

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an Act which, if adopted, would authorize the County of Westchester (the "County") to grant permanent easements (collectively the "Easements") to the City of New York, acting by and through its Department of Environmental Protection ("NYCDEP") over, under and through five (5) County-owned parcels of real property in Town of Mount Pleasant (collectively the "Properties") so that the NYCDEP can construct, maintain and operate a subsurface water delivery tunnel in connection with the NYCDEP's provision of clean, safe drinking water to residents of the City of New York and Westchester County.

The Departments of Public Works & Transportation and Environmental Facilities (collectively the "Departments") have advised that pursuant to the terms of the Easements, the County would convey to the NYCDEP the perpetual rights to construct, reconstruct, operate, inspect, monitor, repair, protect and maintain a subsurface water tunnel facility and appurtenances that will become a part of the NYCDEP's Kensico-Eastview Connection Tunnel ("KEC Tunnel"). The Easements will be approximately 150 feet wide and encumber approximately 9.4 total acres of various County-owned properties and enable the NYCDEP to construct the KEC Tunnel.

Your Committee is advised that the entire KEC Tunnel will be approximately two (2) miles long and will transport clean drinking water from Kensico Reservoir to the Catskill/Delaware Ultraviolet Disinfection Facility ("CDUV Facility") in Mount Pleasant, New York. The NYCDEP has further advised that KEC Tunnel will enhance the redundancy of the New York City water supply system allowing for operational flexibility and planned outages and resulting in increased reliability. In addition, the KEC Tunnel will allow the NYCDEP to transport water to the CDUV Facility at a higher rate of flow and improve the NYCDEP's ability to maintain water surface levels at the Hillview Reservoir in Yonkers within normal operating limits.

The NYCDEP has further advised that the increased capacity afforded by the KEC Tunnel will help prepare the NYCDEP for future potential increases in demand from New York City and Westchester County. The water conveyed from the KEC Tunnel will flow from the Kensico Reservoir to the CDUV Facility where it will be disinfected and from there transported to customers in New York City and Westchester County, including, Briarcliff Manor, Sleepy Hollow, Tarrytown, Mount Pleasant, Elmsford, Greenburgh, Irvington, Dobbs Ferry, Hastings-on-Hudson, Ardsely, Yonkers, Mount Vernon, Scarsdale, Eastchester, Bronxville, Tuckahoe, New Rochelle, Mamaroneck, Larchmont, and Pelham.

Your Committee is advised that pursuant to the terms of the Easements, the County will reserve the right to use the land within the Properties, from the current ground surface level down to a maximum depth of fifty (50) feet below current ground surface for any lawful activities except for well-drilling or well-improvement activities of any kind, provided and only to the extent that such activities do not interfere with the operation and maintenance of the KEC Tunnel or jeopardize the integrity of the KEC Tunnel. In addition, the easements will require the NYCDEP to repair and restore any damage to the Properties and to defend and indemnify the County in connection with its activities. In consideration of the easements, the NYCDEP will pay the County the fair market value of the Easements, which independent appraisers, Beckmann Appraisals, Inc., has determined to be \$105,160.00.

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 County Department of Planning has advised that, pursuant to SEQRA and its implementing regulations, 6 NYCRR Part 617 (the "SEQRA Regulations"), the NYCDEP served as Lead Agency and issued a Positive Declaration for the project, which requires the preparation of an Environmental Impact Statement ("EIS"). Thereafter, the NYCDEP, as Lead Agency, adopted a positive statement of findings, having found that with the mitigation measures incorporated into the proposed action, there would be no resulting significant adverse impacts. Since the Project was the

subject of a Draft and Final EIS, all involved agencies are required to adopt a written findings statement ("Findings Statement"). To assist your Honorable Board in complying with SEQRA, the Planning Department has prepared a draft Findings Statement for your consideration. Also attached is a proposed Resolution (the "SEQRA Resolution") that would formalize your Honorable Board's adoption of the Findings Statement. Your Committee has carefully considered the Findings Statement, which was prepared in accordance with the applicable SEQRA Regulations. Your Committee concurs with the attached Findings Statement and accordingly recommends passage of the annexed SEQRA Resolution prior to enacting the Act authorizing the property exchanges and the sewer easement. The Findings Statement must be adopted by your Honorable Board prior to the approval of the Act.

