – SEEKING LEAD AGENCY AND AUTHORIZING AND DIRECTING THE REFERRAL OF THE PROPOSED LOCAL LAW AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, ENTITLED, “ZONING” WITH REGARD TO AFFORDABLE HOUSING. (NO FISCAL IMPACT.) (ALL COUNCILMEMBERS.)
4. GENERAL ORDINANCE – ESTABLISHING AN OFFICIAL MAP OR PLAN OF THE CITY OF YONKERS PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF GENERAL CITY LAW OF THE STATE OF NEW YORK AND AMENDMENTS THERETO, WHICH MAP OR PLAN INDICATED THE STREETS, HIGHWAYS AND PARKS IN THE CITY OF YONKERS HERETOFORE LAID OUT, ADOPTED AND/OR ESTABLISHED BY LAW. (NO FISCAL IMPACT.) (ALL COUNCILMEMBERS.)
5. RESOLUTION – AUTHORIZING AND DIRECTING THE REFERRAL OF THE PROPOSED GENERAL ORDINANCE ESTABLISHING AN OFFICIAL MAP OR PLAN OF THE CITY OF YONKERS PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF THE GENERAL CITY LAW. (NO FISCAL IMPACT.) (ALL COUNCILMEMBERS.)
6. ANY ADDITIONAL ITEMS THAT MAY PROPERLY COME BEFORE THIS COMMITTEE.

Adjournment



RESOLUTION NO. _____ - 2025

RESOLUTION APPROVING COMMUNITY BENEFITS AGREEMENT WITH MGM
YONKERS, INC

WHEREAS, MGM Empire City has submitted an application to the New York Gaming Facility Board for a casino gaming license;

WHEREAS, award of a casino gaming license would spur a transformative redevelopment of Empire City Casino, located at 810 Yonkers Avenue, Yonkers, NY, including, among other things, a significant expansion of the existing casino, new food and beverage facilities, a new sports book, a new entertainment and meeting venue, a new dealer school and human resources/administrative building, and a new structured parking garage (collectively, the "Project"); and

WHEREAS, the City of Yonkers (the "City") and MGM Yonkers, Inc ("MGM") desire to enter into a community benefits agreement that increases and tailors MGM's investment in the City in order to amplify the substantial benefits of the Project to the City, further mitigate any negative impacts associated with the Project, and bolster the success of the Project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves a community benefits agreement between the City and MGM on terms substantially similar to those set forth in Appendix A.

**INTRODUCER'S MEMORANDUM
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

SPONSOR:

Mayor

CAPTION:

Resolution Approving Community Benefits Agreement with MGM Yonkers, Inc.

PURPOSE:

To approve a community benefits agreement between the City and MGM on terms substantially similar to those appended to the resolution.

SUMMARY OF SPECIFIC PROVISIONS:

Same as above.

JUSTIFICATION:

MGM Empire City has submitted an application to the New York Gaming Facility Board for a casino gaming license. MGM being awarded a casino gaming license would spur a transformative redevelopment of Empire City Casino (the "Project"). The City and MGM wish to enter into a community benefits agreement ("CBA") that increases and tailors MGM's investment in the City in order to amplify the substantial benefits of the Project to the City, further mitigate any negative impacts associated with the Project, and bolster the success of the Project.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:

None

CRIMINAL SANCTION IMPACT:

None

LEGISLATIVE HISTORY:

Approval of a CBA was not a condition of the following, however, at the City Council meeting held June 25, 2025, the City Council approved General Ordinance 9-2025 amending Chapter 43 of the Code of the City of Yonkers known as the Zoning Ordinance and Zoning Map of the city of Yonkers to establish a "casino special district" and change the zone classification of 810 Yonkers Avenue designated on the City of Yonkers Tax Assessment Map as Section 6, Block 6125, Lots 1, 2, and 3 to the newly established casino special district; and Resolution 100-2025 adopting the SEQRA findings statement for the environmental review of the action proposed by General Ordinance 9-2025.

FISCAL IMPLICATIONS:

Positive.

The CBA and Project will have significant positive fiscal implications, including the following: increased revenue generated through building permit fees, gaming payments made to the City under State Finance Law (annual payment of not less than \$19.6 million), and increased property tax revenue. In addition, the Project and CBA will have positive fiscal implications related to employment, such as creating construction jobs, creating permanent jobs, local hiring preference, utilization of minorities, women and veterans, and utilization of local vendors.

The CBA also provides for direct financial investments as described more fully in the appendix to the resolution, including: (1) \$10 million to purchase and renovate a new library/community center; (2) \$2 million to fund small business façade improvements on Yonkers Avenue; (3) subject to, and if permitted by, applicable law, \$1.5 million initial payment to YEDC and \$500,000 annually thereafter (50% in cash and 50% in kind*) to be used by YEDC for economic development and community needs determined from time-to-time by the YEDC Board; (4) \$2 million for Yonkers Avenue streetscape improvements; and (5) \$1.25 million for parks improvements.

Further, the City and the County of Westchester will continue to work collaboratively with New York State towards advancing and funding for additional community benefits projects in the vicinity of MGM Empire City,

EFFECTIVE DATE:

Immediate

FISCAL IMPACT STATEMENT
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER

SUBJECT: Resolution Approving Community Benefits Agreement with MGM Yonkers, Inc

☒ POSITIVE FISCAL IMPACT IS PROJECTED

BUDGET IMPACT

(To be completed by operating department and reviewed by Finance Department)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: _____

Total Current Year Revenue: _____

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations ☐
Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount: \$ _____

Describe:

Potential Related Revenues: Annual Amount: \$ _____

Current Year:

Next 5 years:

Anticipated Savings: Annual Amount: \$ _____

Current Year:

Next 5 years:

C) FISCAL IMPACT

Potential for additional personnel:

Prepared By:

Title:

Department:

Signature: ___/s/

Reviewed By: _____
FINANCE DEPARTMENT

Signature: _J Liszewski

Date: _____

If you need more space, attach additional sheets.



LOCAL LAW AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS TITLED "ZONING" BY AMENDING ARTICLE XV IN RELATION TO AFFORDABLE HOUSING

Be it enacted by the City Council of the City of Yonkers as follows:

Section 1. Chapter 43 of the Code of the City of Yonkers titled "Zoning" is hereby amended to amend Article XV titled "Affordable Housing" to read as follows:

Article XV. Affordable Housing

§ 43-190. Title.

This article shall be known as the "Affordable Housing Ordinance" of the City of Yonkers.

