

Legislation Meeting Agenda



Committee Chair: Colin Smith

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

Monday, April 8, 2024

1:00 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.

Joint with Public Works & Transportation and Parks & Environment committees.

Legislator Emiljana Ulaj will participate remotely from 520 White Plains Road, Tarrytown, NY 10591.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

Guests: Law Dept.: County Attorney John Nonna and Assistant Chief Deputy County Attorney Tami Altschiller; Planning Dept.: Commissioner Blanca Lopez

1. [2024-206](#) ENV RES-Westchester Joint Water Works (WJWW)

AN ENVIRONMENTAL RESOLUTION determining that there will be no significant impact on the environment with the proposed land exchange.

2. [2024-170](#) HON. CATHERINE PARKER: 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.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION, PUBLIC WORKS & TRANSPORTATION AND PARKS & ENVIRONMENT

3. [2024-211](#) RES - Opposing Development of Parcel (WJWW)

A RESOLUTION opposing the development of the parcel of property conveyed by Westchester Joint Water Works to the County.

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

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

Your Committee is in receipt of a proposed Act, which, if adopted by your Honorable Board, would authorize the County of Westchester (“County”) to convey to the Westchester Joint Water Works (“WJWW”) an approximately 13.4 acre parcel of County property that is currently part of the Westchester County Airport (“Airport”) and located near the intersection of Tower Road and Purchase Street (“County Parcel”), in order to facilitate WJWW’s plan to construct and operate a water filtration facility, subject to all necessary legal approvals. The Act would also authorize the County to accept from WJWW the conveyance of an approximately 13.4 acre parcel adjacent to the Airport (“WJWW Parcel”) in exchange for the County Parcel. In addition, the Act would authorize the County to convey an easement across Airport property to WJWW permitting connection to the existing sanitary sewer line on Airport property.

Your Committee is aware that WJWW is a public benefit corporation of the State of New York comprised of three member municipalities: the Town/Village of Harrison; the Village of Mamaroneck; and the Town of Mamaroneck. In 2004, the New York State Supreme Court issued a permanent injunction requiring WJWW to build a filtration plant to bring its water distribution system into compliance with the State Sanitary Code. The injunction remains in effect today. In 2019, the United States Environmental Protection Agency (“EPA”) issued an Administrative Order that included an obligation for WJWW to commence design of a filtration plant to treat the surface water drawn from WJWW’s Rye Lake water source, a part of the New York City Kensico Reservoir system. To comply with the EPA Administrative Order, comply with all standards for clean drinking water and maintain the health and safety of its water consumers, WJWW has proposed to construct and operate a 30 million gallon-per-day water filtration facility (the “Project”) on the County Parcel.

Your Committee is further aware that WJWW faces significant financial penalties from state and federal agencies because of the delayed commencement of construction of the water filtration facility. In order to provide customers with safe drinking water, WJWW has undertaken an aggressive flushing program that wastes approximately 80 million gallons of water per year. Although the flushing program was approved by the EPA, it is not intended to provide a permanent

solution. Construction of the water filtration facility will provide WJWW with a permanent way to deliver safe drinking water to its member communities as well as the non-member municipalities who purchase water from WJWW. To facilitate the Project, WJWW and the County have proposed an exchange in fee title of equal sized and valued parcels of property that would result in no net loss of Airport property. The County Parcel, identified as a portion of Parcel 971.-8 on the tax map of the Town of Harrison, would be apportioned from the Airport property and deeded to WJWW in exchange for the WJWW Parcel that will be deeded to the County and incorporated into the Airport property. The WJWW Parcel is identified as Parcel 961.-1 on the tax map of the Town of Harrison.

Your Committee is advised that the Federal Aviation Administration (“FAA”) reviewed the amended Airport Layout Plan (“ALP”) depicting the proposed removal of the County Parcel from the Airport and the addition of the WJWW Parcel and determined that the County Parcel was acquired without federal funding, and that the land exchange will not affect the safe and efficient operation of aircraft or the safety of people and property on the ground related to aircraft operations. Therefore, the FAA notified the County that it does not have authority to approve or disapprove changes to the ALP for the land exchange or to regulate the use of either the County Parcel or the WJWW Parcel. As such, the proposed transactions are not subject to federal environmental review in compliance with the National Environmental Policy Act.

