

Tuesday, September 19, 20232:30 PMCommittee 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.

Joint w/ HSHRE and PWT

## MINUTES APPROVAL

April 4th, 2023 10:00 AM Minutes May 30th, 2023 2:30 PM Minutes June 12th, 2023 10:00 AM Minutes June 20th, 2023 10:00 AM Minutes

## I. ITEMS FOR DISCUSSION

### 2023-189 ACT-Equity in Environmental Legislation Act

AN ACT declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester. **COMMITTEE REFERRAL: COMMITTEE ON ENVIRONMENT, ENERGY & CLIMATE AND HUMAN SERVICES, HUMAN RIGHTS & EQUITY** 

Guests:

Peter McCartt, Director, Department of Energy Conservation and Sustainability Chief Deputy County Attorney Stacey Dolgin-Kmetz, County Attorney's Office Senior Assistant County Attorney Shawna MacLeod, County Attorney's Office

#### **<u>2023-191</u> ACT-Renewable Energy Database Act**

AN ACT establishing a municipal renewable energy system siting database. **COMMITTEE REFERRAL: COMMITTEE ON ENVIRONMENT, ENERGY & CLIMATE AND PUBLIC WORKS & TRANSPORTATION** 

Guests:

Peter McCartt, Director, Department of Energy Conservation and Sustainability Chief Deputy County Attorney Stacey Dolgin-Kmetz, County Attorney's Office Senior Assistant County Attorney Shawna MacLeod, County Attorney's Office

## II. OTHER BUSINESS

## **III. RECEIVE & FILE**

#### 2023-357 CLERK OF THE BOARD - Reinstate Parcel into Peekskill Sanitary Sewer District

Correspondence from the Town of Cortlandt regarding the request to reinstate a parcel into the Westchester County Peekskill Sanitary Sewer District - 44 Regina Avenue, Cortlandt Manor, NY.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, ENERGY & HEALTH

## ADJOURNMENT



# Memorandum

Office of the County Executive Michaelian Office Building

May 1, 2023

TO: Hon. Nancy Barr, Acting Chair Hon. Christopher Johnson, Majority Leader Hon. Margaret Cunzio, Minority Leader

Aug Natur FROM: George Latimer Westchester County Executive

RE: Message Requesting Immediate Consideration: Act – Equity in Environmental Legislation Act.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration and approval is an Act declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester, which may be referred to as the "Equity in Environmental Legislation Act."

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer County Executive

April 21, 2023

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

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Act declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester. This Act may be referred to as the "Equity in Environmental Legislation Act."

This Act provides additional protections to residents of the County of Westchester by affirming that all County residents must be treated equally regarding the development and enforcement of policies and regulations of environmental laws. Given the disproportionate burden of environmental harm that marginalized communities have historically faced, codifying equal treatment of all residents of Westchester County under environmental law is a necessary step towards environmental justice.

In the County, New York State and across the nation, marginalized communities have been subjected to environmental harms through siting and development decisions that have generational impacts. Power plants, traffic corridors, waste sites and depots are all more likely to be sited in low income, immigrant communities and communities of color. In New York, the communities that suffer from the most air pollution have high populations of Black and Latino residents and are among the poorest in the County and the State. This is a trend that can be reversed if equal treatment is applied to all communities.

By explicitly stating in this Act that the policy of Westchester County is to treat all residents equally under environmental laws and policies, this policy can be used to guide decision-making regarding environmental issues. Laws, regulations and policies will need to take into account the mandate of equal treatment with respect to such environmental regulations and policies at all levels which will provide protection to disadvantaged communities that have been the targets of environmental harm.

By requiring equal treatment under environmental laws and policies, this policy can be used to guide decision-making in the County. Policies and regulations will need to take into account the mandate of equal treatment with respect to environmental regulations and policies at all levels which will provide protection to disadvantaged communities that have been the targets of environmental harm.

In addition, this Act will ensure that the environmental philosophy and policy which guides the County of Westchester, provides much needed environmental justice for all County residents. This legislation will also assert that all County residents, regardless of any identity, status or orientation will be treated equally regarding the development, implementation and enforcement of environmental policies and regulations of the County of Westchester.