Your Committee is further advised that pursuant to Section 104.11(2) of the Laws of Westchester County, the attached Act requires an affirmative vote of two-thirds of the members of your Honorable Board to take effect. Your Committee has carefully considered and recommends approval of the proposed Act.

Dated: January 13th, 2025
 White Plains, New York

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COMMITTEE ON

c/JPI 9.30.24

Budget & Appropriations

Housing & Planning

Public Works & Transportation

Dated: January 13, 2025
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.

Budget & Appropriations

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive style with a prominent initial "C".

Housing & Planning

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive style with a prominent initial "C".

FISCAL IMPACT STATEMENT

SUBJECT: Grassland Water Tower Property 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 \$ 20,980

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 243-60-5310-5310-9670

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: BOL Legislation Granting Easement to the NYCDEP

DEF Parcels: 17(next to water tower site \$40.00, 18(water tower property) \$ 20,940.00

Total Amount: \$20,980.00

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$20,980.00

Next Four Years: N/A

Prepared by: Sebastian Abraham

Title: Budget Specialist II

Department: Environmental Facilities

Date: October 8, 2024

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Reviewed By:

[Signature]
Budget Director

Date: 10/30/24

FISCAL IMPACT STATEMENT

SUBJECT: Grassland Water Tower Property 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 \$ 84,180

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: Revenue: 101-46-3400-3400-9289-GGDS

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: BOL Legalition Granting Easement to the NYCDEP

DPW&T parcels: 20, 21 & 22

Total Amount: \$84,180.00

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \$84,180 Revenue

Next Four Years: N/A

Prepared by: Anthony Finateri

Title: Director of Administrative Svcs

Department: DPW&T

Date: October 25, 2024

Reviewed By: 

Budget Director

Date: 10/30/24

RESOLUTION ____-2024

WHEREAS, there is pending before the Westchester County Board of Legislators an Act to authorize the County of Westchester to grant permanent easements to the City of New York, acting by and through its Department of Environmental Protection (“NYCDEP”) over, under and through certain County-owned parcels of real property in Town of Mt. Pleasant so that the NYCDEP can construct, maintain and operate a subsurface water delivery tunnel in connection with the NYCDEP’s provision of clean, safe drinking water to residents of the City of New York and Westchester County; and

WHEREAS, this Honorable Board has determined that the proposed Act would constitute an action under Article 8 of the Environmental Conservation Law, known as the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, pursuant to SEQRA and its implementing regulations (6 NYCRR Part 617, the “SEQRA Regulations”), no action may be taken with regard to the proposed Act until the requirements of SEQRA have been met; and

WHEREAS, in accordance with the SEQRA Regulations, the NYCDEP declared itself as Lead Agency and issued a Positive Declaration for the proposed action on March 3, 2021, requiring the preparation of a Draft Environmental Impact Statement (“EIS”); and

WHEREAS, under the direction of the NYCDEP and in accordance with the SEQRA Regulations, public scoping was conducted, a Draft EIS was prepared and accepted on October 19, 2022, a public hearing on the Draft EIS was held on December 7, 2022, and a Final EIS was prepared and accepted on August 16, 2023; and

WHEREAS, on August 28, 2023 the NYCDEP, as Lead Agency, adopted a positive statement of findings, in favor of moving forward with the proposed action; and

WHEREAS, the Westchester County Board of Legislators, as an involved agency, is required to make a written findings statement pursuant to SEQRA, prior to approving the aforementioned Act; and

WHEREAS, the Westchester County Board of Legislators has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft and Final EIS and supporting documentation, and weighed and balanced the relevant environmental impacts with social, economic and other considerations.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that the annexed Findings Statement, which sets forth the rationale for the Westchester County Board of Legislators' decision to authorize the County of Westchester to grant permanent easements to the NYCDEP over, under and through certain County-owned parcels of real property in Town of Mt. Pleasant so that the NYCDEP can construct, maintain and operate a subsurface water delivery tunnel in connection with the NYCDEP's provision of clean, safe drinking water to residents of the City of New York and Westchester County, be, and hereby is, adopted by the Board of Legislators; and be it further

RESOLVED, the Clerk of the Board of Legislators is authorized and directed to sign the annexed Findings Statement on behalf of this Board, in satisfaction of SEQRA and its implementing regulations; and to immediately transmit same to the Commissioner

of Planning to facilitate it being filed, published and made available as required by the SEQRA Regulations; and be it further

RESOLVED, that this Resolution shall take effect immediately.