§ 43-191. Declaration of purpose.

This Affordable Housing Ordinance is adopted in furtherance of the following related and more specific purposes:

- A. To implement a program whereby all newly constructed or substantially rehabilitated multifamily housing developments in Yonkers will be required to include Affordable Housing Units.
- B. To provide for the construction and rehabilitation of housing units for rental or sale that will be affordable to households earning between ~~30~~40% and ~~40~~120% of the Westchester County ~~area median income~~ Area Median Income.
- C. To provide for a variety of ~~affordable housing units~~ Affordable Housing Units in both size and type.
- D. To promote ~~affordable housing units~~ Affordable Housing Units throughout the City.
- E. To promote the provision of ~~affordable housing units~~ Affordable Housing Units in a dispersed manner.
- F. To provide measures to ensure that ~~affordable housing units~~ Affordable Housing Units remain affordable for specified periods of time.

§ 43-192. Definitions of terms.

As used in this article, the following terms shall have the following meanings as indicated:

AFFORDABLE HOUSING TRUST FUND (AHTF) - A trust fund created for the use of receiving funds from developers required to provide ~~affordable housing units~~ Affordable Housing Units that have been granted the option of paying into the AHTF in lieu of developing the required number of affordable units. The AHTF shall further the purpose of the renovation, rehabilitation, and/or remediation of units and infrastructure dedicated for affordable housing. The AHTF Committee must apply at least 50% of the AHTF funds to assist projects promoting the construction, rehabilitation or redevelopment of units that will be affordable to households earning between 30% and 49% of AMI. The AHTF Committee shall apply 10% of the AHTF funds to the assistance of housing for seniors or disabled persons. The AHTF Committee shall apply the remaining 40% of the AHTF funds to such other purposes as it deems appropriate to further the purposes of this article. All decisions by the AHTF Committee regarding the allocation of funds are within its discretion. Nothing in this article shall be construed as providing to any developer or other applicant any AHTF funds or other subsidy from the City as a matter of right.

AFFORDABLE HOUSING TRUST FUND COMMITTEE (AHTF COMMITTEE) - A committee composed of the following five voting members: the Mayor of the City of Yonkers, or his/her designee; the Deputy Mayor of the City of Yonkers, or his/her designee; the Commissioner of Planning and Development of the City of Yonkers, or his/her designee; the Majority Leader of the Yonkers City Council, or his/her designee; and the Minority Leader of the Yonkers City Council, or his/her designee. The AHTF Committee shall administer the AHTF and perform such other duties as provided in this article.

AFFORDABLE HOUSING UNIT - A dwelling unit, as defined herein, which has been made affordable ~~by public subsidy or by internal cross subsidy~~ to a specified income group ~~as defined herein~~, and for which affordability controls shall apply pursuant to this article. Unless expressly stated herein, the term Affordable Housing Unit shall include both Affordable Ownership Housing Units and Affordable Rental Housing Units, as defined in § 43-198, shall apply herein.

AFFORDABLE OWNERSHIP HOUSING UNIT - An Affordable Housing Unit that is subject to a sale and transfer of ownership by deed to the occupant.

AFFORDABLE RENTAL HOUSING UNIT - An Affordable Housing Unit that is leased to occupants with ownership being retained by another.

AREA MEDIAN INCOME (AMI) - The most recently updated annual median household income figures, adjusted for family size, calculated and published by the U.S. Department of Housing and Urban Development (HUD) for Westchester County, New York State.

BONUS INCLUSIONARY DEVELOPMENT - A multifamily development in which more than 10% of the dwelling units are ~~affordable housing units~~ Affordable Housing Units.

CITY OF YONKERS - A municipal corporation established pursuant to the laws of the State of New York with offices at 40 South Broadway, Yonkers, New York, 10701.

DEVELOPER - The lead entity responsible for the assemblage of property and overseeing the planning, design, financing, construction, marketing, and lease or sale of a multifamily development.

DWELLING UNIT OR DWELLING - A building, or entirely self-contained portion thereof, containing its own sleeping, sanitary and cooking facilities, occupied or intended to be occupied for residential purposes by one family. (All references to a family herein shall include a single- person family.)

INCLUSIONARY DEVELOPMENT - A multifamily development in which a portion of the dwelling units are ~~affordable housing units~~ Affordable Housing Units as required by § 43-194.

LARGE MULTIFAMILY HOUSING DEVELOPMENT - A multifamily development containing 100 or more dwelling units.

MARKET RATE DWELLING UNIT - A building, or entirely self-contained portion thereof, containing its own sleeping, sanitary and cooking facilities, occupied or intended to be occupied for residential purposes by one family that is not income-restricted or publicly subsidized.

MEDIUM MULTIFAMILY HOUSING DEVELOPMENT - A multifamily development containing between 75 and 99 dwelling units.

MULTIFAMILY DEVELOPMENT - One or more residential buildings developed in a single project collectively containing 20 or more dwelling units.

SMALL MULTIFAMILY HOUSING DEVELOPMENT - A multifamily development containing between 21 and 74 dwelling units.

TERM OF AFFORDABILITY - The duration, beginning on the date of first rental or sale, that a new or rehabilitated ~~affordable housing unit~~ Affordable Housing Unit must remain affordable to its originally intended income category.

UNDUE CONCENTRATION - A census tract within the City of Yonkers where the number of low-income persons living in the census tract is greater than 50% as defined by the most recently published U.S. Census Bureau demographics for the City of Yonkers.

§ 43-193. Districts.

This article constitutes an overlay district to the D-MX, UR-LD, UR-MD, UR-HD, SBD, M, MG, B, A and BA Zones. This article shall apply to ~~multifamily developments~~ Multifamily Developments which will require zoning changes, variances, special exceptions or other discretionary approvals from the City to begin construction after the effective date of this article.

§ 43-194. Required number and distribution of Affordable Housing Units in Inclusionary Developments.

- A. Inclusionary Developments shall provide Affordable Rental Housing Units or Affordable Ownership Housing Units in accordance with this Article.
- B. Any development of fewer than 20 units is exempt from the requirements of this Article.
- C. In calculating the required number of Affordable Housing Units based on the percentage required, a fraction of a unit less than 0.5 shall be rounded down to the nearest whole number, and a fraction of a unit 0.5 or greater shall be rounded up to the nearest whole number.

~~§ 43-194.~~ § 43-195. Required number and distribution of affordable housing units
Affordable Rental Housing Units in inclusionary developments Inclusionary Developments.