Because the County Parcel is not currently served by public or private sanitary sewer facilities, the Act would also authorize the County to convey an easement across Airport property to WJWW so that the water filtration facility may be connected to the existing sanitary sewer line on Airport property. The existing line discharges into a trunk line that flows to the Blind Brook Water Resource Recovery Facility for treatment. The sewer connection will be designed and constructed by the County, with all costs to be reimbursed by WJWW. Once constructed, the sewer improvements will be maintained by the County, with all repair costs reimbursed by WJWW. This easement may be subject to FAA consent.

Should the property exchange and easement be authorized by your Honorable Board, the County and WJWW would enter into an agreement that would detail the responsibilities of both

parties in completing the transactions. Some of those responsibilities would continue after the conveyances occur, such as the requirement for WJWW to abide by all the New York State Department of Environmental Conservation (“NYSDEC”) laws and regulations, and reimburse certain County costs. Following the conveyance of the County Parcel to WJWW, the County Parcel will remain in the NYSDEC Brownfield Cleanup Program and subject to NYSDEC’s jurisdiction and oversight. WJWW will file a “change of use” application with NYSDEC relative to the construction of the water filtration facility, subject to NYSDEC’s approval. Following the conveyance of the County Parcel to WJWW, WJWW will provide the County access to such parcel in order that the County may fulfill its obligations under its Brownfield Cleanup Agreement with NYSDEC. In addition, WJWW will provide the County access in order to construct the sewer connection. WJWW will also indemnify the County for any claims arising out of the design, construction or operation of the water filtration facility.

Your Committee further is advised that the County Attorney intends to require WJWW submit copies of all plans, reports and correspondence between WJWW and NYSDEC as it pertains to activities on the County Parcel until the requirements of the Brownfield Cleanup Program have been satisfied.

Your Committee notes that WJWW has represented that it will monitor and treat the water from the construction dewatering to ensure that there will be no discharge of PFAS to the stream that flows into Rye Lake in connection with the construction of the Project. WJWW has also represented that it will comply with any conditions imposed by NYSDEC in connection with its approval of the “change of use” application required for the construction of the Project, including the beneficial re-use criteria codified in NYSDEC DER-10.

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”), WJWW served as Lead Agency and issued a Positive Declaration for the project, which requires the preparation of

an Environmental Impact Statement (“EIS”). Thereafter, WJWW, 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.

In addition, the Planning Commissioner’s report on the acquisition and sale of land, required pursuant to Section 191.41 of the Laws of Westchester County (“LWC”), is attached. A Resolution adopted by the Planning Board pursuant to LWC Section 191.51 is also attached.

Your Committee also recommends the adoption of a separately proposed Resolution (No. ____-2024) stating that following conveyance of the WJWW Parcel to the County, the WJWW Parcel should remain undeveloped except as otherwise required by federal laws or regulations.

Your Committee has been informed that pursuant to LWC Section 104.11(2), passage of the Act requires an affirmative vote of two-thirds of all the members of your Honorable Board. Your Committee has carefully considered this matter and, assuming adoption of the SEQRA Findings Statement pursuant to the SEQRA Resolution by your Honorable Board, recommends that your Honorable Board adopt the proposed annexed Act.

Dated: _____, 2024
White Plains, New York

COMMITTEE ON

TO: Honorable George Latimer
County Executive

FROM: Blanca P. López
Commissioner

DATE: March 6, 2024

SUBJECT: Exchange of 13.4 acre parcel of County Property with the Westchester Joint Water Works

Pursuant to Section 191.41 of the County Charter, this is the required report of the Commissioner of Planning on the Westchester County Board of Legislators' proposal to have Westchester County convey an approximately 13.4-acre parcel that is currently part of the Westchester County Airport and located near the intersection of Tower Road and Purchase Street, currently identified as a portion of Parcel Section 971, Lot 8, to the Westchester Joint Water Works (WJWW). The Act would also authorize the County to accept from WJWW the conveyance of an approximately 13.4-acre parcel adjacent to the Airport currently identified as Parcel Section 961, Lot 1 in exchange for the county parcel. The proposed exchange of parcels of equal size and value would result in no net loss of Airport property.

