

Parks & Environment

BOL Meeting Minutes - Final



Committee Chair: David Tubiolo

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, March 25, 2024

12:00 PM

Committee Room

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting. *With a quorum present, Chair Tubiolo called the meeting to order at 12:08 PM.*

Others in Attendance: GUESTS: John Nonna, Tami Altschiller, David Vutera ; BOL: Margaret Cunzio, Judah Holstein, Terry Clements, Catherine Parker, Shanae Williams, Jewel Williams Johnson, Colin Smith, Emiljana Ulaj, Ben Boykin, Dylan Tragni, Marcello Figueroa, Lisa Hochman, Santiago Caceras, Warren Watson, Flora White, Karen Vele, James Silverberg, Jill Axelrod

Present: Legislator Tubiolo, Legislator Barr, Legislator Pierce, Legislator Woodson-Samuels and Legislator Gashi

Remote: Legislator Nolan

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[ACT-2024-61](#) ACT - Exchange of 13.4 Acre Parcel of County Property with Westchester County Joint Water Works

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.

SUBMITTED BY: COMMITTEES ON LEGISLATION, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

Joint with LEG and PWT.

Guests: Law Department

Assistant Chief Deputy County Attorney Tami Altschiller

Each of the committee chairs made opening statements. Legislation Committee Chair Smith explained what this legislation will do. He emphasized that the legislation does not finalize or execute the land exchange, nor does it ensure that the filtration plant will be built. He said it merely allows the County to negotiate and execute the land exchange, but does not ensure an outcome. Parks & Environment Committee Chair Tubiolo gave a history of what necessitated WJWW's request for the land exchange. Public Works & Transportation Committee Chair Pierce provided a history of the Board's review of the request by WJWW. She noted that all past meetings are available for review.

Legislator Pierce introduced a resolution to be considered in conjunction with the Act, and said the resolution emphasized the Board's commitment to limit development at the airport and protect the surrounding environment. She read the resolution into the record. The resolution provides in part that "Whereas, members of the community have conveyed concerns about unwanted expansion at the Airport; and Whereas, in order to protect the fragile environment surrounding the Airport, including drinking water for almost nine million people, from impacts such as noise, air and water pollution, the Board of Legislators adopted Resolution 245–2003 to manifest its intent to limit development of the Airport and now wishes to reaffirm its commitment to preserve current limitations on development at the Airport, subject to federal regulations such as requirements of the Federal Aviation Administration. Now, therefore, be it resolved that the parcel conveyed by WJWW to the County shall remain undeveloped except as otherwise required by federal laws or regulations."

Legislator Smith noted that Legislator David Imamura had recused himself. Legislator Imamura previously submitted a memorandum stating: "As it concerns WJWW's request for County approval of the exchange transaction of a filtration plant in the Town of Harrison, I have consulted with the County Law Department and determined that it is necessary to recuse myself due to my law firm's representation of several involved parties. I hereby recuse myself from discussions, deliberations and decisions related to WJWW's request for County approval of the exchange transaction for construction of a filtration plant in the Town of Harrison." Mr. Nonna described the Brownfield Clean-up Program (BCP), and gave a history of why the Airport property entered the BCP. He discussed the New York State Department of Environmental Conservation's (DEC) role and oversight of properties in the BCP. He noted that the County has been working closely with the DEC to address the contamination and implement remediation measures. He further stated that the parcel to be transferred to WJWW will remain in the BCP and subject to DEC jurisdiction. For example, he explained that the County will have to file a change of ownership 60 days before the transfer occurs and then WJWW, as the new owner, will have to submit a change of use application subject to DEC approval. Mr. Nonna explained that DEC has authority to impose conditions and requirements it deems necessary.

Lisa Hochman, Legislative Counsel for the BOL, said that WJWW will have to obtain certain permits, approvals, and authorizations. She said that on a municipal level, the Town/Village of Harrison has to approve the site plan, and they have their own wetland regulations that would require permits, and a variance from the Zoning Board will also be required. At the state level, DEC will require compliance with BCP regulations as well as wetlands and discharge permits, and the Department of Health and the Department of Transportation will likely require additional permits. Mr. Nonna noted that the Federal Aviation Administration (FAA) has no objection to the land exchange.

Several additions to the Act were proposed by Legislator Pierce and discussed, including that: 1. the parcel acquired by WJWW will remain in the BCP and subject to jurisdiction and oversight by the NYS DEC.; 2. WJWW will file with DEC a change of use application for construction of the filtration plant subject to DEC approval and any conditions required by DEC; 3. WJWW will provide access to the County to perform its DEC/BCP requirements as well as for sewer connection; and 4. WJWW to indemnify the County for any claims arising out of the design, construction or operation of the filtration plant. Additional revisions to the committee report were proposed and discussed.

This ACT was continued

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Woodson-Samuels, seconded by Legislator Barr, the Committee adjourned at 1:05 PM. by the following vote:

Aye: Legislator Tubiolo, Legislator Barr, Legislator Pierce, Legislator Woodson-Samuels and Legislator Gashi

Away: Legislator Nolan