- A. Except as provided in Subsection F, this article, all large multifamily housing developments shall contain a Large Multifamily Housing Development providing Affordable Rental Housing Units shall provide a minimum number of affordable housing units Affordable Rental Housing Units equal to 10% of the maximum aggregate number of units authorized for construction in such development. The affordable housing units Affordable Rental Housing Units shall be made available to families (including single-person families) with an annual household income in the following proportion and income-eligibility ranges:
 - (1) Forty percent of the units shall be provided to households earning between 40% and 65% of AMI.
 - (2) Twenty percent of the units shall be provided to households earning between 66% and 80% of AMI.
 - (3) Forty percent of the units shall be provided to households earning between 81% and 100% of AMI.
- B. All medium multifamily housing developments shall contain A Medium Multifamily Housing Development providing Affordable Rental Housing Units shall provide at least two affordable housing units Affordable Rental

Housing Units. The ~~units~~ Affordable Rental Housing Units shall be provided to families with an annual household income in the following proportion and income-eligibility ranges:

- (1) Fifty percent of the units shall be provided to households earning between 40% and 65% of AMI.
- (2) Fifty percent of the units shall be provided to households earning between 66% and 100% of AMI.

~~C. All small multifamily housing developments shall contain~~ A Small Multifamily Housing Development providing Affordable Rental Housing Units shall provide at least one ~~affordable housing unit~~ Affordable Rental Housing Unit. In the event that one ~~affordable housing unit~~ Affordable Rental Housing Unit is built, that unit shall be provided to individuals and families with an annual household income between 40% and 65% of AMI. In the event that more than one ~~affordable housing unit~~ Affordable Rental Housing Unit is built, the units shall be provided to individuals and families with an annual household income in the following proportion and income-eligibility ranges:

- (1) Fifty percent of the units shall be provided to households earning between 40% and 65% of AMI.
- (2) Fifty percent of the units shall be provided to households earning between 66% and 100% of AMI.

~~D. Any development of fewer than 20 units is exempt from the requirements of this article.~~

~~E. In calculating the required number of affordable housing units based on the percentage required, a fraction of a unit less than 0.5 shall be rounded down to the nearest whole number, and a fraction of a unit 0.5 or greater shall be rounded up to the nearest whole number.~~

~~F. A simple majority of the AHTF Committee may waive the on-site requirements of § 43-195A for any large multifamily housing developments and require them to contain a minimum number of affordable housing units equal to 5% of the maximum aggregate number of units authorized for construction in such development and provide a cash payment in lieu of affordable housing units in the following manner:~~

- ~~(1) Pay, in lieu of providing a minimum number of affordable housing units equal to 5% of the maximum aggregate number of units authorized for construction in such development, a fee to the AHTF in accordance with the following contribution requirements:~~

Unit Size

Per-Unit AHTF Contribution

Studio	\$90,000
1 bedroom	\$130,000
2 bedroom	\$150,000
3 bedroom	\$200,000

~~These unit contribution rates shall remain in effect through the end of 2014. Thereafter, annual contribution rates shall be established by the AHTF Committee based on rules and regulations promulgated by the AHTF Committee. Under no circumstances shall the Committee reduce the per-unit AHTF contribution levels listed above. For purposes of the developer's contributions to the AHTF, the provisions of § 43-197 (Bedroom distribution) shall govern. Specifically, the bedroom distribution for the affordable housing units payment in lieu of development shall be in the same proportion and mix as the market rate units; and~~

~~(2) Set aside a minimum number of affordable housing units equal to 5% of the maximum aggregate number of units authorized for construction in such developments. The units shall be provided to families with an annual household income in the following proportion and income eligibility ranges:~~

~~(a) Forty percent of the units shall be provided to households earning between 40% and 65% of AMI.~~

~~(b) Twenty percent of the units shall be provided to households earning between 66% and 80% of AMI.~~

~~(c) Forty percent of the units shall be provided to households earning between 81% and 100% of AMI.~~

~~§ 43-195. Inclusionary development benefits.~~

~~A. Developers of inclusionary developments and bonus inclusionary developments are eligible for a reduction in parking to one parking space per unit for each affordable housing unit made available to those units provided to households earning between 40% and 80% of AMI, in lieu of other City of Yonkers Zoning Code parking requirements.~~

~~B. Developers of bonus inclusionary developments are eligible a density bonus of four market rate units for each affordable housing unit provided, up to a maximum of 40 density bonus units in a development, above the minimum number of affordable housing units built on site. All market rate density bonus units shall be provided on site, except that in a development undertaken in phases, stages or otherwise developed in distinct sections, such units may be located in other phases, stages or sections. This section shall not apply to any large multifamily development which receives a waiver from the AHTF Committee as permitted by § 43-194F.~~

§ 43-196. Required number and distribution of Affordable Ownership Housing

Units in Inclusionary Developments.

- A. Except as provided in this Article, a Large Multifamily Housing Development providing Affordable Ownership Housing Units shall contain a minimum number of Affordable Ownership Housing Units equal to 10% of the maximum aggregate number of units authorized for construction in such development. One hundred percent of the Affordable Ownership Housing Units shall be provided to households earning between 80% and 120% of AMI.
- B. A Medium Multifamily Housing Development providing Affordable Ownership Housing Units shall provide at least two Affordable Ownership Housing Units. One hundred percent of the Affordable Ownership Housing Units shall be provided to households earning between 80% and 120% of AMI.
- C. A Small Multifamily Housing Development providing Affordable Ownership Housing Units shall provide at least one Affordable Ownership Housing Unit. One hundred percent of the Affordable Ownership Housing Units shall be provided to households earning between 80% and 120% of AMI.

§ 43-197. Siting of Affordable Housing Units in Inclusionary Developments

Affordable Housing Units provided pursuant to this article may be located in one or more residential buildings developed as a single project. If the Inclusionary Development consists of more than one residential building developed as a single project, then:

- (1) the site plan for all residential buildings shall be submitted to the Planning Board as a single application;
- (2) the number of Affordable Housing Units required shall be based on the maximum aggregate number of units authorized for construction in all buildings; and
- (3) the Affordable Housing Units must be of comparable size and quality to and have access to the same amenities as the Market Rate Dwelling Units being constructed.