The purpose of the conveyance is for the WJWW to construct and operate a required water filtration facility at the site to comply with all standards for clean drinking water. The need for the filtration plant dates back to a 2004 New York State Supreme Court permanent injunction requiring WJWW to build a filtration plant to bring its water distribution system into compliance with the State Sanitary Code. Additionally, in 2019, the United States Environmental Protection Agency ("EPA") issued an Administrative Order that included an obligation for WJWW to commence design of a filtration plant to treat the surface water drawn from WJWW's Rye Lake water source, a part of the New York City Kensico Reservoir system. Significant fines have accrued since the injunction.

The disposition of a portion of Parcel Section 971, Lot 8 and acquisition of Parcel Section 961, Lot 1 as an even exchange of parcels between the County and WJWW is recommended for the following reasons:

1. The subject of a portion of parcel Section 971, Lot 8 was never used for construction or for any other County purpose.
2. The subject of a portion of the County parcel is not needed for any County purpose now or in the future.

3. The proposed action for the subject portion of parcel Section 971, Lot 8 by WJWW is a permitted use under the current local zoning.
4. The proposed action for Parcel Section 971, Lot 8 by WJWW is consistent with the recommendations of the Town/Village of Harrison Comprehensive Plan
5. The FAA has determined that the proposed land swap would have no material impact on aircraft operations or the Airport Layout Plan.
6. The proposed use of the current county parcel is consistent with the County's long term planning goals of *Westchester 2025*.

Based on this record, I have no objection to the disposition of the parcel owned by Westchester County or the acquisition of the parcel currently owned by Westchester Joint Water Works.

cc: John Nonna, County Attorney
Tami Altschiller, Deputy County Attorney
Christopher Steers, Director of Real Estate
David Vutera, Associate County Attorney
David Kvinge, Assistant Commissioner
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner

RESOLUTION 2024- 06
WESTCHESTER COUNTY PLANNING BOARD

**Conveyance of a 13.4 acre County parcel, and acceptance of similar sized and valued parcel,
with the Westchester Joint Water Works (WJWW)**

WHEREAS, the Westchester County Board of Legislators will be considering legislation which will authorize the County of Westchester to convey a 13.4-acre property owned by Westchester County, currently part of the Westchester County Airport ("Airport") and located near the intersection of Tower Road and Purchase Street ("County Parcel"). The Act would also authorize the County to accept from WJWW the conveyance of an approximately 13.4 acre parcel adjacent to the Airport ("WJWW Parcel") in exchange for the County Parcel; and

WHEREAS, the WJWW is a non-profit public benefit corporation of the State of New York formed in 1927 and comprised of three member municipalities: the Town/Village of Harrison; the Village of Mamaroneck; and the Town of Mamaroneck; and

WHEREAS, in 2004, the New York State Supreme Court issued a permanent injunction requiring WJWW to build a filtration plant to bring its water distribution system into compliance with the State Sanitary Code; and

WHEREAS, in 2019, the United States Environmental Protection Agency ("EPA") issued an Administrative Order that included an obligation for WJWW to commence design of a filtration plant to treat the surface water drawn from WJWW's Rye Lake water source, a part of the New York City Kensico Reservoir system; and

WHEREAS, to comply with the EPA Administrative Order, and comply with all standards for clean drinking water and maintain the health and safety of its water consumers, WJWW has proposed to construct and operate a 30 million gallon-per-day water filtration facility (the "Project") on the County Parcel; and

WHEREAS, the WJWW has proposed an exchange in fee title of equal sized and valued parcels of property that would result in no net loss of Airport property. The County Parcel (Harrison Parcel Section 971, Lot 8) would be apportioned from the Airport property and deeded to WJWW in exchange for the WJWW Parcel (Harrison Parcel Section 961, Lot 1) that will be deeded to the County and incorporated into the Airport property; and

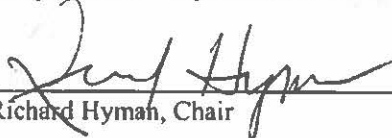
WHEREAS, Parcel section 971, Lot 8 was never used for construction or for any other County purpose; The County parcel is not needed for any County purpose now or in the future; the proposed action for Parcel Section 971, Lot 8 by WJWW is a permitted use under the current local zoning; the proposed action for Parcel Section 971, Lot 8 by WJWW is consistent with the recommendations of the Town/Village of Harrison Comprehensive Plan; the FAA has determined that the proposed action for Parcel Section 971, Lot 8 would have no impact on the Airport Layout Plan; and the proposed use of the current county parcel is consistent with the County's long term planning goals of Westchester 2025.

