

Legislation Meeting Agenda



Committee Chair: Kitley Covill

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

Monday, May 17, 2021

1:00 PM

Committee Room

CALL TO ORDER

MINUTES APPROVAL

May 3, 2021 at 1:00 p.m.

May 10, 2021 at 1:00 p.m.

I. ITEMS FOR DISCUSSION

1. [2021-298](#) PH-Amendment to Pesticide Notification Law

A RESOLUTION to set a Public Hearing on a "LOCAL LAW amending Chapter 691 of the Laws of Westchester County Relating to Pesticide Notification." [Public Hearing set for _____, 2021 at _____ .m.]. LOCAL LAW INTRO 2021-299.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND ENVIRONMENT & HEALTH

Joint with Environment & Health committee
Guests: Deputy County Attorney Justin Adin

2. [2021-299](#) LOCAL LAW-Amendment to Pesticide Notification Law

A LOCAL LAW amending Chapter 691 of the Laws of Westchester County Relating to Pesticide Notification.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND ENVIRONMENT & HEALTH

Joint with Environment & Health Committee
Guest: Deputy County Attorney Justin Adin

3. [2021-310](#) PH-Increase Veteran's Tax Exemptions

A RESOLUTION to set a Public Hearing on a "LOCAL LAW amending Chapter 473 of the Laws of Westchester County to Increase Veteran's Tax Exemptions." [Public Hearing set for _____, 2021 at _____ .m.]. LOCAL LAW INTRO: 2021-311.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LEGISLATION

Joint with Budget & Appropriations

Guests: Deputy County Attorney Justin Adin, and Victor Mallison, Executive Director,
Westchester County Tax Commission

4. [2021-311](#) LOCAL LAW-Increase Veteran's Tax Exemptions

A LOCAL LAW amending Chapter 473 of the Laws of Westchester County to Increase
Veteran's Tax Exemptions.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND
LEGISLATION**

Joint with Budget & Appropriations

Guests: Deputy County Attorney Justin Adin, and Victor Mallison, Executive Director,
Westchester County Tax Commission

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

April 29, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt "A LOCAL LAW amending Chapter 691 of the Laws of Westchester County Relating to Pesticide Notification."

Chapter 691 was enacted by Local Law 2000-22, which adopted the special notice requirements for commercial and residential applications of pesticides to lawns as established by Section 33-1004 of the New York State Environmental Conservation Law. Under Section 33-1004, the County was authorized to adopt a law, in full conformity with Sections 33-1004 and 33-1005 of the Environmental Conservation Law.

The State of New York has amended Sections 33-1004 and 33-1005, to provide that certain signs and notices relating to pesticides have to be printed in both English and Spanish, and other languages designated by the Department of Environmental Conservation. As a result, the County's Pesticide Notification law needs to be amended to conform with the new language provided for in Sections 33-1004 and 33-1005. Thus, the proposed Local Law modifies Chapter 691 to maintain conformity with New York State Law, so that the County's Pesticide Notification Law can remain in force and effect.

In light of the aforementioned, I respectfully request that this Honorable Board adopt the proposed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

George Latimer,
County Executive

GL/nn
Enclosure

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 691 of the Laws of Westchester County Relating to Pesticide Notification.”

Your Committee is aware that Chapter 691 was enacted by Local Law 2000-22, which adopted the special notice requirements for commercial and residential applications of pesticides to lawns as established by Section 33-1004 of the New York State Environmental Conservation Law. Under Section 33-1004, the County was authorized to adopt a law, in full conformity with Sections 33-1004 and 33-1005 of the Environmental Conservation Law.

Your Committee has been informed that the State of New York has amended Sections 33-1004 and 33-1005, to provide that certain signs and notices relating to pesticides have to be printed in both English and Spanish, and other languages designated by the Department of Environmental Conservation. As a result, the County’s Pesticide Notification law needs to be amended to conform with the new language provided for in Sections 33-1004 and 33-1005. Thus, the proposed Local Law modifies Chapter 691 to maintain conformity with New York State Law, so that the County’s Pesticide Notification Law can remain in force and effect.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations,

RESOLUTION NO. ____ - 2021

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2021, entitled "A LOCAL LAW amending Chapter 691 of the Laws of Westchester County Relating to Pesticide Notification." The public hearing will be held at __.m. on the ____ day of _____, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

TO: Justin Adin, Deputy County Attorney
Department of Law

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



DATE: April 26, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR AMENDMENT
TO THE PESTICIDE NOTIFICATION LAW**

PROJECT/ACTION: Adoption of a local law that will amend Chapter 691 of the Laws of Westchester County relating to Pesticide Notification. The State of New York has recently amended Sections 33-1004 and 33-1005 of the Environmental Conservation Law to provide that certain signs and notices relating to pesticides have to be printed in both English and Spanish, and any other languages designated by the Department of Environmental Conservation. As such, the County's Pesticide Notification Law will be amended accordingly to conform with the State's new requirement.

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: None

DSK/cnm

cc: Steven Bass, Assistant to the County Executive
Norma Drummond, Commissioner
Claudia Maxwell, Associate Environmental Planner

LOCAL LAW INTRO. NO. -2021

A LOCAL LAW amending Chapter 691 of the Laws of Westchester County Relating to Pesticide Notification

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

Section 1: Section 691.31(1) of the Laws of Westchester County is hereby amended to read as follows:

1. All persons performing residential lawn applications treating an area of more than 100 square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. [Such m]Markers shall be posted at least 12 inches above the ground and shall be at least four inches by five inches in size. Such markers shall be in both the English and Spanish languages, and any other languages required by rules or regulations enacted by the New York State Department of Environmental Conservation.