§ 43-198. Payment in Lieu

- ~~F.-A.~~ A simple majority of the AHTF Committee may waive the ~~on-site requirements~~ number of § 43-195A Affordable Housing Units required to be provided in connection with a for any Large Multifamily Housing Developments pursuant to this article and require ~~them to contain the~~ creation of a minimum number of Affordable Housing Units equal to 5% of the maximum aggregate number of units authorized for construction ~~in as~~

part of such development and provide a cash payment in lieu of Affordable Housing Units in the following manner:

- (1) Pay, in lieu of providing a minimum number of Affordable Housing Units equal to 5% of the maximum aggregate number of units authorized for construction in as part of such development, a fee to the AHTF in accordance with the following contribution requirements:

<u>Unit Size</u>	<u>Per-Unit AHTF Contribution</u>
<u>Studio</u>	<u>\$90,000</u>
<u>1 bedroom</u>	<u>\$130,000</u>
<u>2 bedroom</u>	<u>\$150,000</u>
<u>3 bedroom</u>	<u>\$200,000</u>

These unit contribution rates shall remain in effect through the end of 2014. Thereafter, annual contribution rates shall be established by the AHTF Committee based on rules and regulations promulgated by the AHTF Committee. Under no circumstances shall the Committee reduce the per-unit AHTF contribution levels listed above. For purposes of the developer's contributions to the AHTF, the provisions of § 43-197 (Bedroom this article regarding bedroom distribution) shall govern. Specifically, the bedroom distribution for the Affordable Housing Units payment in lieu of development shall be in the same proportion and mix as the Market Rate Dwelling Units; and

- (2) Set aside a minimum number of Affordable Housing Units equal to 5% of the maximum aggregate number of units authorized for construction in such developments. The units shall be provided to families with an annual household income in the following proportion and income-eligibility ranges:

(a) If Affordable Rental Housing Units, then

- i. Forty percent of the Affordable Rental Housing Units shall be provided to households earning between 40% and 65% of AMI.
- ii. Twenty percent of the Affordable Rental Housing Units shall be provided to households earning between 66% and 80% of AMI.
- iii. Forty percent of the Affordable Rental Housing Units shall be provided to households earning between 81% and 100% of AMI.; or

(b) If Affordable Ownership Housing Units, then one hundred percent of the Affordable Ownership Housing Units shall be provided to households earning between 80% and 120% of AMI.

~~§ 43-195~~ § 43-199. Inclusionary Development benefits.

- A. Developers of Inclusionary Developments and Bonus Inclusionary Developments are eligible for a reduction in parking to one parking space per unit for each Affordable Housing Unit made available to those units provided to households earning between 40% and 80% of AMI, in lieu of other City of Yonkers Zoning Code parking requirements.
- B. Developers of Bonus Inclusionary Developments are eligible a density bonus of four market-rate units for each Affordable Housing Unit provided, up to a maximum of 40 density bonus units in a development, above the minimum number of Affordable Housing Units built on-site. All market-rate density bonus units shall be provided on site, except that in a development undertaken in phases, stages or otherwise developed in distinct sections, such units may be located in other phases, stages or sections. This section shall not apply to any Large Multifamily Development which receives a waiver from the AHTF Committee as permitted by § 43-194F.this article.

~~§ 43-196~~ § 43-200. Development locations.

In addition to the standards of review for site plan approval set forth in this chapter, including Article IX, § 43-105, and Article XV, § 202, the Planning Board, as part of the environmental review of a proposed affordable housing development, shall consider the potential social and economic impacts of further undue concentration of a proposed ~~inclusionary development or bonus inclusionary development~~ Inclusionary Development or Bonus Inclusionary Development on census tracts where the number of low-income persons living in the census tract is greater than 50%.

~~§ 43-197~~ § 43-201. Bedroom distribution.

An ~~inclusionary development and bonus inclusionary development~~ Inclusionary Development and Bonus Inclusionary Development shall provide bedroom distribution for the ~~affordable housing units~~ Affordable Housing Units in the same proportion and mix as the ~~market rate units~~ Market Rate Dwelling Units.

~~§ 43-198~~ § 43-202. Affordability criteria.

~~Affordable housing units shall meet the following affordability criteria with regards to rental and for sale Inclusionary Developments and bonus Inclusionary Developments:~~

- A. ~~Sold at a price, assuming a down payment of 5%, entailing a monthly carrying cost (which includes a mortgage with principal and interest payments, property taxes and homeowners' insurance, and may also~~

- ~~include homeowners' association fees or maintenance or carrying costs, but excludes utilities) not exceeding at any time 33% (or such higher percentage as permitted by the applicable housing finance program) of the annualized monthly gross income of the household occupying the Affordable Housing Unit; or~~
- B. ~~Rented at a monthly rent (including an allowance for utilities) not exceeding at any time 30% of the annualized monthly gross income of the household occupying the Affordable Housing Unit.~~
- A. Affordable Rental Housing Units shall meet the following affordability criteria with regards to rental and Inclusionary Developments and bonus Inclusionary Developments: Rented at a monthly rent (including an allowance for utilities) not exceeding at any time 30% of the annualized monthly gross income of the household occupying the Affordable Housing Unit.
- B. Affordable Ownership Housing Units shall meet the following affordability criteria with regards to for-sale Inclusionary Developments and bonus Inclusionary Developments: Sold at a price, assuming a down payment of 5%, entailing a monthly carrying cost (which includes a mortgage with principal and interest payments, property taxes and homeowners' insurance, and may also include homeowners' association fees or maintenance or carrying costs, but excludes utilities) not exceeding at any time 33% (or such higher percentage as permitted by the applicable housing finance program) of the annualized monthly gross income of the household occupying the Affordable Housing Unit

~~§ 43-199~~ § 43-203. Term and transfer restrictions.

- A. ~~Affordable housing units~~ Affordable Housing Units shall be rented or sold only to households meeting (at the time of rental or sale) the affordability criteria ~~in § 43-198 of set forth in this chapter article~~ as from time to time adjusted for Westchester County by the United States Department of Housing and Urban Development (HUD). Such ~~units~~ Affordable Housing Units shall be the primary residence of the occupants, and subletting and assignments to avoid these requirements shall be prohibited.
- B. ~~All affordable housing units~~ All Affordable Ownership Housing Units subject to purchase shall have resale-price limitations (enforced by covenants running with the land, restrictions on registration of title, or any other appropriate legal mechanism approved by the AHTF Committee or the City) which will ensure that for a minimum period ~~of 30 years or the minimum period of the term of affordability~~ Term of Affordability required by a government entity providing subsidies, whichever is greater, from the time of their first sale, such ~~housing units~~ Affordable Ownership Housing Units are sold or resold only to, and at a price affordable to, a household which is, at the time of purchase, in the same AMI tier group ~~(referred to in § 43-198 of this chapter)~~ as was the seller at the time such previous

owner first occupied the unit.

