

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

Your Committee is in receipt of a communication from the County Executive recommending the approval of an Act which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to:

- (i) consent to the release of certain restrictions contained in an indenture dated March 16, 1978 ("1978 Indenture") and recorded March 24, 1978 in Liber 7458 at page 171 in the Office of the Clerk of the County of Westchester, from the County, as the party of the first part, to the City of Peekskill ("City"), as the party of the second part, for approximately 2.3 acres of land located at 701 Washington Street in the City, identified as Parcels 17, 18, 19, 20, 21 and 22 in said indenture ("Parcel"), and
- (ii) execute a release of the right of reverter for the Parcel to the City.

The 1978 Indenture contains a reverter clause ("Reverter Clause") as follows:

"This deed is delivered upon the condition that, in the event said premises cease to be used for municipal purposes at any time, said premises shall revert free and clear from said condition to the party of the first part."

Your Committee is advised that the Parcel was originally acquired in 1927 by the County, acting through the Westchester County Park Commission ("Park Commission"), in connection with the construction of the Briarcliff-Peekskill Parkway ("Parkway"). The Parcel is the site of the former Centennial Hose Fire Station. The City has requested that the County release its rights under the Reverter Clause so the City may convey title to the Parcel to the Peekskill Facilities Development Corporation ("PFDC"). The PFDC, a not for profit local development corporation, plans to transform the Parcel into a commercial kitchen food incubator to assist local caterers and restaurant entrepreneurs to launch their businesses. The PFDC has been awarded a grant of \$2,400,000 from the U.S. Department of Commerce Economic

Development Administration to further this project. The City will provide \$600,000 in local funds and additional grants are anticipated.

The Planning Department has advised your Committee that based on its review, the above-referenced action does not meet the definition of an action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Your Committee has carefully considered this matter and recommends that your Honorable Board adopt the proposed annexed Act.

Dated: February 5, 2024
White Plains, New York

Margaret A. Cyio
David [unclear]
Colin [unclear]
Jo [unclear]
David J. Tubish
[unclear]
Benjamin Boykoff

Legislation

David [unclear]
Janelle
Colin [unclear]
Jo [unclear]

Housing & Planning

COMMITTEE ON

Dated: February 5, 2024
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

LEGISLATION

Emiliana Ulag

TO: David Vutera, Associate County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM
Director of Environmental Planning



DATE: November 17, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REVERTER
RELEASE – 701 WASHINGTON STREET, PEEKSKILL**

PROJECT/ACTION: Authorization by the Board of the Legislators for (i) the release of certain restrictions contained in a 1978 deed to the City of Peekskill for approximately 2.3 acres of land located at 701 Washington Street in the City, identified as Parcels 17 through 22 in said deed, and (ii) the execution of a release of the right of reverter for the parcel to the City. The parcel was originally acquired in 1927 by the County in connection with the construction of the Briarcliff-Peekskill Parkway, but was never used for the parkway. It was subsequently conveyed to the City and is the site of the former Centennial Hose Fire Station. The 1978 indenture contained the condition that the property would revert back to the County if not used for municipal purposes. The City has requested that the County release its rights under the Reverter Clause so the City may convey title to the parcel to the Peekskill Facilities Development Corporation, a not-for-profit local development corporation, in order to transform the property into a commercial kitchen food incubator to assist local caterers and restaurant entrepreneurs to launch their businesses.

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)():

COMMENTS: The proposed action involves only the release of a reverter clause contained in a 1978 indenture on property that was conveyed to another municipality. The release of the reverter clause will allow the City of Peekskill to convey the property to a not-for-profit organization that will facilitate the development of a local business incubator, which will benefit the local economy and the public. Any future use or development of the property would be subject to further environmental review as may be required by SEQR.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca P. Lopez, Commissioner
Claudia Maxwell, Associate Environmental Planner

AN ACT authorizing the County of Westchester to (i) consent to the release of a reverter clause contained in a deed from the County of Westchester to the City of Peekskill dated March 16, 1978, with respect to approximately 2.3 acres of land located at 701 Washington Street in the City of Peekskill, and (ii) to execute a release of the right of reverter for the parcel.

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 consent to the release of certain restrictions contained in an indenture dated March 16, 1978 (“1978 Indenture”) and recorded March 24, 1978 in Liber 7458 at page 171 in the Office of the Clerk of the County of Westchester, from the County, as the party of the first part, to the City of Peekskill (“City”), as the party of the second part, for approximately 2.3 acres of land located at 701 Washington Street in the City, identified as Parcels 17, 18, 19, 20, 21 and 22 in said indenture (“Parcel”).

The 1978 Indenture contains a reverter clause (“Reverter Clause”) as follows:

“This deed is delivered upon the condition that, in the event said premises cease to be used for municipal purposes at any time, said premises shall revert free and clear from said condition to the party of the first part.”

§2. The consent and release of the above restriction is only for the Parcel and is granted for the sole purpose of permitting the City to transfer the said Parcel to the Peekskill Facilities Development Corporation, a not for profit local development corporation, for the purpose of establishing a commercial kitchen food incubator to assist local caterers and restaurant entrepreneurs to launch their businesses.

§3. The County Executive or his authorized designee is hereby empowered to execute all instruments, including a Release of Right of Reverter, in order to release the aforementioned condition, and take such action as may be reasonably necessary to effectuate the purposes hereof.

§4. This Act shall take effect immediately.