NOW, THEREFORE BE IT

RESOLVED, that the Westchester County Planning Board supports the disposition of a parcel owned by Westchester County, and the acquisition of a similar sized and valued parcel, in accordance with Section 249.111(1) of the Laws of Westchester County, and that the County Board of Legislators

authorize the conveyance of the real property and acceptance of real property in accordance with the provisions of the County Charter and Administrative Code.

Adopted this 5th day of March 2024.


Richard Hyman, Chair

FISCAL IMPACT STATEMENT

SUBJECT: WJWW Water Filtration Facility

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: No fiscal impact.

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: _____

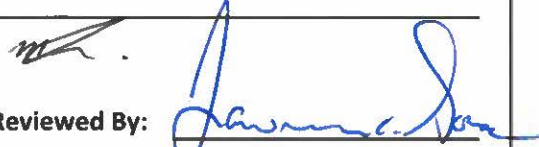
Next Four Years: _____

Prepared by: Michael Dunn

Title: Senior Budget Analyst

Department: Budget

Date: March 18, 2024



Reviewed By: James C. Dean
Budget Director

Date: 3/18/24

RESOLUTION ____-2024

WHEREAS, there is pending before the Westchester County Board of Legislators an Act (the “Act”) to authorize the County of Westchester to 1) convey to the Westchester Joint Water Works (“WJWW”) 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 WJWW a parcel adjacent to the Airport., and 3) grant to WJWW an easement across Airport property permitting connection to the existing sanitary sewer line on Airport property; 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, WJWW declared itself as Lead Agency and issued a Positive Declaration for the proposed action on January 12, 2021, requiring the preparation of a Draft Environmental Impact Statement (“EIS”); and

WHEREAS, under the direction of WJWW and in accordance with the SEQRA Regulations, public scoping was conducted, a Draft EIS was prepared and accepted on April 12, 2022, a public hearing on the Draft EIS was held on May 25, 2022, and a Final EIS was prepared and accepted on September 28, 2022; and

WHEREAS, on October 12, 2022 the 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 1) convey to WJWW 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 WJWW a parcel adjacent to the Airport., and 3) grant to WJWW an easement across Airport property permitting connection to the existing sanitary sewer line on Airport property, 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.

TO: Hon. Vedat Gashi, Chair
Board of Legislators

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: March 28, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR WESTCHESTER
JOINT WATER WORKS/COUNTY AIRPORT LAND EXCHANGE**

Pursuant to the request of the Board of Legislators for an environmental review of the above referenced action, the Planning Department has prepared the attached documentation.

The proposed action is a component of the Westchester Joint Water Works Rye Lake Water Filtration Plant project, which has been subject to a full environmental review, including a Draft and Final Environmental Impact Statement, in accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR). As such, a draft Findings Statement has been prepared for the Board of Legislators' consideration.

Please contact me if you require any additional information regarding this document.

DSK/cnm
Att.

cc: Sunday Vanderberg, Clerk and Chief Administrative Officer of the Board of Legislators
Joan McDonald, Director of Operations
John Nonna, County Attorney
Lisa Hochman, Legislative Counsel, Board of Legislators
Dylan Tragni, Chief of Staff, Board of Legislators
Marcello Figueroa, Legislative Director
Blanca P. Lopez, Commissioner of Planning
Tami Altschiller, Assistant Chief Deputy County Attorney
David Vutera, Associate County Attorney
Claudia Maxwell, Principal Environmental Planner

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: Westchester Joint Water Works – Westchester County Airport
Land Exchange and Sewer Easement

Description of Action: Conveyance of 13.4 acres of County property that is part of the Westchester County Airport property to Westchester Joint Water Works for the purpose of constructing and operating a water filtration facility to comply with federal and state orders and drinking water requirements. In exchange, the County will accept from Westchester Joint Water Works a 13.4 acre-parcel of property that is contiguous to and will be incorporated into the Westchester County Airport. The County will also convey an easement across County Airport property to Westchester Joint Water Works to permit the facility to connect to the County sanitary sewer system.