- C. The owner of ~~rental affordable housing units~~ Affordable Rental Housing Units shall be required to ensure that, by appropriate covenants enforceable by the AHTF Committee or the City, for a period of at least 30 years, or the minimum period term of affordability required by a government entity providing subsidies, whichever is greater, from the time of first rental, such ~~units~~ Affordable Rental Housing Units are affordable to, and are re-rented only to, a household which is, at the time of re-rental, in the same ~~income group~~ AMI tier as was the previous tenant at the time such previous tenant first occupied the unit.
- D. ~~Affordable housing units for rental~~ Affordable Rental Housing Units may be converted to units for sale, subject, however, to the same ownership eligibility standards as applicable to ~~units for sale~~ Affordable Ownership Housing Units for the remainder of the affordability period from original occupancy referred to in the previous sentence. All tenants in place at the time initial notice of conversion is provided who meet the income qualifications set forth in ~~§ 43-198 of this chapter~~ Article (as at that time adjusted) shall be permitted to purchase their unit at a price affordable to them as defined herein and in accordance with Article 9-B of the Real Property Law or § 352-eee of the General Business Law.
- E. Exempt transfers.
- (1) The affordability and other restrictions on resale and/or occupancy shall not apply to:
- (a) The transfer of ownership of an ~~affordable housing unit~~ Affordable Ownership Housing Unit between spouses or former spouses ordered as a result of a judicial decree of divorce or separation agreement (not including transfers to third parties).
- (b) The transfer of ownership of ~~a units~~ an Affordable Ownership Housing Unit between family members as a result of inheritance.
- (c) Former HUD-insured multifamily projects which, following default on the mortgage, HUD acquires or is mortgagee in possession ("MIP"), to the extent that the provisions are inconsistent with applicable HUD statutes and regulations regarding management or disposition of HUD-owned projects or projects for which HUD is MIP.
- (2) However, transfers referred to in Subsection E(1)(a) and (b) do not extinguish such restrictions (whatever be the legal mechanism through which the restrictions are enforced) which shall be fully complied with in the event of any subsequent sale or rental of a

unit not specifically exempted hereby.

- (3) An exempted transfer as heretofore provided in this subsection shall not toll the running of the minimum thirty-year period referred to in this section.

F. This section shall not be interpreted as in any way affecting or diminishing, and shall apply together with, occupancy criteria (to be applied in good faith by the City or the developer) substantially of the type set forth in 24 CFR 960.205 to ensure that the personal and financial background of each potential tenant or owner of ~~affordable housing units~~ Affordable Housing Units will not be detrimental to the viability of the housing development.

~~§ 43-200~~ § 43-204. Applicant prescreening; qualification and enforcement.

The ~~developer~~ Developer shall be responsible for prescreening, qualifying and selecting applicants who wish to occupy (as tenants or purchasers) ~~affordable housing units~~ Affordable Housing Units. The ~~developer~~ Developer may contract with a qualified housing services provider to assist in outreach, screening and certifications. The AHTF Committee and designated City staff shall be permitted to review and monitor a ~~developer's~~ Developer's ongoing compliance with the provisions of this article, including the long-term enforcement of affordability covenants. In the event a ~~developer~~ Developer fails to enforce the long-term affordability requirements of this article, the AHTF Committee and the City shall have the right to elect to take control of said function and enforce the requirements of this article.

~~§ 43-204~~ § 43-205. Staging.

- A. In ~~all inclusionary developments and bonus inclusionary developments~~ Inclusionary Developments and Bonus Inclusionary Developments, the following staging schedule shall apply for rental or sale units:

Percentage of Market Rate <u>Dwelling</u> Units Receiving Certificates of Occupancy	Percentage of Assisted Units
Receiving Certificates of Occupancy	
Up to 25%	0% (none required)
25% + 1 unit	At least 10%
50%	At least 50%
75%	At least 75%
100%	100%

- B. Certificates of occupancy shall be issued to ~~market rate units~~ Market Rate Dwelling Units when the required percentage of ~~assisted units~~ Affordable Housing Units for the respective stage has been completed.

~~§ 43-202~~ § 43-206. Administration.

The AHTF Committee shall be responsible for establishing rules, regulations and procedures necessary for the implementation and administration of the AHTF as created by this article.

~~§ 43-203~~ § 43-207 through § 43-209. (Reserved)

Section 2. This Local Law shall take effect upon compliance with §C4-6 of the Charter of the City of Yonkers and the provisions of the Municipal Home Rule Law of the State of New York.

SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER

SPONSOR

MAYOR

TITLE OF BILL

LOCAL LAW AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS
TITLED "ZONING" BY AMENDING
ARTICLE XV IN RELATION TO AFFORDABLE HOUSING

PURPOSE

AMEND THE AFFORDABLE HOUSING ORDINANCE WITH RESPECT TO
AFFORDABLE OWNERSHIP HOUSING UNITS

SUMMARY OF SPECIFIC PROVISIONS

SAME AS ABOVE

JUSTIFICATION

ENCOURAGE THE CREATION OF AFFORDABLE OWNERSHIP HOUSING
UNITS WITHIN THE CITY.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS

NONE

CRIMINAL SANCTION IMPACT

NONE

LEGISLATIVE HISTORY

NONE

FISCAL IMPLICATIONS

POSITIVE

EFFECTIVE DATE

THIS LEGISLATION SHALL TAKE EFFECT IMMEDIATELY

**FISCAL IMPACT STATEMENT
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

SUBJECT: LOCAL LAW AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS TITLED
“ZONING” BY AMENDING ARTICLE XV IN RELATION TO AFFORDABLE HOUSING

☒ NO FISCAL IMPACT IS PROJECTED

BUDGET IMPACT

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue Fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: \$ 0

Total Current Year Revenue: \$

Source of Funds (Check One): ☐ Current Appropriations ☐ Additional Appropriations
☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other

(Explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses:

Annual Amount: \$ 0

Describe:

Potential Related Revenues:

Annual Amount: \$ 0

Current Year: \$ 0

Next 5 Years: \$ 0

Anticipated Savings:

Annual Amount: \$ 0

Current Year: \$ 0

Next 5 Years: \$ 0

C) FISCAL IMPACT

Potential for Additional Personnel:

Prepared By: Frank Badalato
Title: Associate Corporation Counsel
Department: Corporation Counsel
Signature: /s/

Reviewed By: John Liszewski
Finance Department
Signature: /s/
Date: September 2, 2025

If you need more space, attach additional sheets



RESOLUTION - 2025

RESOLUTION OF THE CITY COUNCIL SEEKING LEAD AGENCY AND AUTHORIZING AND DIRECTING THE REFERRAL OF THE PROPOSED LOCAL LAW AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS TITLED "ZONING" BY AMENDING ARTICLE XV IN RELATION TO AFFORDABLE HOUSING

WHEREAS, before the City Council is a proposed local law amending the Zoning Ordinance in relation to affordable housing (the "Proposed Action"); and

WHEREAS, the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) and the regulations (the "SEQRA Regulations") issued thereunder by the New York State Commissioner of Environmental Conservation (such legislation and regulations being hereinafter referred to collectively as "SEQRA") require the City to consider all environmental factors associated with the zoning ordinance amendments; and

WHEREAS, the Proposed Action includes city-wide changes affecting greater than 25 acres and therefore are classified as a Type I action pursuant to SEQRA; and

WHEREAS, the City Council desires to establish itself as Lead Agency in accordance with the provisions of SEQRA, in order to initiate a review process of the Proposed Action; and

WHEREAS, Section 43-164 of the Zoning Ordinance requires referral of all amendments to the Zoning Ordinance to be considered by the City Council to the Yonkers Planning Board for its review and report; and

WHEREAS, Section 239-m(2) of New York General Municipal Law requires referral of any proposed amendments to the Zoning Ordinance to the Westchester County Planning Board;

NOW, THEREFORE, BE IT RESOLVED by the Yonkers City Council that, the City Council declares its intention to seek Lead Agency status, for purposes of the environmental review of the Proposed Action, and will assume Lead Agency of the Project in accordance with Part 627 (6 NYCRR Part 627) of the SEQRA regulations; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed, on behalf of this Council, to initiate Lead Agency notification and coordinated review with all other involved agencies in this action. If no other involved agency seeks to

be Lead Agency within 30 days of the effective date of notice, or if we are notified that no other involved agency seeks to be Lead Agency prior to the expiration of the thirty day period, the City Council shall assume Lead Agency status for purposes of review of this matter; and

BE IT FURTHER RESOLVED, that in accordance with Section 43-164 of the Zoning Ordinance and Section 239-m of NY General Municipal Law, the City Council hereby refers the proposed local law amending Chapter 43 with regard to affordable housing to the Yonkers Planning Board and Westchester County Planning Board for their review and report; and be it further

BE IT FURTHER RESOLVED, by the City Council of the City of Yonkers that a public hearing shall be held on _____, 2025, at the City Council Chamber, located at 40 South Broadway, New York, at 7 PM, or as soon as possible thereafter, to consider the adoption of a Local Law Amending Chapter 43 Of The Code Of The City Of Yonkers Titled “Zoning” By Adding A New Article XV In Relation To Affordable Housing; and be it further

RESOLVED, that this resolution shall take effect immediately.

SPONSOR: The Administration

TITLE OF BILL:

RESOLUTION OF THE CITY COUNCIL SEEKING LEAD AGENCY AND
AUTHORIZING AND DIRECTING THE REFERRAL OF THE PROPOSED
LOCAL LAW AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF
YONKERS TITLED "ZONING" BY AMENDING ARTICLE XV IN RELATION TO
AFFORDABLE HOUSING

PURPOSE: To seek lead agency pursuant to SEQRA and refer to the Planning Boards
of the City and the County the proposed amendment to the zoning ordinance related to
affordable housing

SUMMARY OF SPECIFIC PROVISIONS: To direct the City Clerk to take whatever
steps necessary to commence lead agency notification and coordinated SEQRA review
for the zoning amendments and refer proposed changes to the Planning Boards of the
City and the County.

JUSTIFICATION: SEQRA and referral required.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: introduces
regulations for electric vehicle charging stations

CRIMINAL SANCTION IMPACT: None

LEGISLATIVE HISTORY: none

FISCAL IMPLICATIONS: None

EFFECTIVE DATE: Immediately

SUBJECT: RESOLUTION OF THE CITY COUNCIL SEEKING LEAD AGENCY AND AUTHORIZING AND DIRECTING THE REFERRAL OF THE PROPOSED LOCAL LAW AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS TITLED "ZONING" BY AMENDING ARTICLE XV IN RELATION TO AFFORDABLE HOUSING

■ NO FISCAL IMPACT PROJECTED

BUDGET IMPACT

(To be completed by operating department and reviewed by Finance Department)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: _____

Total Current Year Revenue: _____

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations ☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

Identify

Accounts: _____

Potential Related Operating Budget Expenses: Annual

Amount: \$ _____

Describe:

Potential Related Revenues: Annual

Amount: \$ _____

Current Year:

Next 5 years:

Anticipated Savings: Annual

Amount: \$ _____

Current Year:

Next 5 years:

C) FISCAL IMPACT

Potential for additional personnel: _____

Prepared By: Frank Badalato
Title: Associate Corp. Counsel
Department: law dept

Signature: /S/ _____

Reviewed By: John Liszewski
FINANCE DEPARTMENT

Signature: /S/ _____

Date: Sept 5, 2025



GENERAL ORDINANCE NO ____-2025

AN ORDINANCE ESTABLISHING AN OFFICIAL MAP OR PLAN OF THE CITY OF YONKERS PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF GENERAL CITY LAW OF THE STATE OF NEW YORK, AND AMENDMENTS THERETO , WHICH MAP OR PLAN INDICATES THE STREETS, HIGHWAYS AND PARKS IN THE CITY OF YONKERS HERETOFORE LAID OUT, ADOPTED AND/OR ESTABLISHED BY LAW.

The City of Yonkers, in Common Council convened, hereby ordains and enacts:

Section 1. The annexed Map or Plan prepared by Paul Summerfield, City Engineer of the City of Yonkers, dated and filed in the office of the City Clerk on the 8th day of September 2025, is hereby adopted and established pursuant to the provisions of Article 3 of the General City Law of the State of New York and amendments thereto as the official Map or Plan of the streets, Highways and Parks heretofore laid out, adopted and/or established by law throughout the City of Yonkers, New York, and said Map or Plan is hereby declared to be final and conclusive with respect to the location of streets, highways and parks shown thereon.

