

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF WESTCHESTER
TOWN OF MOUNT PLEASANT, Plaintiff, against LEGION OF CHRIST, INC., Defendant.:
AFFIDAVIT OF MATTHEW D. RUDIKOFF IN OPPOSITION TO DEFENDANT'S CROSS- MOTION FOR SUMMARY
JUDGMENT AND IN FURTHER SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

1. I am the President of Matthew D. Rudikoff Associates, Inc., Planning and Development Consultants. I am also the Planning and Development Consultant to the Town of Mount Pleasant (Town), the plaintiff in the above-entitled action, and as such I am fully familiar with the facts and circumstances herein.

2. I make this affidavit in opposition to defendant's cross-motion for summary judgment and in support of plaintiff's motion for summary judgment seeking a Court declaration that the Legion's Religious Use of the Property is in violation of permitted Uses in the Town's OB-CE Zone District.

3. The purpose of this affidavit is to demonstrate what the overall economic ramifications will be if the Legion is permitted to completely disregard the Town's Comprehensive Master Plan and the permitted Uses clearly set forth in the Schedule of Regulations for the OB-CE zone district.

4. The Legion's unilateral decision to disregard the Town's Comprehensive Master Plan and to disregard the letters of Supervisor Meehan advising the Legion that the Religious Use was not a permitted Use in the OB-CE zone district destabilizes the economic base which the Comprehensive Master Plan of the Town has established.

5. The purpose of having a Comprehensive Master Plan is, in part, to stabilize the economic base of the Town, to insure sound community development, to assure that residents receive adequate municipal services and to encourage the most appropriate use of land in a municipality. The Town did this by zoning pursuant to its Comprehensive Master Plan in effect since 1970. (Exhibit D to the Town's motion for summary judgment).

6. Over the past thirty years in my work as a Planner, I have observed that fiscal and economic impact considerations are an integral element in zoning and the land use decision making process.

7. Fiscal impact analyses are used to evaluate costs and revenues generated by various types of land use. I have prepared a fiscal impact analysis to determine the potential impacts which could result if the Property was to become tax-exempt. The analysis is attached hereto as Exhibit A.

8. My analysis demonstrates that the current use of the Legion's property, and proposed tax-exempt status for the same use, will result in a loss of approximately \$1,125,896.27 per year in local property taxes from various taxing jurisdictions, based on the existing assessment of buildings, land and undeveloped lands located within the Legion's property (see Exhibit A for the specific tax jurisdictions impacted).

9. This projected loss of revenue in local property taxes will be borne by all local taxpayers should expenditure levels not change. The impact of the Legion's property being determined to be tax exempt will result in an actual increase in tax rates to make up for the lost revenue from the reduced tax roll. The above increases would be indicated in Exhibit B annexed hereto.

10. The loss in tax revenues will affect a typical residential taxpayer (based on a typical home assessment of \$8,000.00) by causing an approximately \$184.00 increase per year per residential taxpayer. See Exhibit A.

11. In the alternative, should the administrations of the affected taxing jurisdictions decide not to pass this increase along to the taxpayers, it would be necessary to cut their respective budgets and reduce services to the taxpayers.

12. Towns and school districts are already under extremely close taxpayer scrutiny. If the Property were determined to be tax exempt, the Mount Pleasant Central School District would have to cut its budget by 4.8% and the Town, combined as defined in Exhibit A, would suffer a 2% reduction if it were decided that taxes were not to be raised.

13. The total projected loss of revenue of \$1,125,896.27 per year of various real estate taxes will either be handled as a tax increase, a governmental budget reduction, or some combination of the two.

14. The local economy will suffer a reduction in the amount of economic activity in the amount of the tax loss multiplied by a general economic impact multiplier (say, for example, a very conservative 2.5) or approximately \$2.8 million per year either as a result of lower disposable household income for taxpayers, or reduced levels of government expenditures for its own payroll and purchase of goods and services expenditures.

15. In summary, the findings of the fiscal impact analysis are that the potential tax exempt status of the defendant's property and consequential loss of real estate tax revenue will have a direct and immediate adverse affect upon individual taxpayers and will consequently result in adverse impacts to the welfare and prosperity of the community as a whole due to reductions in the disposable income of taxpayers and an increased tax burden in order to maintain the current level of municipal services or a reduction in service levels.

16. I also prepared an Economic Impact Analysis to determine the economic consequences to the local economy if the defendant's property is not used by an entity which would generate the employment and economic benefits and impacts associated with the corporate or business activities contemplated by the Comprehensive Master Plan and zoned for the OB-CE Zoning District. The reduction in economic benefits to the local economy is based both upon the impacts associated with employment and its resulting payroll expenditure by the business to its employees, as well as the other businesses' expenditures for the purposes of goods and services to support their operations.

17. The Economic Impact Analysis, which follows, demonstrates that the local economy will suffer a reduction of \$80,256,000/yr based on a conservative general economic impact multiplier of 2.0 times payroll expenditures which accounts for the economic activity generated by the wages of the employees spent by the employees and thereby injected into the local economy.

18. I also performed an economic impact analysis of the business operations to determine the impact of the business's expenditures for the purchases of goods and services to support its operation. A business or businesses occupying the subject property which would have a payroll of \$40 million dollars would likely spend an estimated 20% of that amount on an annual budget for goods and services or \$8,000,000/yr. Utilizing a smaller and more conservative multiplier of 1.5 (to account for a significant portion of those goods and services coming from outside of the local economy) would result in an additional \$12 million dollars per year of reduced economic activity in the local economy as a result of the property not containing that kind of a business use.

19. Therefore, the use of the property for a non-business use would result in a reduction of economic activity of approximately \$92 million per year in addition to the tax impacts discussed above.

WHEREFORE, it is respectfully requested that this Court deny the Legion's cross-motion for summary judgment and grant the Town's motion for summary judgment declaring the Legion's use of the Property to be in violation of the Town's Zoning Code.

	(1)Existing Total Taxable Assessed Value	(2)Total Assessed Value Less Defendant=s Assess Value (\$2,019,400)	(3)Current Tax Rate/M	(4)Revenue Lost	(5)Tax Rate Increment to Make-up for Revenue Lost(Col 4) (Col 2)1000)/M	(6)Typical Home Assessment	(7)Additional Tax to be Paid by Each Household in Tax Jurisdiction Col 6/1,000 x Col 5
Mount Pleasant Central School District	\$ 43,920,507	\$ 41,901,107	\$ 422.19/M	\$ 852,570.48	\$ 20.35/M	\$ 8,000	\$ 162.80
Town of Mount Pleasant - Combined(See Note below)	\$103,014,908	\$100,995,508	\$ 135.35/M	\$ 273,325.26	\$ 2.71/M	\$ 8,000	\$ 21.68
TOTAL				\$1,125,896.27			\$ 184.48

District - Tax Rate/M	
Entire Town \$ 4.15	Valhalla Fire 18.25
Town Outside Services 34.90	Valhalla Water 11.83
Town Outside Highway 28.15	Mount Pleasant Library 8.23
Valhalla Garbage 24.46	Mount Pleasant Con. Light 3.57
Valhalla Ambulance 1.81	= \$135.35 /M (TOTAL)
	<i>source: Mount Pleasant 1998 Tax Valuation and 97-98 School Tax Valuation</i>