This legislation is patterned after proposed New York State legislation (S.1232, A.9057 of 2021-2022).<sup>1</sup> The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers.

This proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the Equity in Environmental Legislation Act.

Sincerely

GEORGE LATIMER

County Executive

GL/nn Enclosure

<sup>&</sup>lt;sup>1</sup> The Senate passed the bill; the Assembly bill did not advance out of committee.



## **EANY SUPPORTS**



## Equity in Environmental Conservation Law

A.9057 (Galef, et al.)

S.1232 (Gianaris, et al.)

#### **Explanation:**

This bill provides additional protections to New Yorkers under the Environmental Conservation Law by affirming that all people must be treated equally regarding the development and enforcement of policies and regulations of environmental laws. Given the disproportionate burden of environmental harm that marginalized communities have historically faced, codifying equal treatment of all people under environmental law is a necessary step towards environmental justice.

In New York state and across the nation marginalized communities have been subjected to environmental harms through siting and development decisions that have generational impacts. Power plants, traffic corridors, waste sites and depots are all more likely to be sited in low income, immigrant communities and communities of color. In New York, the communities that suffer from the most air pollution have high populations of Black and Latino residents and are among the <u>poorest in the state</u>. This is a trend that can be reversed if equal treatment is applied to all communities.

By explicitly stating that all people must be treated equally under environmental laws, the intent of the State is made clear and can be used to guide decision-making. Policies and regulations will need to take into account the mandate of equal treatment with respect to environmental regulations and policies at all levels which will provide protection to disadvantaged communities that have been the targets of environmental harm. This bill will ensure that the environmental philosophy and policy which guides the State of New York provides much needed environmental justice for all people.

#### Summary:

This legislation amends the Environmental Conservation Law, subdivision 1 of section 1-0101 by adding paragraph b to declare that all people regardless of any identity, status or orientation are treated equally regarding the development, implementation and enforcement of environmental policies and regulations of the state of New York.

518.462.5526

#### TO: HONORABLE BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive urging the adoption of the attached "Act declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester." This Act may be referred to as the "Equity in Environmental Legislation Act."

Your Committee is advised that this Act provides additional protections to residents of the County of Westchester by affirming that all County residents must be treated equally regarding the development and enforcement of environmental laws, regulations and policies. Given the disproportionate burden of environmental harm that marginalized communities have historically faced, codifying equal treatment of all residents of Westchester County under environmental law is a necessary step towards environmental justice.

Your Committee is further advised that in the County, New York State and across the nation, marginalized communities have been subjected to environmental harms through siting and development decisions that have generational impacts. Power plants, traffic corridors, waste sites and depots are all more likely to be sited in low income, immigrant communities and communities of color. In New York and Westchester County, the communities that suffer from the most air pollution have high populations of Black and Latino residents and are among the poorest in both the County and State. This is a trend that can be reversed if equal treatment is applied to all communities. Your Committee is informed that by explicitly stating in this Act that the policy of Westchester County is to treat all residents equally under environmental laws and policies, this policy can be used to guide decision-making in environmental issues. Laws, regulations and policies will need to take into account the mandate of equal treatment with respect to such environmental regulations and policies at all levels which will provide protection to disadvantaged communities that have been the targets of environmental harm.

Your Committee is further informed that this Act will ensure that the environmental philosophy and policy which guides the County of Westchester provides much needed environmental justice for all County residents. This legislation will also assert that all County residents, regardless of any identity, status or orientation will be treated equally regarding the development, implementation and enforcement of environmental policies and regulations of the County of Westchester.

Your Committee acknowledges that this legislation is patterned after proposed New York State legislation (S.1232, A.9057 of 2021-2022).<sup>1</sup> The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers. *See* attached memo.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning,

<sup>&</sup>lt;sup>1</sup> The Senate passed the bill; the Assembly bill did not advance out of committee.

dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Act.

Dated: , 2023 White Plains, New York

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COMMITTEE ON

SDK-4-12-23

#### ACT NO.

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-2023

An Act declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester.