Section 2. It is hereby further determined and stated that any street or highway shown on this annexed Map or Plan to be a Public Street of the City of Yonkers, and for which there has been no previous legal Laying Out and. Opening, Dedication or Declaration, shall be considered to be a Public Street by Declaration.

Section 3. The said Map or Plan hereby adopted is hereby declared to be established to conserve and promote the Public Health, Safety and General Welfare.

Section 4. The City Clerk of the City of Yonkers is hereby directed to file with the Clerk of the County of Westchester, Division of Land Records, a certificate showing that the City of Yonkers has established an Official Map or Plan in accordance with the provisions of the General City Law of the State of New York and amendments thereto and City Clerk is hereby directed to file the said certificate immediately upon the passage of the within Ordinance.

Section 5. The said Map or Plan hereby adopted is hereby declared to supersede all previously adopted official Maps or Plans of the Streets, Highways and Parks of the City of Yonkers.

Section 6. This Ordinance shall take effect immediately.

**INTRODUCER'S MEMORANDUM
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

SPONSOR: Administration

AN ORDINANCE ESTABLISHING AN OFFICIAL MAP OR PLAN OF THE CITY OF YONKERS PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF GENERAL CITY LAW OF THE STATE OF NEW YORK, AND AMENDMENTS THERETO , WHICH MAP OR PLAN INDICATES THE STREETS, HIGHWAYS AND PARKS IN THE CITY OF YONKERS HERETOFORE LAID OUT, ADOPTED AND/OR ESTABLISHED BY LAW.

PURPOSE: To adopt a current City Map.

SUMMARY OF SPECIFIC PROVISIONS: Adopts City Map filed with Clerk as official City Map

JUSTIFICATION: To ensure that all streets that have been added, discontinued, etc are accurately reflected in an official City Map

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: none.

CRIMINAL SANCTION IMPACT: None.

LEGISLATIVE HISTORY: None.

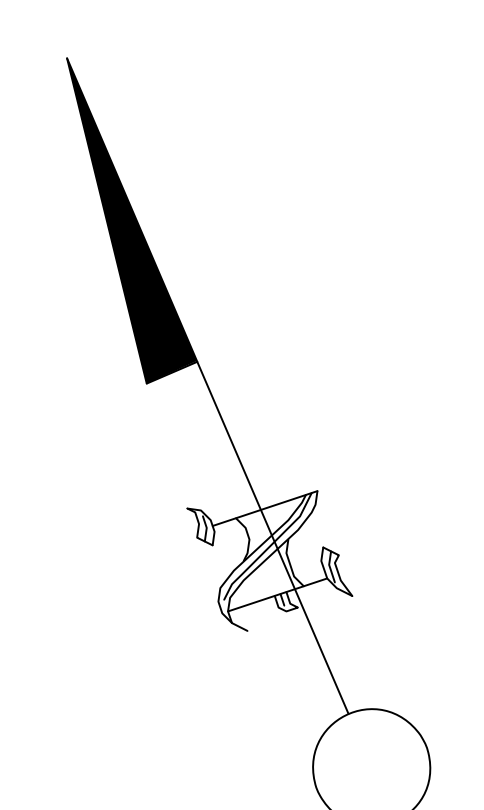
FISCAL IMPLICATIONS: none.

EFFECTIVE DATE: This General Ordinance shall take immediately.

FISCAL IMPACT STATEMENT
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER

<p>SUBJECT: AN ORDINANCE ESTABLISHING AN OFFICIAL MAP OR PLAN OF THE CITY OF YONKERS PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF GENERAL CITY LAW OF THE STATE OF NEW YORK, AND AMENDMENTS THERETO , WHICH MAP OR PLAN INDICATES THE STREETS, HIGHWAYS AND PARKS IN THE CITY OF YONKERS HERETOFORE LAID OUT, ADOPTED AND/OR ESTABLISHED BY LAW.</p> <p>”</p>	
<p>NO FISCAL IMPACT PROJECTED</p>	
<p>BUDGET IMPACT (To be completed by operating department and reviewed by Finance Department)</p> <p>A) <input type="checkbox"/> General Fund <input type="checkbox"/> Board of Education <input type="checkbox"/> Special Revenue fund or District</p> <p>B) EXPENSES AND REVENUES Total Current Year Cost: _____ Total Current Year Revenue: _____ Source of Funds (Check one): <input type="checkbox"/> Current Appropriations <input type="checkbox"/> Additional Appropriations <input type="checkbox"/> Transfer of Existing Appropriations <input type="checkbox"/> Fee/Fine/Tax/Other (Explain)</p> <p>Identify Accounts: _____ Potential Related Operating Budget Expenses: _____ Annual Amount: \$ _____ Describe:</p> <p>Potential Related Revenues: _____ Annual Amount: \$ _____ Current Year:</p> <p>Next 5 years:</p> <p>Anticipated Savings: _____ Annual Amount: \$ _____ Current Year:</p> <p>Next 5 years:</p> <p>C) FISCAL IMPACT Potential for additional personnel: _____</p>	
<p>Prepared By: Paul Summerfield Title: City Engineer</p> <p>Department:</p> <p>Signature: ___/s/ P Summerfield</p>	<p>Reviewed By: _____ FINANCE DEPARTMENT</p> <p>Signature: _J Liszewski</p> <p>Date: _____</p>

If you need more space, attach additional sheets.



TOWN OF GREENBURGH

TOWN OF

OFFICIAL
MAP
OF THE
CITY OF YONKERS
COMPILED FROM RECORDS IN
THE OFFICE OF THE
CITY ENGINEER

..... CITY ENGINEER
Paul N. Summerfield

..... 2025

ADOPTED BY THE CITY COUNCIL 20
G.O.

