

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a proposed Act, which, if adopted by your Honorable Board, would authorize the County of Westchester (“County”) to convey to the Westchester Joint Water Works (“WJWW”) an approximately 13.4 acre parcel of County property that is currently part of the Westchester County Airport (“Airport”) and located near the intersection of Tower Road and Purchase Street (“County Parcel”), in order to facilitate WJWW’s plan to construct and operate a water filtration facility, subject to all necessary legal approvals. The Act would also authorize the County to accept from WJWW the conveyance of an approximately 13.4 acre parcel adjacent to the Airport (“WJWW Parcel”) in exchange for the County Parcel. In addition, the Act would authorize the County to convey an easement across Airport property to WJWW permitting connection to the existing sanitary sewer line on Airport property.

WJWW is a public benefit corporation of the State of New York comprised of three member municipalities: the Town/Village of Harrison; the Village of Mamaroneck; and the Town of Mamaroneck. In 2004, the New York State Supreme Court issued a permanent injunction requiring WJWW to build a filtration plant to bring its water distribution system into compliance with the State Sanitary Code. The injunction remains in effect today. In 2019, the United States Environmental Protection Agency (“EPA”) issued an Administrative Order that included an obligation for WJWW to commence design of a filtration plant to treat the surface water drawn from WJWW’s Rye Lake water source, a part of the New York City Kensico Reservoir system. To comply with the EPA Administrative Order, comply with all standards for clean drinking water and maintain the health and safety of its water consumers, WJWW has proposed to construct and operate a 30 million gallon-per-day water filtration facility (the “Project”) on the County Parcel.

To facilitate the Project, WJWW and the County have proposed an exchange in fee title of equal sized and valued parcels of property that would result in no net loss of Airport property. The County Parcel, identified as a portion of Parcel 971.-8 on the tax map of the Town of Harrison, would be apportioned from the Airport property and deeded to WJWW in exchange for the WJWW Parcel that will be deeded to the County and incorporated into the Airport property. The WJWW Parcel is identified as Parcel 961.-1 on the tax map of the Town of Harrison.

In reviewing the amended Airport Layout Plan depicting the proposed removal of the County Parcel from the Airport and the addition of the WJWW Parcel, the Federal Aviation Administration (“FAA”) determined that the County Parcel was acquired without federal funding, and that the land swap will not affect the safe and efficient operation of aircraft or the safety of people and property on the ground related to aircraft operations. Therefore, the FAA notified the County that it does not have authority to approve or disapprove changes to the ALP for the land swap or to regulate the use of the affected land. As such, the proposed transactions are not subject to federal environmental review in compliance with the National Environmental Policy Act.

Because the County Parcel is not currently served by public or private sanitary sewer facilities, the Act would also authorize the County to convey an easement across Airport property to WJWW so that the filtration facility may be connected to the existing sanitary sewer line on Airport property. The existing line discharges into a trunk line that flows to the Blind Brook Water Resource Recovery Facility for treatment. The easement would be approximately 3,000 feet long by 50 feet wide. The sewer connection will be designed and constructed by the County, with all costs to be reimbursed by WJWW. Once constructed, the sewer improvements will be maintained by the County, with all repair costs reimbursed by WJWW.

Should the property exchange and easement be authorized by your Honorable Board, the County and WJWW would enter into an agreement that would detail the responsibilities of both parties in completing the transactions. Some of those responsibilities would continue after the conveyances occur, such as the requirement for WJWW to indemnify the County, provide environmental insurance and reimburse certain County costs.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act (“SEQRA”) have been met. The Department of Planning has advised that, pursuant to SEQRA and its implementing regulations, 6 NYCRR Part 617, WJWW served as Lead Agency and issued a Positive Declaration for the project. Since the project was the subject of a Draft and Final Environmental Impact Statement, all involved agencies are required to prepare a written findings statement. To assist

your Honorable Board in complying with SEQRA, Planning is preparing a draft Findings Statement for your consideration. A copy of Planning's analysis will be forwarded separately for consideration.

The Planning Commissioner's report on the acquisition and sale of land, required pursuant to Section 191.41 of the Laws of Westchester County ("LWC"), is attached. A Resolution adopted by the Planning Board pursuant to LWC Section 191.51 is also attached.