Location: Westchester County Airport, east side of Purchase Street, north of Tower Road,
Town of Harrison, New York

Agency Jurisdiction: Approval of the Westchester County Board of Legislators is required to authorize the proposed disposition and acceptance of real property and to grant the sewer easement over the County Airport property. As such, the County Board of Legislators is considered an Involved Agency pursuant to SEQR. The Westchester Joint Water Works, the project sponsor, is a public benefit corporation formed by an Act of the NYS Legislature and authorized to function as a Lead Agency in such matters. It declared itself Lead Agency on January 12, 2021 after circulating notice to Involved Agencies pursuant to SEQR.

Date Final Environmental Impact Statement Filed: The Westchester Joint Water Works, as Lead Agency, coordinated the environmental review process, including the preparation of the draft and final environmental impact statements. The Final Environmental Impact Statement was filed on September 28, 2022.

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

PROJECT BACKGROUND

This Findings is based on the following **Westchester Joint Water Works Rye Lake Water Filtration Plant** documents:

- Draft Environmental Impact Statement, dated April 12, 2022
- Final Environmental Impact Statement, dated September 28, 2022
- Westchester Joint Water Works State Environmental Quality Review Act Findings, dated October 12, 2022
- Nelson Pope Voorhis Memorandum (“Technical Memorandum”), dated January 9, 2023.
- Resolution to Confirm Conclusions of Technical Memo Dated January 9, 2023 with Regard to SEQRA Review for Filtration Plant, dated January 24, 2023

Additional documentation relied on for these Findings include:

- Westchester County Airport West Side Sewer Evaluation Study, Savin Engineers, P.C., dated March 2022

Details of project need, objectives and benefits, as well as analysis of alternatives are as described in the Westchester Joint Water Works State Environmental Quality Review Act Findings and are incorporated into these Findings by reference.

PROJECT DESCRIPTION

Westchester Joint Water Works (WJWW) is proposing to construct a water filtration plant using dissolved air flotation/filtration (DAFF) technology that will be capable of treating up to 30 million gallons per day, which will cover the maximum daily water supply demand for the entire WJWW water distribution system. The filtration plant will include enhanced coagulation to remove disinfection byproduct precursors to trihalomethanes (TTHM) and haloacetic acids (HAA5), which would give WJWW a greater ability to routinely comply with maximum containment levels (MCLs) for TTHM and HAA5 as required by USEPA Stage 2 Disinfectants and Disinfection Byproducts Rule.

WJWW has chosen the County Airport site as the best alternative due to its proximity to existing infrastructure, current zoning, feasibility, cost factors, and reduced natural resource impacts as compared to other alternatives. An even land exchange is proposed so that there would be no net loss of airport property. The County property to be conveyed to WJWW for the filtration plant would be apportioned from an approximately 314-acre parcel, identified on the Town of Harrison tax map as Block 971, Lot 8. In exchange, WJWW will deed an equivalent-sized parcel—Block 961, Lot 1—to the County for incorporation as airport property.

The proposed project will disturb approximately 5.8 acres of the 13.4-acre site and will include the following components:

- Water filtration facility building;
- Combined Waste Washwater Tanks;
- Entrance road from Purchase Street and access road around proposed buildings;
- Electrical equipment, generators and propane tank;
- Yard piping, including electrical duct banks and new sanitary service main connection;
- Underground stormwater detention chambers;
- Pocket wetland and bioretention stormwater management practices.

The project will also necessitate the relocation of the Airport's secondary perimeter security fence, which currently bisects the site of the proposed plant.

The proposed facility will be connected with a new sanitary sewer line to the existing County trunk sewer, which crosses under the two runways near the south end of the Airport. It is anticipated that the sewer line will be installed on the north side of Taxiway K for a distance of approximately 3,000 feet. Sewage from this trunk sewer is conveyed to the Blind Brook Water Resource Recovery Facility in the City of Rye. The easement agreement provides for design, construction and maintenance of the new sewer connection to be undertaken by the County and all costs to be reimbursed by WJWW.