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

**Section 1.** It is the policy of the County of Westchester that all people, regardless of group identity, including race, culture, national origin, income, gender identity or expression, disability, or community of residence, shall be treated equally with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

§ 2. The County of Westchester shall foster, promote, create and maintain conditions under which people and nature can thrive in harmony with each other, and achieve social, economic and technological progress for present and future generations.

§ 3 It is a basic right of all Westchester County residents to live and work in safe, healthful, productive and aesthetically and culturally pleasing surroundings.

§4. This policy of environmental justice is based on the concept of fundamental fairness that all people in the County of Westchester, should be free from:

a. any disproportionate exposure or risk of exposure to pollution; and

b. the cumulative negative impacts resulting from the disparate concentration of polluted sites or environmental facilities licensed, regulated or approved by County agencies.

\$5. No County resident should be deprived of locally accessible open space or other environmental benefits due to lack of political or economic strength.

§6. This Act shall take effect immediately.

Sdk-4-12-23



# Memorandum

Office of the County Executive Michaelian Office Building

May 1, 2023

ГО:	Hon. Nancy Barr, Acting Chair
	Hon. Christopher Johnson, Majority Leader
	Hon. Margaret Cunzio, Minority Leader
FROM:	George Latimer Mug Autor Westchester County Executive

RE: Message Requesting Immediate Consideration: Act – Renewable Energy Database Act.

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration and approval is an Act establishing a municipal renewable energy system siting database, which may be referred to as the "Renewable Energy Database Act."

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer County Executive

April 21, 2023

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

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Act establishing a municipal renewable energy system siting database, which may be referred to as the "Renewable Energy Database Act."

The implementation of renewable energy systems is a critical step towards decreasing greenhouse gas emissions from fossil fuels and reducing some types of air pollution. Renewable energy systems may also foster economic development by creating jobs in manufacturing and installation. Municipalities within the County have expressed interest in siting renewable energy systems within their boundaries, but some may need assistance with technical expertise or information to attract developers.

This Act will help municipalities within the County develop renewable energy projects, by establishing a database to promote the siting of renewable energy systems on municipal property. The County-hosted database would allow municipalities to publish information on a public-facing website, including their renewable energy goals, to help position renewable energy systems on municipal property. Consistent with the Act, the database would be actively managed and updated regularly by the Director of the County's Office of Energy Conservation and Sustainability.

This legislation is patterned after proposed New York State legislation (S.9474, A.9602 of 2021-2022).<sup>1</sup> The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers.

This proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

<sup>&</sup>lt;sup>1</sup> Neither the Senate bill nor the Assembly bill advanced out of committee.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the Renewable Energy Database Act.

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County Executive

GL/nn Enclosure

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## EANY SUPPORTS Renewable Energy Database



## S.9474 (May)

A.9602 (Cusick, et al.)

#### Explanation:

The 2019 Climate Leadership and Community Protection Act (CLCPA) requires 70% renewable energy by 2030 and 100% zero-emission electricity by 2040. In order for New York State to meet these ambitious and vital mandates, it must be as easy as possible for municipalities across the state to deploy renewable energy systems.

This legislation directs NYSERDA to create and maintain a centralized, publicly accessible database where local governments can identify municipally owned parcels that are available to host renewable energy systems. The regularly updated database would include detailed information about the properties, the type of renewable systems desired by the municipality, and any local laws that would have to be considered in the state's Office of Renewable Energy Siting Permitting Process. These properties would also be eligible to participate in NYSERDA's Build Ready Program to expedite permitting for any would-be developers.

The database will serve as another tool the state can use to achieve the renewable energy and zero-emission mandates of the CLCPA. It will help provide certainty for renewable energy developers by acting as a one-stop shop to match developers with willing municipal partners. With technical and permitting assistance from NYSERDA, communities can repurpose otherwise undesirable land and be assured that they will be able to enjoy the health and economic benefits renewable energy systems deliver on their terms.

#### Summary:

This bill would amend the public authorities law directing NYSERDA to create and manage a municipal renewable energy system siting database and to provide technical assistance to help promote renewable energy siting on municipally owned land. The bill would amend section 1902 of the public authorities law by adding municipally owned lands available for renewable siting to the list of properties prioritized by NYSERDA's Build Ready Program.