State Environmental Quality Review
Findings Statement

Pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and associated implementing regulations 6 NYCRR Part 617 (SEQR), the County of Westchester, acting by and through its Board of Legislators, as an Involved Agency makes the following findings.

Name of Action: Kensico-Eastview Connection Project – County Easements

Description of Action: Conveyance of easements over, under and through five County-owned parcels of real property in the Town of Mount Pleasant to the City of New York, acting by and through its Department of Environmental Protection (NYCDEP), so that it can construct, maintain and operate a subsurface water delivery tunnel in connection with the NYCDEP's provision of clean, safe drinking water to residents of the City of New York and the County. The tunnel will be approximately two miles long and will convey water from Kensico Reservoir to the Catskill/Delaware Ultraviolet Disinfection Facility (CDUV Facility). The easements will be 150 feet wide and encumber approximately 9.56 acres of County-owned property.

Location: NYCDEP's Kensico Campus at Columbus Avenue and Westlake Drive to the CDUV Facility at Eastview, located on the north side of Grasslands Road (NYS Route 100C), east of Walker Road, in the Town of Mount Pleasant, New York.

Affected County properties include the Corrections complex, maintenance facilities on the west side of the Sprain Brook Parkway and the water tower off Bradhurst Avenue on the east side of the Sprain Brook Parkway.

Agency Jurisdiction: Approval of the Westchester County Board of Legislators is required to grant permanent easements that would convey to NYCDEP the perpetual rights to construct, reconstruct, operate, inspect, monitor, repair, protect and maintain a subsurface water tunnel facility and appurtenances across County property that will become a part of the NYCDEP's Kensico-Eastview Connection Tunnel (KEC Tunnel). As such, the County Board of Legislators is considered an "Involved Agency" pursuant to SEQR. NYCDEP, the project sponsor, classified the project as a Type I action and assumed the role of "Lead Agency" in connection with SEQR, following the issuance of a notice to Involved Agencies of its intent to serve as Lead Agency on March 3, 2021.

Date Final Environmental Impact Statement Filed: August 16, 2023.

Facts and Conclusions Relied on to Support the Decision: See below.

PROJECT BACKGROUND

This Findings Statement is based on the following **Kensico–Eastview Connection Project** documents:

- Final Environmental Impact Statement, dated August 2023 (notice of completion date: August 16, 2023)

- NYCDEP Findings, dated August 28, 2023

Greater details of project need, objectives and benefits, as well as analysis of alternatives are as described in the NYCDEP's "Statement of Findings for the Kensico-Eastview Connection Project" and are incorporated into these Findings by reference.

PROJECT PURPOSE AND NEED

The New York City Department of Environmental Protection (NYCDEP) provides drinking water to nearly 10 million people, including over half the population of Westchester County. More than 90 percent of New York City's drinking water is supplied by the Catskill and Delaware watersheds located in upstate New York. The Catskill and Delaware aqueducts convey water by gravity from these upstate watersheds to Kensico Reservoir in Westchester County. From there, two aqueducts would convey the water westward toward Eastview, prior to traveling southward to the Hillview Reservoir in Yonkers, where three tunnels would then transport the water into various parts of New York City.

In 2012, NYCDEP completed construction of and put into operation the Catskill/Delaware Ultraviolet Disinfection Facility (CDUV Facility) at Eastview in order to meet the requirements of the United States Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule (LT2 Rule). The Delaware Aqueduct was able to connect to the CDUV Facility. The Catskill Aqueduct, however, was not able to connect due to hydraulic grade limitations that prohibited gravitational conveyance. As such, NYCDEP took the section of the Catskill Aqueduct that runs between Kensico Reservoir and Eastview out of service.

NYCDEP conducted a planning study that identified the proposed KEC Tunnel as the preferred alternative to meet several objectives: (1) provide enhanced operational resiliency and redundancy for the water supply system; (2) provide target capacity to the CDUV Facility; (3) preserve the potential for the Catskill Aqueduct to bypass Kensico Reservoir; (4) Facilitate emergency and planned outages; and (5) provide compatibility with future infrastructure projects.

