

■ **Main Office**

445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868

■ **Mid-Hudson Office**

200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120

■ **New York City Office**

505 Park Avenue
New York, NY 10022
Phone 646.794.5747

MEMORANDUM

**TO: Supervisor Ellen Calves and the
Members of the Town of Bedford Town Board**

FROM: Eric L. Gordon, Esq.

**RE: Purchase of Buxton Gorge Properties and Use of Funds from the
Open Space Fund**

DATE: November 16, 2023

On November 19, 2019, the Town Board approved the purchase of approximately 56 acres of real property located at Buxton Road, Bedford, New York, commonly known as the “Buxton Gorge Preserve”, from Lakeover Development, LLC (“Lakeover”). The Town Board also approved the use of \$1.1 million from the Town of Bedford Open Spaces and Areas, Park and Water Protection Debt Reserve Fund (the “Open Space Fund”) for the purpose of preserving community character, enhancing an existing recreational area, providing access to public lands and creating open space in the Town for among other things, active and passive park or recreational uses.

The Town now has the opportunity to purchase an additional 23.275 acres of property directly adjacent to the properties that were purchased in 2019, consisting of three (3) separate lots identified as Town of Bedford Tax Map Designation p/o Section 60.19, Block 2, Lots 3.1, 3.2 and 3.3 (the “Buxton Gorge Properties”). The Buxton Gorge Properties will be combined with the other Town owned properties previously purchased in November 2019 and incorporated into the Buxton Gorge Preserve, for the purpose of preserving community character, enhancing an existing recreational area, providing access to public lands and creating additional open space in the Town for among other things, active and passive park or recreational uses.

The Town of Bedford’s Open Space Acquisition Committee, the Westchester Land Trust, the Conservation Board and other conservancy and environmental advocates have placed the acquisition of Buxton Gorge Preserve as among the highest priority for preservation and protection in Bedford. A letter dated August 8, 2023, from the Town Open Space Acquisition Committee recommending the purchase of the Buxton Gorge Properties, is submitted herewith. A Buxton Gorge Natural Resource Inventory and Assessment was conducted by the Town Environmental Consultant, Steven Coleman and Roderick G. Christie with the Mianus River Gorge Preserve Inc. In the Buxton Gorge Nature Resource Inventory and Assessment it was determined that the location of the Buxton Gorge property is ideally suited to function as a local recreational and educational resource for the residents of the Town of Bedford and surrounding region. A copy of the Buxton Gorge Natural Resource Inventory and

Assessment is also submitted herewith. The Town also previously received a Phase I Environmental Site Assessment for the entire Buxton Gorge Preserve property, prepared by HydroEnvironmental Solutions, Inc. dated October 4, 2019.

The Town has obtained three (3) individual appraisals from The Landmark Appraisal Group, Inc., dated January 3, 2023, for the three (3) individual lots being purchased by the Town, wherein the following values were provided:

- Section 60.19, Block 2, Lot 3.1 - \$945,000.00
- Section 60.19, Block 2, Lot 3.2 - \$915,000.00
- Section 60.19, Block 2, Lot 3.3 - \$950,000.00

Lakeover also obtained three (3) individual appraisals from Hudson Property Advisors, LLC, dated July 10, 2023, for the three (3) individual lots being purchased by the Town, wherein the following values were provided:

- Section 60.19, Block 2, Lot 3.1 - \$1,150,000.00
- Section 60.19, Block 2, Lot 3.2 - \$1,125,000.00
- Section 60.19, Block 2, Lot 3.3 - \$1,175,000.00

Based on the foregoing property valuations, it was determined that the fair market value of the Buxton Gorge Properties is Three Million and 00/100 (\$3,000,000.00) Dollars (the "Purchase Price").

A Contract of Sale and Rider (the "Contract") have been negotiated and prepared with respect to the Town's purchase of the Buxton Gorge Properties from Lakeover, which Contract has been submitted herewith setting forth the terms of the proposed purchase of the Buxton Gorge Properties from Lakeover. The Contract is contingent upon the Town timely obtaining approval of any bonded indebtedness needed to pay the Purchase Price at closing as discussed further below.

The Town intends to purchase the Buxton Gorge Properties using \$1,500,000.00 in funds from the Open Space Fund pursuant to New York State General Municipal Law §§ 6-s and 247 and Chapter 85 of the Town Code of the Town of Bedford, for the purpose of preserving community character, providing access to public lands and creating open space in the Town for among other things, active and passive park or recreational uses. On November 7, 2023, the Town Board approved a resolution authorizing the payment of a portion of the cost of the purchase price for the Buxton Gorge Properties, closing costs and incidental expenses through the issuance of \$1,565,000 bonds of said Town pursuant to the applicable provisions of the Local Finance Law. On November 7, 2023, the Town Board also scheduled a public hearing pursuant to General Municipal Law §§ 6-s(8) and 247(2) to consider approval of the purchase of the Buxton Gorge Properties and the use of \$1,500,000.00 in funds from the Open Space Fund to purchase the Buxton Gorge Properties.

Approval of a purchase of less than 25 acres of land to be used for parkland purposes is a Type II action under the State Environmental Quality Review Act (“SEQRA”), pursuant to 6 NYCRR § 617.5(39). The Town of Bedford Town Board’s approval of the bonded indebtedness of \$1,565,000.00 for the purchase of the Buxton Gorge Properties, is considered an Unlisted action pursuant to SEQRA. On November 7, 2023, the Town Board adopted a Negative Declaration with respect to the approval of the bonded indebtedness of \$1,565,000.00.

A proposed Resolution has now been provided authorizing: (i) the expenditure of \$1,500,000.00 Dollars from the Open Space Fund; and (ii) the approval of the Contract for the purchase of the Buxton Road Properties, for the purpose of protecting community character, enhancing an existing recreational area, preservation of open space and providing access to public land in the Town of Bedford for, among other things, active and passive recreational uses.

It is recommended that following the holding of a public hearing, the Town Board consider approval of the proposed Resolution in order to proceed with the purchase of the Buxton Gorge Properties.

Please do not hesitate to contact me if you have any questions.

Enclosure

cc: Lisbeth Fumagalli, Town Clerk
Jessica Youngblood, Town Planning Director
Chris Soi, Director of Parks and Recreation
Abe Zambrano, Comptroller
Douglas Goodfriend, Esq.
Patrick O’ Sullivan, Esq.