IMPACT ANALYSIS

These Findings incorporate by reference the impact assessments found in WJWW's October 2022 Findings and January 2023 Technical Memorandum with the following added considerations and analyses:

Impact on Airport Operations

The property to be conveyed to WJWW ("disposition property") is not currently used nor has been used in the past for any Airport or County purpose, with the exception of providing access to a domestic water utility building located near the corner of Purchase Street and Tower Road. A gate was added off Tower Road, in connection with the installation of an electrical switchgear building, which has since provided more convenient access to the water utility building. The County is currently working on an update to the Airport Master Plan and, to date, has not identified any potential future use for the disposition property.

The Federal Aviation Administration (FAA) has determined that it has no approval authority over the proposed action since the disposition property was acquired without federal funding and the land exchange will not affect the safe and efficient operation of aircraft or the safety of people and property on the ground related to aircraft operations.

Neither of the subject properties are within the Runway Protection Zone or control tower line of sight.

The Airport perimeter security fence consists of an eight-foot high chain-link fence with three strands of barbed wire on top and a “skirt” extending approximately two feet underground to prevent wildlife from burrowing beneath and getting onto the airfield. A ten-foot clear zone on each side would also have to be maintained. WJWW has proposed limiting the airport fence relocation to the area of development rather than to the new property boundary, which will minimize impact on the wetlands that are located along the property boundary. Any disturbance within the 100-foot adjacent area would be subject to the oversight of the New York State Department of Environmental Conservation (NYSDEC) and/or the Town/Village of Harrison.

There will be no land use conflict as the proposed use as a water filtration facility will not be impacted by neighboring airport operations or noise.

At a height of no more than 40 feet, the proposed plant will not impact airport operations. WJWW will coordinate its plans with FAA to ensure the proposed facility would not obstruct, impede or otherwise adversely affect normal flight operations, and if an issue is identified, will address that concern to the satisfaction of the FAA prior to development.

The property to be acquired from WJWW (“acquisition property”) will ensure that there is no net loss of airport property. The parcel is adjacent to basins “A” and “B,” which serve as mitigation wetlands and provide stormwater management for the airport. The acquisition property is currently undeveloped, consisting of forest and wetlands. As there are no plans for its use, it will remain undeveloped and have no environmental impact.

Hazardous Materials

The County Airport, which includes Parcel 971-8, is under the NYSDEC Brownfield Cleanup Program (BCP) to address per- and polyfluoroalkyl substances (PFAS), namely perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA), as well as other contaminants that were detected in groundwater, soil, sediment and/or surface water at the Airport. No detectable levels of PFAS were found on the disposition property in either prior County sampling or in more recent soil and groundwater testing undertaken for the project.

In accordance with the BCP, WJWW will be required to file a “change of use” application with NYSDEC relative to the construction of the water filtration facility, subject to NYSDEC approval. WJWW will continue to provide the County access over the property so that the County may fulfill its obligations under the BCP.

Impacts from Sewer Easement

Pursuant to the Sewer Evaluation Study dated March 2022 and prepared by Savin Engineers, P.C., the proposed sewer connection will involve the installation of approximately 3,000 linear feet of pipeline extending from the new WJWW property boundary to the last segment of the airport sewage collection system, which will be upsized to a 10-inch diameter pipe, before discharging into the County trunk sewer located towards the southern end of the airport. The proposed sanitary sewer will not have a significant impact on the environment since the line will be either a four-inch diameter force main or an eight-inch diameter gravity sewer, involving minimal disturbance in width, and will be routed through cleared land, comprised primarily of mowed lawn and segments of pavement, where it must cross the perimeter road and several taxiways. The sanitary sewer line will likely be installed using a combination of open-cut trench and micro-tunneling (e.g., under taxiways) to minimize impact on airport operations. Since the proposed sewer easement will be within the active areas of the airport, the County will install and maintain the pipeline to ensure safe operations at the airport and WJWW will reimburse the County for the cost of installation as well as for any subsequent maintenance.