Your Committee has been informed that pursuant to LWC Section 104.11(2), passage of the Act requires an affirmative vote of two-thirds of all the members of your Honorable Board. Your Committee has carefully considered this matter and, assuming adoption of the SEQRA Findings Statement by your Honorable Board, recommends that your Honorable Board adopt the proposed annexed Act.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

TO: Honorable George Latimer
County Executive

FROM: Blanca P. López
Commissioner

DATE: March 6, 2024

SUBJECT: Exchange of 13.4 acre parcel of County Property with the Westchester Joint Water Works

Pursuant to Section 191.41 of the County Charter, this is the required report of the Commissioner of Planning on the Westchester County Board of Legislators' proposal to have Westchester County convey an approximately 13.4-acre parcel that is currently part of the Westchester County Airport and located near the intersection of Tower Road and Purchase Street, currently identified as a portion of Parcel Section 971, Lot 8, to the Westchester Joint Water Works (WJWW). The Act would also authorize the County to accept from WJWW the conveyance of an approximately 13.4-acre parcel adjacent to the Airport currently identified as Parcel Section 961, Lot 1 in exchange for the county parcel. The proposed exchange of parcels of equal size and value would result in no net loss of Airport property.

The purpose of the conveyance is for the WJWW to construct and operate a required water filtration facility at the site to comply with all standards for clean drinking water. The need for the filtration plant dates back to a 2004 New York State Supreme Court permanent injunction requiring WJWW to build a filtration plant to bring its water distribution system into compliance with the State Sanitary Code. Additionally, in 2019, the United States Environmental Protection Agency ("EPA") issued an Administrative Order that included an obligation for WJWW to commence design of a filtration plant to treat the surface water drawn from WJWW's Rye Lake water source, a part of the New York City Kensico Reservoir system. Significant fines have accrued since the injunction.

The disposition of a portion of Parcel Section 971, Lot 8 and acquisition of Parcel Section 961, Lot 1 as an even exchange of parcels between the County and WJWW is recommended for the following reasons:

1. The subject of a portion of parcel Section 971, Lot 8 was never used for construction or for any other County purpose.
2. The subject of a portion of the County parcel is not needed for any County purpose now or in the future.

3. The proposed action for the subject portion of parcel Section 971, Lot 8 by WJWW is a permitted use under the current local zoning.
4. The proposed action for Parcel Section 971, Lot 8 by WJWW is consistent with the recommendations of the Town/Village of Harrison Comprehensive Plan
5. The FAA has determined that the proposed land swap would have no material impact on aircraft operations or the Airport Layout Plan.
6. The proposed use of the current county parcel is consistent with the County's long term planning goals of *Westchester 2025*.

Based on this record, I have no objection to the disposition of the parcel owned by Westchester County or the acquisition of the parcel currently owned by Westchester Joint Water Works.

cc: John Nonna, County Attorney
Tami Altschiller, Deputy County Attorney
Christopher Steers, Director of Real Estate
David Vutera, Associate County Attorney
David Kvinge, Assistant Commissioner
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner

RESOLUTION 2024- 06
WESTCHESTER COUNTY PLANNING BOARD

**Conveyance of a 13.4 acre County parcel, and acceptance of similar sized and valued parcel,
with the Westchester Joint Water Works (WJWW)**

WHEREAS, the Westchester County Board of Legislators will be considering legislation which will authorize the County of Westchester to convey a 13.4-acre property owned by Westchester County, currently part of the Westchester County Airport ("Airport") and located near the intersection of Tower Road and Purchase Street ("County Parcel"). The Act would also authorize the County to accept from WJWW the conveyance of an approximately 13.4 acre parcel adjacent to the Airport ("WJWW Parcel") in exchange for the County Parcel; and

WHEREAS, the WJWW is a non-profit public benefit corporation of the State of New York formed in 1927 and comprised of three member municipalities: the Town/Village of Harrison; the Village of Mamaroneck; and the Town of Mamaroneck; and

WHEREAS, in 2004, the New York State Supreme Court issued a permanent injunction requiring WJWW to build a filtration plant to bring its water distribution system into compliance with the State Sanitary Code; and

WHEREAS, in 2019, the United States Environmental Protection Agency ("EPA") issued an Administrative Order that included an obligation for WJWW to commence design of a filtration plant to treat the surface water drawn from WJWW's Rye Lake water source, a part of the New York City Kensico Reservoir system; and