Section 2: This Local Law shall take effect immediately.



George Latimer
County Executive

May 3, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt “A LOCAL LAW amending Chapter 473 of the Laws of Westchester County to Increase Veteran’s Tax Exemptions.”

Chapter 473 of the Laws of Westchester County provides for real property tax exemptions for veterans, and was adopted pursuant to authority granted by the New York State Real Property Tax Law. Under Chapter 473, veterans receive an exemption equal to fifteen percent of the assessed value of the property, subject to a cap of \$54,000 multiplied by latest state equalization rate for the assessing unit. Veterans who served in a combat theater or combat zone of operations can receive an additional exemption of ten percent, subject to a cap of \$36,000 multiplied by latest state equalization rate for the assessing unit. Service-disabled veterans can receive an additional exemption equal to half of the veteran’s disability rating, subject to a cap of \$180,000 multiplied by latest state equalization rate for the assessing unit.

The County is entitled to increase those caps. Pursuant to State law, the County can increase the caps to \$75,000, \$50,000, and \$250,000, respectively, as long as the County is a “high-appreciation municipality.”¹ A high-appreciation municipality includes any county where the Office of Real Property Tax Services has established a sales price differential factor for the purpose of the STAR exemption for at least three consecutive years. Westchester County qualifies as such a municipality.²

Increasing the cap will provide property tax relief for those who have served our country. Further, it will fulfill the purpose of our local law, which is to provide “the maximum possible real property tax exemption provided for” in State law. *See* Laws of Westchester § 473.101.

¹ See https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_01/sec458_a.htm;
https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_01/sec458_b.htm

² See <https://www.tax.ny.gov/pit/property/star/diff.htm>

In light of the aforementioned, I respectfully request that this Honorable Board adopt the proposed legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "George Latimer", written in a cursive style.

GEORGE LATIMER
County Executive

GL/nn
Enclosure

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 473 of the Laws of Westchester County to Increase Veteran’s Tax Exemptions.”

Your Committee is aware that Chapter 473 of the Laws of Westchester County provides for real property tax exemptions for veterans, and was adopted pursuant to authority granted by the New York State Real Property Tax Law. Under Chapter 473, veterans receive an exemption equal to fifteen percent of the assessed value of the property, subject to a cap of \$54,000 multiplied by latest state equalization rate for the assessing unit. Veterans who served in a combat theater or combat zone of operations can receive an additional exemption of ten percent, subject to a cap of \$36,000 multiplied by latest state equalization rate for the assessing unit. Service-disabled veterans can receive an additional exemption equal to half of the veteran’s disability rating, subject to a cap of \$180,000 multiplied by latest state equalization rate for the assessing unit.

Your Committee is informed that the County is entitled to increase those caps. Pursuant to State law, the County can increase the caps to \$75,000, \$50,000, and \$250,000, respectively, as long as the County is a “high-appreciation municipality.”³ A high-appreciation municipality includes any county where the Office of Real Property Tax Services has

³ See https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_01/sec458_a.htm; https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_01/sec458_b.htm

FISCAL IMPACT STATEMENT

SUBJECT: Cold War Veteran RPT Exemption 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: Gideon Grande

Title: Deputy Director

Department: Budget

Date: April 30, 2021

Reviewed By: 

Budget Director

Date: 4/30/21

RESOLUTION NO. ____ - 2021

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2021, entitled "A LOCAL LAW amending Chapter 473 of the Laws of Westchester County to Increase Veteran's Tax Exemptions." The public hearing will be held at __.m. on the ____ day of _____, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW INTRO. NO. -2021

A LOCAL LAW amending Chapter 473 of the Laws of Westchester County to Increase Veteran's Tax Exemptions

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

Section 1: Section 473.211 of the Laws of Westchester County is hereby amended to read as follows:

1. Qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided, however, that such exemption shall not exceed ~~[fifty-four]~~seventy-five thousand dollars or the product of ~~[fifty-four]~~seventy-five thousand dollars multiplied by the latest state equalization rate for the assessing unit.

2. In addition to the exemption provided by subdivision one of this Section, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided, however, that such exemption shall not exceed ~~[thirty-six]~~fifty thousand dollars or the product of ~~[thirty-six]~~fifty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

3. In addition to the exemptions provided by subdivisions one and two of this Section, where the veteran received a compensation rating from the United States veteran's administration or from the United States department of defense because of a service connected disability, qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the veteran's disability

rating; provided, however, that such exemption shall not exceed [~~one hundred eighty~~]two hundred fifty thousand dollars or the product of [~~one hundred eighty~~]two hundred fifty thousand dollars multiplied by the latest state equalization rate for the assessing unit. For purposes of this subdivision, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of one hundred percent.

Section 2: Section 473.321 of the Laws of Westchester County is hereby amended to reads as follows:

1. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided however, that such exemption shall not exceed [~~fifty-four~~]seventy-five thousand dollars [(\$54,000)]or the product of [~~fifty-four~~]seventy-five thousand dollars [(\$54,000)]multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

2. In addition to the exemption provided by subdivision "1" of this Section, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold war veteran disability rating; provided, however, that such exemption shall not exceed [~~one hundred eighty~~]two hundred fifty thousand dollars [(\$180,000)]or the product of [~~one hundred eighty~~]two hundred fifty thousand dollars [(\$180,000)]multiplied by the latest state equalization rate for

the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

3. If a Cold War veteran receives either a veterans' exemption under Article I of this Chapter, authorized by Section 458 of the Real Property Tax Law, or an alternative veterans' exemption under Article II of this Chapter, authorized by Section 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive an exemption under this Article.

Section 3: This Local Law shall take effect immediately.