PROJECT DESCRIPTION

NYCDEP proposes to construct a new deep rock tunnel from the NYCDEP's Kensico campus on the west side of the Kensico Reservoir to the NYCDEP's CDUV facility on the north side of Grasslands Road at Eastview, a distance of approximately 2 miles. The interior diameter of the new water tunnel will be approximately 27 feet with a 1.5-foot thick cast-in-place concrete lining. It will be constructed within deep rock, with the crown at least 100 feet below ground surface, and will have a gradient of 0.1-3 percent to provide gravity flow. For the most part, the new route will run outside of the New York City-owned property associated with the Catskill Aqueduct. As such, the County will need to grant easements to NYCDEP to construct the new tunnel where the route will cross under County-owned land. The affected properties are:

- Section 117.13 Block 1, Lot 2 (NYCDEP Parcel 17) - Easement of 0.004 out of 3.51 acres;

- Section 117.09, Block 1, Lot 8 (NYCDEP Parcel 18) - Easement of 2.185 out of 12.972 acres;
- Section 116.12, Block 1, Lot 18 (NYCDEP Parcel 20) - Easement of 2.339 out of 16.066 acres;
- Section 116.12, Block 1, Lot 7 (NYCDEP Parcel 21) - Easement of 0.166 acres out of 86.54 acres; and
- Section 116.12, Block 1, Lot 16 (NYCDEP Parcel 22) -Easement of 4.706 out of 4.92 acres.

IMPACT ANALYSIS

These Findings incorporate by reference the impact assessments found in NYCDEP's Findings with the following additional considerations and analyses relevant to the County.

Current Land Use

All of the above parcels are associated with the County's Grasslands/Valhalla Campus, which is comprised of approximately 507 acres and supports a host of public, semi-public and private institutions, including, but not limited to, a medical center, a medical college, a jail and penitentiary, a fire training center, a police academy, labs and research facility, social service facilities, water district facilities, a bus garage, and a drop off center for specific household wastes.

The specific land uses of the affected county properties are as follows:

- Parcels 17 & 18: Developed property containing the water tower for County Water District #3 along with associated equipment and facilities, some lawn and trees.
- Parcel 20: Developed property on the Grasslands campus, containing the Central Heating Plant and other maintenance buildings, paved driveways and parking areas.
- Parcel 21: Northwest corner of Woods Road and Oval Connector, consisting of open space (lawn and a tree).
- Property 22: North end of the County Corrections Facility, containing a fenced vegetable garden, maintenance building, paved internal access roads, parking, portions of a steam pipe (above and below ground) and trees.

While the requested 150-foot wide easement represents a sizable amount of land area, there will be no impacts to the land surface since a tunnel boring machine will be used to create the tunnel deep down beneath the surface. Shafts will be constructed at the two end properties, which are both owned by NYCDEP.

Likewise, there will be no impacts to existing land uses since the County will retain the right to use the land within the tunnel easement area from the ground surface to a maximum depth of 50 feet below ground surface for any lawful activities, except for well-drilling or well-improvement activities, as long as such activities do not interfere with the operation and maintenance of the tunnel or jeopardize the integrity of the tunnel. In addition to no well-drilling or well-improvement activities anywhere within the tunnel easement area, the County will be prohibited from disturbing, excavating or undertaking any activities below 50 feet of the ground surface within the easement area.

No well activities are proposed by the County in this area, which encompasses the County's Grasslands/Valhalla campus and is severed by County Water District (CWD) #3. CWD#3 is supplied with water through a direct connection with NYCDEP Kensico

Reservoir with a backup connection to the Town of Greenburgh water distribution system, which also obtains its water from NYCDEP. However, in order to receive treated water from the CDUV, the County is proposing to construct a new 16-inch water transmission main from the Eastview Water Distribution Chamber, located on the south side of Route 100C to the CWD#3 water tower located on the north side of Bradhurst Avenue. The proposed route of this pipeline will follow existing roads, including Woods Road, where it will cross over both the Catskill and Delaware aqueducts, as well as through the proposed easement area in the vicinity of the Central Heating Plant. There will be no issues between the two water projects since the proposed county transmission main will be installed at a depth of around 6 to 8 feet. While the engineering report for the county transmission main anticipates the need for some rock removal, it is noted that no blasting will be conducted since blasting is not permitted within 100 feet of the City's aqueducts per NYCDEP regulations. The county's project will also abide by NYCDEP's vibration monitoring requirements for rock removal near the aqueducts.