WHEREAS, to comply with the EPA Administrative Order, and comply with all standards for clean drinking water and maintain the health and safety of its water consumers, WJWW has proposed to construct and operate a 30 million gallon-per-day water filtration facility (the "Project") on the County Parcel; and

WHEREAS, the WJWW has proposed an exchange in fee title of equal sized and valued parcels of property that would result in no net loss of Airport property. The County Parcel (Harrison Parcel Section 971, Lot 8) would be apportioned from the Airport property and deeded to WJWW in exchange for the WJWW Parcel (Harrison Parcel Section 961, Lot 1) that will be deeded to the County and incorporated into the Airport property; and

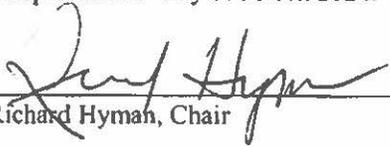
WHEREAS, Parcel section 971, Lot 8 was never used for construction or for any other County purpose; The County parcel is not needed for any County purpose now or in the future; the proposed action for Parcel Section 971, Lot 8 by WJWW is a permitted use under the current local zoning; the proposed action for Parcel Section 971, Lot 8 by WJWW is consistent with the recommendations of the Town/Village of Harrison Comprehensive Plan; the FAA has determined that the proposed action for Parcel Section 971, Lot 8 would have no impact on the Airport Layout Plan; and the proposed use of the current county parcel is consistent with the County's long term planning goals of Westchester 2025.

NOW, THEREFORE BE IT

RESOLVED, that the Westchester County Planning Board supports the disposition of a parcel owned by Westchester County, and the acquisition of a similar sized and valued parcel, in accordance with Section 249.111(1) of the Laws of Westchester County, and that the County Board of Legislators

authorize the conveyance of the real property and acceptance of real property in accordance with the provisions of the County Charter and Administrative Code.

Adopted this 5th day of March 2024.


Richard Hymah, Chair

FISCAL IMPACT STATEMENT

SUBJECT: WJWW Water Filtration Facility

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: No fiscal impact.

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: _____

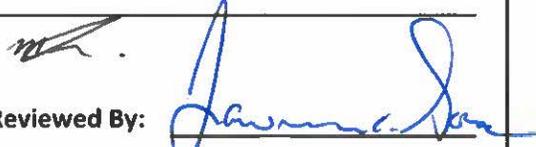
Next Four Years: _____

Prepared by: Michael Dunn

Title: Senior Budget Analyst

Department: Budget

Date: March 18, 2024



Reviewed By: _____
Budget Director

Date: 3/18/24

ACT NO. 2024-____

AN ACT authorizing the County of Westchester to 1) convey to the Westchester Joint Water Works a parcel of County property that is currently part of the Westchester County Airport and located near the intersection of Tower Road and Purchase Street, in order to facilitate the plan to construct and operate a water filtration facility, subject to all necessary legal approvals, 2) accept from Westchester Joint Water Works a parcel adjacent to the Airport, and 3) grant to Westchester Joint Water Works an easement across Airport property permitting connection to the existing sanitary sewer line on Airport property.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester (“County”) is authorized to convey to the Westchester Joint Water Works (“WJWW”) an approximately 13.4 acre parcel of County property identified as a portion of Parcel 971.-8 on the tax map of the Town of Harrison, currently part of the Westchester County Airport (“Airport”), and located near the intersection of Tower Road and Purchase Street (“County Parcel”), in order to facilitate WJWW’s plan to construct and operate a water filtration facility, subject to all necessary legal approvals.

§2. The County is further authorized to accept from WJWW the conveyance of an approximately 13.4 acre parcel adjacent to the Airport identified as Parcel 961.-1 on the tax map of the Town of Harrison (“WJWW Parcel”) to be incorporated into the Airport property in exchange for the County Parcel.

§3. The County is further authorized to grant to WJWW an easement across Airport property permitting a connection to the existing sanitary sewer line on Airport property. The easement shall be approximately 3,000 feet long by 50 feet wide. The sewer connection shall be designed and constructed by the County, with all costs to be reimbursed by WJWW. Once

constructed, the sewer improvements shall be maintained by the County with all repair costs reimbursed by WJWW.

§4. The County Executive or his duly authorized designee, is hereby authorized to execute and deliver all instruments approved as to form and substance by the County Attorney as are necessary and appropriate to effectuate the purposes hereof.

§5. This Act shall take effect immediately.