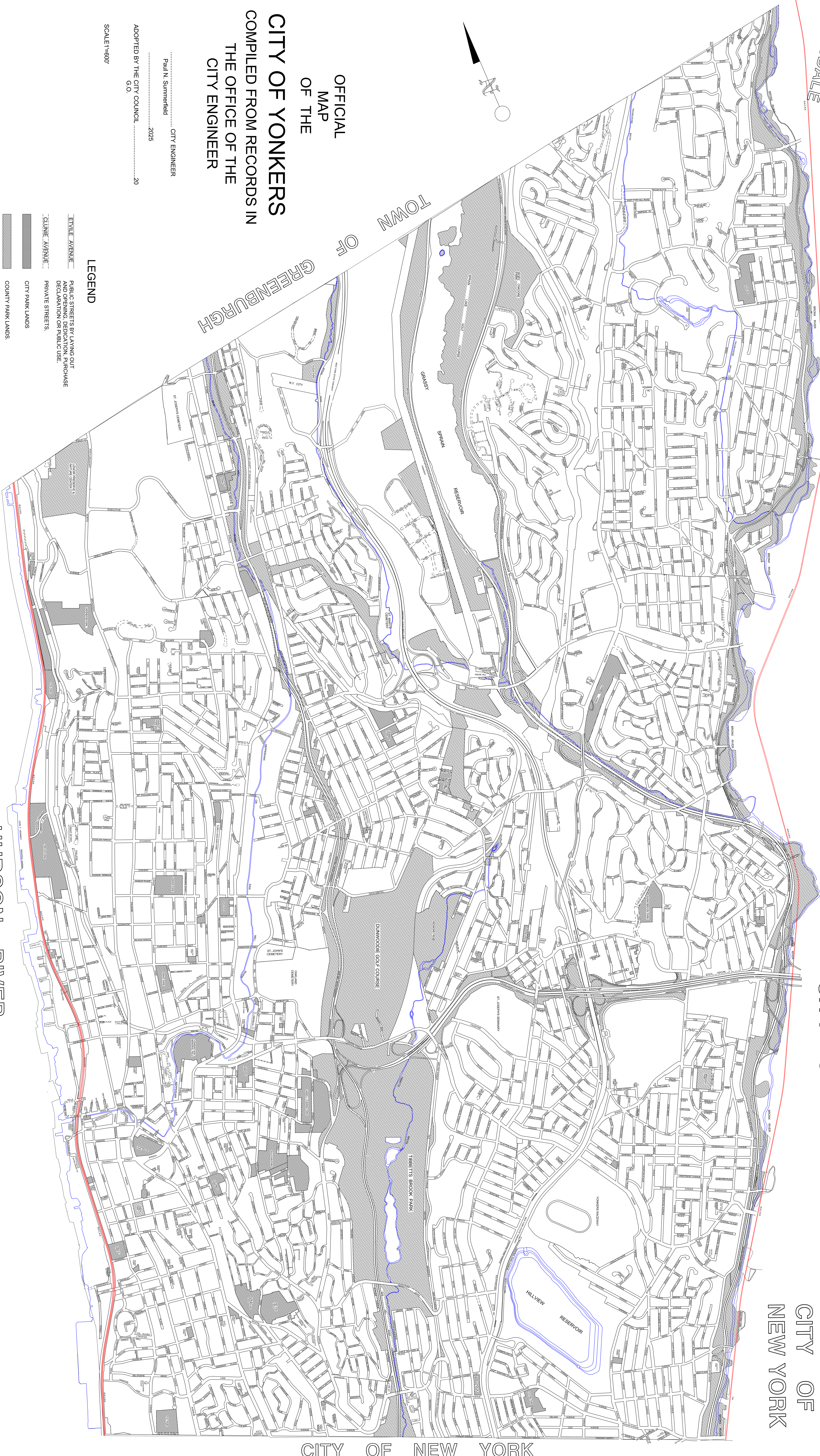
SCALE 1"=600'

LEGEND

- ETWILE AVENUE

PUBLIC STREETS BY LAYING OUT
AND OPENING, DEDICATION, PURCHASE
DECLARATION OR PUBLIC USE.
- CLUNE AVENUE

PRIVATE STREETS.
- CITY PARK LANDS
- COUNTY PARK LANDS





RESOLUTION NO. ____-2025

RESOLUTION OF THE CITY COUNCIL AUTHORIZING AND DIRECTING THE REFERRAL OF THE PROPOSED GENERAL ORDINANCE ESTABLISHING AN OFFICIAL MAP OR PLAN OF THE CITY OF YONKERS PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF GENERAL CITY LAW.

WHEREAS, before the City Council is a proposed general ordinance establishing an official map or plan of the City of Yonkers pursuant to the provisions of article 3 of general city law; and

WHEREAS, Westchester County, pursuant to Section 239-m of New York General Municipal Law requires referral of the adoption of a proposed official map to the Westchester County Planning Board;

NOW THEREFORE be it RESOLVED, that in accordance with Section 239-m of NY General Municipal Law, the City Council hereby refers the proposed general ordinance adopting a new official map of the City of Yonkers to the Westchester County Planning Board; and

BE IT FURTHER RESOLVED, the City Clerk is hereby authorized and directed to transmit the proposed general ordinance adopting a new official map of the City of Yonkers to the Westchester County Planning Board; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

SUBJECT: RESOLUTION OF THE CITY COUNCIL AUTHORIZING AND DIRECTING THE REFERRAL OF THE PROPOSED GENERAL ORDINANCE ESTABLISHING AN OFFICIAL MAP OR PLAN OF THE CITY OF YONKERS PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF GENERAL CITY LAW.

■ NO FISCAL IMPACT PROJECTED

BUDGET IMPACT

(To be completed by operating department and reviewed by Finance Department)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: _____

Total Current Year Revenue: _____

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations ☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

Identify

Accounts: _____

Potential Related Operating Budget Expenses: Annual

Amount: \$ _____

Describe:

Potential Related Revenues: Annual

Amount: \$ _____

Current Year:

Next 5 years:

Anticipated Savings: Annual

Amount: \$ _____

Current Year:

Next 5 years:

C) FISCAL IMPACT

Potential for additional personnel: _____

Prepared By:

Title: R Kravitz

Department: Corp Counsel

Signature: _____

Reviewed By: _____

FINANCE DEPARTMENT

Signature: _____

Date: _____

SPONSOR'S MEMORANDUM

SPONSOR:

RESOLUTION OF THE CITY COUNCIL AUTHORIZING AND DIRECTING THE REFERRAL OF THE PROPOSED GENERAL ORDINANCE ESTABLISHING AN OFFICIAL MAP OR PLAN OF THE CITY OF YONKERS PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF GENERAL CITY LAW.

TITLE OF BILL:

■ NO FISCAL IMPACT PROJECTED

PURPOSE: to refer a proposed map adoption to County Planning Board

SUMMARY OF SPECIFIC PROVISIONS: same

JUSTIFICATION:, required by statute

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: n/a

CRIMINAL SANCTION IMPACT: None

LEGISLATIVE HISTORY: New

FISCAL IMPLICATIONS: n/a

EFFECTIVE DATE: Immediate