Wastewater from the County trunk line at the Airport flows down to the County's Blind Brook Water Resource Recovery Facility (WRRF), located in the City of Rye, where the wastewater receives primary and secondary treatment, along with added treatment for biological nutrient removal, prior to discharging into Long Island Sound. The WJWW filtration facility is anticipated to generate approximately 9,000 gallons per day (gpd) of liquid sanitary waste, with an estimated maximum peak flow of 50,000 gpd according to the Sewer Evaluation Study. The Blind Brook WRRF has a design flow of 5 million gallons per day (MGD) but is operating at an annual average of 3.53 MGD. As such, the receiving WRRF is capable of handling the anticipated additional flow.

Floated solids will be dewatered with centrifuges prior to discharging to the sewer to prevent overloading of the County's WRRF. Dewatered solids from plant operations will be transported to the Passaic Valley Sewerage Commission in New Jersey or other approved facility following accepted best practices and applicable regulations.

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.

It is also consistent with the factors described in Westchester 2025, from which the policies are drawn, including the sections on: "Water quality and water management," "Green technology," and "Energy needs," for including, among other things, appropriate stormwater management that

addresses both water quality and quantity, roof-mounted photovoltaic system to offset energy needs, and building energy conservation techniques that comply with the 2020 Energy Conservation Construction Code of New York State to reduce the carbon footprint.

In addition, the project is consistent with several County Executive Orders, including:

- County Executive Order 10 of 2018 for use of only native plantings to restore the native ecosystem; and
- County Executive Order 1-2009 for incorporating constructed wetlands and a bioretention cell in its stormwater management plan, which will provide water quality treatment and promote infiltration, and for proposing porous pavement for the parking area to reduce runoff.

Critical Environmental Area

The project is located within the 60 Ldn noise contour of the Westchester County Airport. This area was designated by the County as a Critical Environmental Area to ensure that the compatibility of proposed uses is assessed with respect to the airport noise levels. The proposed water filtration facility will not be affected by nor will affect the Ldn noise levels of the airport.

MITIGATION MEASURES

In addition to the mitigation measures already committed to by WJWW in its SEQR review, the County adds the following:

- Although no PFAS was detected within the disposition property, WJWW has represented that it will monitor and treat the water from the construction dewatering to ensure that there will be no discharge of PFAS to the stream that flows into Rye Lake in connection with the construction of the Filtration Plant.
- WJWW has also represented that it will comply with any conditions imposed by NYSDEC in connection with its approval of the “change of use” application required for the construction of the Filtration Plant, including the beneficial re-use criteria codified in NYSDEC DER-10”.

CONCLUSIONS

Construction of the water filtration facility is necessary to comply with court and administrative orders and to ensure the safety of the drinking water that serves thousands of County residents.

WJWW has evaluated a variety of potential options, including alternative methods and alternative locations, determining that the construction of a water filtration facility at the airport site represents the most practical option for reasons including proximity to Rye Lake and existing WJWW infrastructure; proximity to existing primary road networks; consistency with local zoning; and the minimization of impacts to wetlands, vegetation and wildlife habitat.

The proposed land exchange will have no impact on the Westchester County Airport. The proposed property disposition does not adversely affect the Airport nor would it take away from any other County purposes.

WJWW has incorporated sufficient mitigation to minimize potential adverse impacts associated with the project's location within the Rye Lake watershed. A Stormwater Pollution Prevention Plan has been prepared in accordance with NYSDEC permits and New York City Department of Environmental Protection and MS4 requirements, and the SWPPP has been approved by the New York Watershed Inspector General as well as the New York City Department of Environmental Protection. To protect the Rye Lake watershed during operations, WJWW will provide indoor storage of chemicals, dedicated fill stations with emergency containment, and other measures in accordance with applicable federal, state and local regulations.

WJWW has incorporated sufficient mitigation to minimize impact to neighboring land uses, including: complimentary architectural elements, distancing and added plantings for screening, noise attenuation for equipment systems; and indoor operations for odor control.

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.
3. (And if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Westchester County Board of Legislators

Signature of Responsible Official

Malika Vanderberg
Name of Responsible Official

Clerk of the Westchester County Board of Legislators
Title of Responsible Official

Date

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

Catherine F. Parker
Legislator, 7th District
Chair, Committee on Appointments



Committee Assignments:
Economic Development
Veterans, Seniors & Youth

TO: Vedat Gashi, Chairman of the Board of Legislators
Sunday Vanderberg, Clerk of the Board of Legislators

FROM: Catherine Parker, Legislator, 7th District

DATE: March 18, 2024

RE: 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.