518.462.5526

#### TO: HONORABLE BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive urging the adoption of the attached "Act establishing a municipal renewable energy system siting database." This Act may be referred to as the "Renewable Energy Database Act."

Your Committee is aware that the implementation of renewable energy systems is a critical step towards decreasing greenhouse gas emissions from fossil fuels and reducing some types of air pollution. Renewable energy systems may also foster economic development by creating jobs in manufacturing and installation.

Your Committee has been informed that municipalities within the County have expressed interest in siting renewable energy systems within their boundaries, but may need assistance with technical expertise or information to attract developers.

Your Committee is advised that this Act will help municipalities within the County develop renewable energy projects, by establishing a database to promote the siting of renewable energy systems on municipal property. The County-hosted database would allow municipalities to publish information on a public-facing website, including their renewable energy goals, to help position renewable energy systems on municipal property. The database would be actively managed and updated regularly by the Director of the County's Office of Energy Conservation and Sustainability. Your Committee acknowledges that this legislation is patterned after proposed New York State legislation (S.9474, A.9602 of 2021-2022).<sup>1</sup> The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers. *See* attached memo.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Act.

Dated: , 2023 White Plains, New York

COMMITTEE ON

SCM-04/12/23

<sup>&</sup>lt;sup>1</sup> Neither the Senate bill nor the Assembly bill advanced out of committee.

#### ACT NO.

-2023

An Act establishing a municipal renewable energy system siting database.

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

Section 1. This Act establishes a database for municipalities within the County that are interested in siting renewable energy systems on available land within their boundaries. This database will allow municipalities to publish their renewable energy goals and will facilitate the development of renewable energy systems. Implementing renewable energy systems is a critical step towards decreasing greenhouse gas emissions from fossil fuels and reducing some types of air pollution. Renewable energy systems may also foster economic development by creating jobs in manufacturing and installation.

§ 2. For the purposes of this Act, the term "renewable energy systems" means systems that generate electricity or thermal energy through the use of any of the following technologies: solar thermal, photovoltaics, on-land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

§ 3. The Director of the County's Office of Energy Conservation and Sustainability (the "Director"), or the Director's designee, shall establish and manage a municipal renewable energy siting database to help municipalities within the County facilitate the deployment of renewable energy systems on municipal property within their boundaries.

§ 4. Any municipality seeking to participate in the database shall be entitled to provide information to the Director to be included in the database. The database shall be publicly available and, at a minimum, include the following information:

- a. the contact information for a designated municipal representative;
- b. the type or types of renewable energy systems that the municipality is interested in developing;
- c. an estimate of the amount and type of available municipal property;
- d. a summary of applicable municipal laws concerning the environment or public health safety to facilitate compliance with any applicable permitting process;
- e. any other information the Director deems relevant.

§ 5. The database shall be actively managed and updated regularly by the Director or the Director's designee.

§ 6. The County's Department of Planning shall provide any technical assistance to help promote siting.

§ 7. The Director is required to engage in outreach efforts to the municipalities within the County, in order to educate them about the existence and function of the database.

§ 8. This Act shall take effect 180 days after enactment.

SCM-04/12/23

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Michael Preziosi, P.E. Director – D.O.T.S

Arthur D'Angelo, Jr., P.E. Deputy Director D.O.T.S – Engineering

## TOWN OF CORTLANDT DEPARTMENT OF TECHNICAL SERVICES ENGINEERING DIVISION

Town Hall, 1 Heady Street Cortlandt Manor, NY 10567 Main #: 914-734-1060 Fax #: 914-734-1066

#### TRANSMITTAL

Town Supervisor Richard H. Becker

Town Board James F. Creighton Francis X. Farrell Cristin Jacoby Robert Mayes

- DATE: August 2, 2023
- TO: Sunday Vanderberg Clerk & Chief Administrative Officer – Westchester County Board of Legislators 800 Michaelian Office Building 148 Martine Avenue, 8th Floor White Plains, New York 10601
- FROM: Arthur D'Angelo, Jr., P.E. Deputy Director, D.O.T.S. - Engineering
- RE: Reinstatement of Parcel PSSD Owner: Mark Giordano 44 Regina Avenue Town of Cortlandt, NY Section: 24.10, Block: 1, Lot: 4

We are sending to you today by FedEx the following:

- (1) One copy of the letter from the Owner requesting to reinstate the above referenced parcel into the Peekskill Sanitary Sewer District.
- (1) One certified copy of the Town Board Resolution (243-23) requesting to reinstate the above referenced parcel into the Peekskill sanitary Sewer District.