Future Land Use

In 2023, the Westchester County Planning Department prepared/released a master plan for the Grasslands/Valhalla campus, entitled *Grasslands Campus Sustainable Master Plan*. Parcels 20, 21 and a portion of 22 are substantially developed and there are no recommendations in the Master Plan regarding these properties that would be impacted by the NYCDEP easement restrictions.

The northeast portion of NYCDEP Parcel 22 bisects some undeveloped land to the west side of the Corrections visitor parking lot. Identified in the Master Plan as part of "Site U6 - Oval South," this area has been identified as a potential site for county facilities, affordable housing and active and passive recreation. The Master Plan notes that the site is currently challenged by the presence of an aboveground steam pipe running across the north side of the property. There are currently no plans for development of this site.

NYCDEP Parcels 17 and 18 are located within the Master Plan's undeveloped site labeled "Site U9-Bradhurst Property." The 48-acre area is largely vacant and has been identified as a potential site for county facilities, affordable housing and passive open space. The Tarrytown-Kensico Trailway, a county initiative to link trails from east to west through the midsection of the county, is proposed to be routed through this property. In addition, the Master Plan notes that a new 3-million-gallon water tower will be needed to meet the needs of the development of the North 60 and NYMC housing, which the Town of Mount Pleasant proposes to be built on the northern portion of the Bradhurst site. The proposed easement crosses in the vicinity of the existing CWD#3 water tower and, as such, is not anticipated to limit any of these other potential uses.

Construction Impacts - Noise & Vibrations

The City's environmental review included a noise study, which identified only one area at the Eastview site that would exceed 10 dBA above existing ambient noise, which could impact county facilities. Located on the east side of the CDUV property, these noise impacts would occur during select times of construction and would affect the County's Correctional Facility. From noise modeling, the location of the parking garage between the CDUV facility and the correctional buildings appears to assist in the reduction of noise levels impacting the corrections facility. The highest noise levels predicted at the

corrections complex would be located at the main multi-level building and also the stand-alone building in the northeast area of the complex. These buildings include predominantly inmate housing, as well as support office spaces. According to the EIS, at worst-case, interior noise levels at the inmate housing areas are not predicted to exceed 45 dBA, which is the interior noise threshold set by the U.S. Department of Housing and Urban Development, based on a typical transmission loss of 24dBA for closed double-glazed windows. While not double-glazed, the inmate housing windows are made of detention-grade glass, which are thicker than regular windows and offer similar attenuation. It is noted that such noise levels could occur for select times during construction only. There will be no noise impact to surrounding uses following construction.

Structural Assessments will be conducted for each existing on-site non-residential buildings, underground structures and any historic structures eligible for listing under the National Register of Historic Places to determine sensitivity and establish blasting limitations if necessary. Blast control measures, such as blast mats and enclosures, will be implemented, along with a vibration and noise monitoring program to assist with adjustments. As such, the project is not anticipated to impact existing county structures within the tunneling corridor.

County Policies

The proposed project is consistent with the County Planning Department's long-range planning guide, known as *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Planning Board on May 6, 2008, amended January 5, 2010. In particular, it supports Policy 10:

Maintain utility infrastructure – Maintain safe and environmentally sound systems and policies for waste removal, collection and treatment, as well as the treatment and distribution of drinking water consistent with county's land use policies. Programs to reduce and recycle the waste stream, protect water quality, control and treat storm water and mitigate or reduce the impacts of flooding must be strengthened.

MITIGATION MEASURES

Aside from the mitigation measures already committed to by NYCDEP in its environmental review, no further mitigation measures will be necessary related to the County easements.

CONCLUSIONS

Construction of the new water tunnel from Kensico Reservoir to the CUDV facility is critical to ensure an uninterrupted and adequate supply of clean drinking water for millions of City and county residents.

The proposed easements will have no impact on present or anticipated future use of the land by the County, as the County may continue to use the land surface and up to 50 feet below.

Certification to Approve/Fund/Undertake:

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Westchester County Board of Legislators

<u>Vanderberg</u>	<u>Malika</u>
Signature of Responsible Official	Name of Responsible Official

<u>Clerk of the Westchester County Board of Legislators</u>	
Title of Responsible Official	Date

Address of Agency:
Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601