Please place the attached proposal, 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, on the agenda for the March 18, 2024 meeting of the Westchester County Board of Legislators so that it may be referred to the appropriate committees.

Thank you.

CC: Marcello Figueroa, Legislative Director
Dylan Tragni, Chief of Staff

Tel: (914) 995-2802 • Fax: (914) 995-3884 • E-mail: Parker@westchesterlegislators.com

ACT NO. 2024-____

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.

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 convey to the Westchester Joint Water Works (“WJWW”) an approximately 13.4 acre parcel of County property identified as a portion of Parcel 971.-8 on the tax map of the Town of Harrison, currently part of the Westchester County Airport (“Airport”), and located near the intersection of Tower Road and Purchase Street (“County Parcel”), in order to facilitate WJWW’s plan to construct and operate a water filtration facility, subject to all necessary legal approvals.

§2. The County is further authorized to accept from WJWW the conveyance of an approximately 13.4 acre parcel adjacent to the Airport identified as Parcel 961.-1 on the tax map of the Town of Harrison (“WJWW Parcel”) to be incorporated into the Airport property in exchange for the County Parcel.

§3. The County is further authorized to grant to WJWW an easement across Airport property permitting a connection to the existing sanitary sewer line on Airport property. The sewer connection shall be designed and constructed by the County, with all costs to be reimbursed by

WJWW. Once constructed, the sewer improvements shall be maintained by the County with all repair costs reimbursed by WJWW.

§4. Following the conveyance of the County Parcel to the WJWW, the County Parcel shall remain in the New York State Department of Environmental Conservation (“NYSDEC”) Brownfield Cleanup Program and subject to NYSDEC’s jurisdiction and oversight. WJWW shall file a “change of use” application with NYSDEC relative to the construction of the water filtration facility, subject to NYSDEC’s approval and any conditions required by the NYSDEC.

§5. Following the conveyance of the County Parcel to WJWW, WJWW shall provide the County access to the County Parcel in order that the County may fulfill its obligations under its Brownfield Cleanup Agreement with NYSDEC and to construct the sewer connection.

§6. WJWW shall indemnify the County for any claims arising out of the design, construction or operation of the water filtration facility.

§7. The County Executive or his duly authorized designee, is hereby authorized to execute and deliver all instruments approved as to form and substance by the County Attorney as are necessary and appropriate to effectuate the purposes hereof.

§8. This Act shall take effect immediately.

RESOLUTION

WHEREAS, the Westchester County Airport (the “**Airport**”) is located on land owned by Westchester County (the “**County**”); and

WHEREAS, Westchester Joint Water Works (“**WJWW**”) is a non-profit public benefit corporation of the State of New York comprised of three member municipalities: Town/Village of Harrison, the Village of Mamaroneck and the Town of Mamaroneck; and

WHEREAS, in 2004, New York State Supreme Court issued a Permanent Injunction requiring WJWW to build a filtration plant to bring its water distribution system into compliance with the State Sanitary Code; and

WHEREAS, in 2019, United States Environmental Protection Agency issued an Administrative Order to commence design of a filtration plant to treat the surface water drawn from WJWW’s Rye Lake water source; and

WHEREAS, WJWW proposes to construct a 30 million gallon-per-day water filtration facility (the “**Filtration Facility**”) on a parcel within the Airport property; and

WHEREAS, in order to construct the Filtration Facility, WJWW has proposed an exchange of equal sized and valued parcels of property; and

WHEREAS, the Westchester County Board of Legislators has carefully considered Act ____ – 2024 to authorize the County to convey to WJWW a parcel of County-owned property that is currently part of the Airport and simultaneously accept from WJWW a parcel adjacent to the Airport; and

WHEREAS, on [_____] the Westchester County Board of Legislators voted to approve Act ____ – 2024 because it is deemed in the best interest of the County to allow timely development of the Filtration Plant, which is necessary to protect the health and safety of County residents; and

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, the parcel conveyed by WJWW to the County shall remain undeveloped except as otherwise required by federal laws or regulations.