

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a communication from the County Executive recommending the adoption of a Local Law which, if approved by your Honorable Board, would authorize the County of Westchester ("County"), on behalf of the Blind Brook Sanitary Sewer District (the "District"), to amend Section 824.341 of the Laws of Westchester County (a provision of the County Environmental Facilities Sewer Act, hereinafter the "Sewer Act") to exempt the permit described below for Greenwich Woods Realty LLC ("GWR") and Greenwich Retirement Housing LLC ("GRH") (collectively the "Licensees") from the three (3) year term limitation for sewage discharge permits. Such exemption would allow the Licensees to discharge sanitary sewage from their nursing home/assisted living facility into the County trunk sewer tributary to the Blind Brook Wastewater Treatment Plant, for a sixty-five (65) year term commencing retroactive to January 1, 2000.

Pursuant to Act No. 187-1999, adopted by your Honorable Board on November 8, 1999, the County was authorized to enter into a sewage discharge agreement (the "Agreement") with Greenwich Woods Health Care Center Corp. ("GWHCCC"), pursuant to which the County was authorized to grant a permit to GWHCCC to discharge sanitary wastewater from GWHCCC's nursing home/assisted living facility located on King Street in the Town of Greenwich, Connecticut, into the County trunk sewer serviced by the District for a term of thirty years commencing January 1, 2000. Act No. 187-1999 further provided that in consideration for the permit, GWHCCC would pay the County an annual permit fee to be computed by multiplying 250% of the District's operating costs by 80% of the metered water usage of GWHCCC during the current permit year. Act No. 187-1999 further provided that as additional consideration, GWHCCC would grant an easement to the County to enable the County to trim or remove trees on GWHCCC's property where the trees represent an obstruction to navigable airspace at the Westchester County Airport. The Agreement was duly executed on January 24, 2000.

Subsequently, GWHCCC requested that the Agreement be assigned from GWHCCC to Greenwich Woods Limited Partnership ("GWLP"), as GWLP took ownership of the facilities. Pursuant to Act No. 159-2000, adopted by your Honorable

Board on July 10, 2000, the County was authorized to enter into an assignment agreement which was duly executed on November 7, 2000.

In 2015, the County was advised by GWLP that it had sold the facilities to GWR on February 1, 2015. GWLP further advised the County that GRH, an affiliate of GWLP, owned the adjoining assisted living facility, which was also discharging sewage under the Agreement. In order to clarify the ownership status of the facilities, it was agreed by the parties that the Agreement should be further assigned from GWLP to the Licensees. Accordingly, by Act No. 117-2015, adopted by your Honorable Board on July 13, 2015, the County was authorized to consent to the assignment of the Agreement from GWLP to the Licensees. An Assignment Agreement was duly executed on September 25, 2015.

Most recently, by letter dated December 13, 2021 from the law firm of Cuddy & Feder, which is representing the Licensees in this matter, the County was advised that the Licensees are in the process of refinancing their existing debt and that their lending institution was requesting an extension of the Agreement's expiration date to a date that is at least ten (10) years after the maturity date of the upcoming refinancing. The Licensees anticipate this refinancing to close sometime late in the first quarter of 2022, which would place the anticipated maturity date sometime in the calendar year of 2052, and require the Agreement to be extended until at least 2062. To avoid any potential timing issues, Cuddy & Feder, on behalf of the Licensees, has requested that the term of the Agreement be extended for a period of thirty-five (35) years through December 31, 2064.

Your Committee is advised that pursuant to Section 824.41(3) of the Sewer Act, sewage generated on or discharged from real property located outside a County sanitary sewer district may be discharged into County trunk sewers only with the express consent of the Commissioner of the Westchester County Department of Environmental Facilities ("WCDEF"), and then only upon the issuance of a permit setting forth the terms and conditions of such discharge. However, Section 824.341 of the Sewer Act limits the duration of such permits to three (3) years with certain exceptions. If approved, the attached Local Law would except the Licensees from the three (3) year permit limitation and allow them to discharge sanitary sewage from their nursing home facility into the

County trunk sewer tributary to the Blind Brook Wastewater Treatment Plant, for a sixty-five (65) year term commencing retroactive to January 1, 2000.