If you have any questions or require any further information please do not hesitate to contact this office.

cc: (One copy each of the above - via email)

Karen Vele – Personal Legislative Aide for Westchester County Board of Legislator – Colin D. Smith Laroue Shatzkin, Town of Cortlandt, Town Clerk File Copy - Engineering Division

Mr. Mark Giordano Coritandt Self-Storage LP 44 Regina Avenue Cortlandt Manor, New York 10567

June 22, 2023

Supervisor Richard H. Becker & Town Board Members **Town of Cortlandt** Town Hall, 1 Heady Street Cortlandt Manor, New York 10567

Re: Request to Reinstate Parcel into the Westchester County Peekskill Sanitary Sewer District **Owner – Cortlandt Self-Storage LP (Mark Giordano)** 44 Regina Avenue (Commercial Property) Cortlandt Manor, New York 10567 Tax Map Designation: Section 24.10, Block 1, Lot 4

Dear Supervisor Becker and Town Board Members:

As the current property owner of the following parcel I am requesting that you please petition Westchester County to reinstate the parcel located at 44 Regina Avenue, Cortlandt Manor, New York, Section 24.10 Block 1 Lot 4, into the Peekskill Sanitary Sewer District located in the Town of Cortlandt.

This parcel was removed from the Peekskill Sanitary Sewer District tax rolls in 1998 for the 1999 tax year.

Should you have any questions or require additional information, please do not hesitate to contact me. Thank you for your time and consideration in this matter.

Respectfully submitted,

Mark Giordano

cc: Arthur D'Angelo Jr., P.E., Deputy Director, Dept. of Technical Services, Town of Cortlandt; via email James C. Annicchiarico, Project Engineer/Manager, Cronin Engineering, P.E., P.C. via e-mail File: Giordano-44 Regina Ave-Cortlandt-Sewer-Re-Instatement-Letter-Town Board-20230622

#### RESOLUTION

#### NUMBER <u>243-23</u>

#### (RE: AUTHORIZE REQUEST TO HAVE A PARCEL LOCATED WITHIN THE TOWN REINSTATED INTO THE PEEKSKILL SANITARY SEWER DISTRICT AND FORWARD SAME TO WESTCHESTER COUNTY FOR CONSIDERATION)

WHEREAS, by letter dated June 22, 2023 from Mark Giordano, Owner of Section 24.10, Block 01, Lot 04 property described below was received by the Town Board of the Town of Cortlandt at the Town Board Meeting held July 26, 2023 for a parcel located at 44 Regina Avenue, Cortlandt Manor, New York 10567; and

WHEREAS, the owner(s) has requested the Town of Cortlandt petition the County of Westchester to have said property reinstated into the Peekskill Sanitary Sewer District; said property is designated as follows:

Section 24.10, Block 01, Lot 04 44 Regina Avenue Cortlandt Manor, NY 10567

Owner(s): Mark Giordano

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cortlandt, on behalf of the above-mentioned owner and contract vendee in the Town of Cortlandt, does hereby petition the County of Westchester to reinstate said parcel designated above into the Peekskill Sanitary Sewer District; and

**BE IT FURTHER RESOLVED**, the Town Clerk shall notify the Town's Receiver of Taxes and Town Assessor upon reinstatement of the parcel in the County and Town sewer districts.

#### BY ORDER OF THE TOWN BOARD OF THE TOWN OF CORTLANDT LAROUE ROSE SHATZKIN TOWN CLERK

Adopted July 26, 2023 At a Regular Meeting Held at Town Hall

**Certified Copy** Date Town Clerk and Registrar