Your Committee is advised that although the Agreement has been in effect since 2000, no exception from the three (3) year permit limitation was ever obtained. The attached Local Law would cure this defect retroactively and allow WCDEF to seek authority from the County Board of Acquisition & Contract to amend the Agreement to extend the term through December 31, 2064.

Attached is a Resolution authorizing a public hearing as required by Section 209.141(4) of the Laws of Westchester County.

The Planning Department has advised that based on its review, the issuance of a sixty-five (65) year out-of-district wastewater discharge permit constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617.5. A Type II action is an action determined not to have significant effect on the environment and, therefore, does not require further environmental review. Your Committee has reviewed the attached SEQRA documentation and concurs with this conclusion.

Your Committee is advised that the attached Local Law is also subject to permissive referendum pursuant to Section 209.171(2) of the Laws of Westchester County because it changes a provision of law relating to contracts. Consequently, the proposed Local Law may not take effect until sixty (60) days after its adoption, assuming that within that time a petition protesting its adoption is not filed by the statutorily required number of qualified electors.

Your Committee has carefully considered the proposed legislation and recommends that your Honorable Board adopt the proposed Local Law that would amend Section 824.341 of the Sewer Act to authorize the issuance of the permit described above. The Commissioner

of WCDEF concurs in this recommendation. It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass the Local Law.

Dated: May 2, 2022
White Plains, New York

COMMITTEE ON

C.jpg/Greenwich Woods LL(1-03-22)

Chiff

W. Miller

May Jane Blumich

Tedat Fathi

Margaret A. Cyio

Colin

Legislation

May Jane Blumich

Colin

Public Works &
Transportation

Timothy J. Kelly

LLC



Environment, Energy
& Climate

Dated: May 2, 2022
White Plains, New York

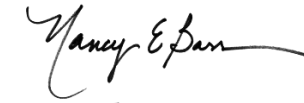


The following members attended the meeting remotely, pursuant to Chapter 56 of the New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on

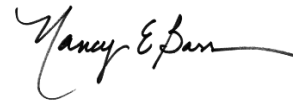

Legislation

Public Works & Transportation

Environment, Energy, & Climate

FISCAL IMPACT STATEMENT

SUBJECT: Greenwhich Woods HCC NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense _____

Total Current Year Revenue _____

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

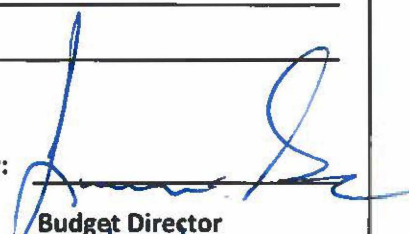
Next Four Years: _____

Prepared by: Sebastian Abraham

Title: Coordinator Fiscal Operations

Department: Environmental Facilities

Date: February 22, 2022

AS
Reviewed By: 
Budget Director
Date: 2/22/22

TO: Jeffrey Goldman, Senior Assistant County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM
Assistant Commissioner



DATE: February 23, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR GREENWICH
WOODS WASTEWATER DISCHARGE PERMIT**

PROJECT/ACTION: Local law to amend Section 824.341 of the Laws of Westchester County to exempt a wastewater discharge permit for Greenwich Woods Realty LLC and Greenwich Retirement Housing LLC from the 3-year term limitation and authorize the extension of the permit for a total term of 65 years commencing retroactively to January 1, 2000.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)(32):**
license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities.

COMMENTS: The existing permit is due to expire in at the end of 2029. The proposed action will allow for the continued discharge of sewage from the existing nursing home and assisted living facility in Greenwich, Connecticut, to the County's Blind Brook Wastewater Treatment Plant in Rye for an addition 35 years with no change in permit conditions. The County treatment plant has sufficient capacity to continue handling the permitted sewage discharge.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Vincent Kopicki, Commissioner of Environmental Facilities
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Commissioner
Claudia Maxwell, Associate Environmental Planner