



# Public Works & Transportation Meeting Agenda

Committee Chair: Erika Pierce

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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**Monday, March 17, 2025**

**10:00 AM**

**Committee Room**

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**Joint with B&A**

## 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.

## MINUTES APPROVAL

### I. ITEMS FOR DISCUSSION

1. [2025-77](#) **CBA-BES24-Replacement of Smoke House Building**

AN ACT amending the 2025 County Capital Budget Appropriations for Capital Project BES24 - Replacement of Smoke House Building.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PUBLIC SAFETY**

Guests: Department of Emergency Services  
Commissioner Susan Spear  
Chief Neil Caputo, Director of the Fire Services Division

2. [2025-78](#) **BOND ACT-BES24-Replacement of Smoke House Building**

A BOND ACT authorizing the issuance of EIGHT MILLION, TWO HUNDRED TEN THOUSAND (\$8,210,000) DOLLARS in bonds of Westchester County to finance Capital Project BES24 - Replacement of Smoke House Building.

**COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND PUBLIC SAFETY**

Guests: Department of Emergency Services  
Commissioner Susan Spear  
Chief Neil Caputo, Director of the Fire Services Division

## II. OTHER BUSINESS

## III. RECEIVE & FILE

1.     [2025-73](#)     HON. MARGARET A. CUNZIO - Saw Mill Sanitary Sewer District Removal-634 Chappaqua Rd., Briarcliff Manor

Forwarding correspondence from the Town of Mt. Pleasant requesting removal from the County Saw Mill Sewer District - 634 Chappaqua Road, Briarcliff Manor.

**COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS & TRANSPORTATION**

2.     [2025-71](#)     CLERK OF THE BOARD - Petition for Extension of the Peekskill Hollow Sewer District

Forwarding a Petition from the Town of Somers for the extension of the Peekskill Hollow Sewer District to include the boundaries of the Parkveiw Extension area of Somers Sewer District No. 1.

**COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS & TRANSPORTATION**

3.     [2025-85](#)     CLERK OF THE BOARD - Solid Waste Commission 2024 Annual Report

Forwarded by the Clerk of the Board, the 2024 Annual Report of the Westchester County Solid Waste Commission.

**COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS & TRANSPORTATION**

4.     [2025-89](#)     CLERK OF THE BOARD - Recertification of Agricultural District No. 1

Forwarding correspondence from the Town of North Castle regarding the Recertification of Westchester County Agricultural District Number One.

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

## ADJOURNMENT



Kenneth W. Jenkins  
County Executive

February 28, 2025

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget ("Capital Budget Amendment"), as well as adopt a related consolidated bond act (the "Bond Act") to finance the following capital project:

BES24 - Replacement of Smoke House Building ("BES24").

The proposed Capital Budget Amendment will amend the County's 2025 capital budget to increase the County share for this project by \$1,900,000. The increase is needed due to higher than anticipated construction cost estimates associated with this project.

The Bond Act, in the total aggregate amount of \$8,210,000, which includes \$2,810,000 in previously authorized bonds of the County, and \$5,400,000 in additional funding, would finance the completion of construction associated with the replacement of the current 50-year-old "prop" building located at the Westchester County Department of Emergency Service Training Center in Valhalla. The prop building is used by local fire departments and other first responders to train in a variety of fire response conditions, including live fire.

The Department of Emergency Services ("DES") has advised that the existing prop building does not meet National Fire Protection Agency (NFPA) standards and has failed inspection. Consequently, it is currently out of service. DES needs to replace the building in order to meet its responsibilities as a county fire training facility. The new building will consist of prefabricated construction, and will replace the current building, in a similar, but slightly larger and angled footprint on an already paved surface. The new building will allow DES to replicate different types of fire situations for training purposes.

Following bonding authorization, design will be scheduled and is anticipated to take one (1) month to complete and will be performed by outside consultants. It is estimated that construction will take one (1) year to complete and will begin after award and execution of the construction contracts.

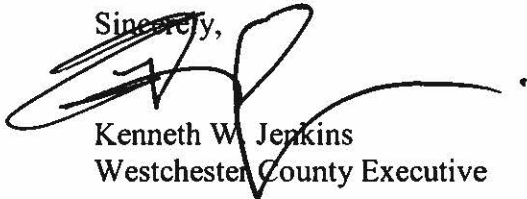
It should be noted that your Honorable Board has previously authorized the County to issue bonds for prior components of BES24 as follows: (i) Bond Act No. 172-2023, which authorized \$810,000 in bonds to finance the cost of design, special studies, and administrative reviews associated with the demolition of the existing smoke house and construction of a new smoke house fire training

prop; and (ii) Bond Act No. 207-2024, which authorized the issuance of \$2,000,000, to finance the purchase of a new pre-fabricated smoke house fire prop building, associated design during construction, and any additional site work needed. No bonds have been issued under either Bond Act No. 172-2023 or Bond Act No. 207-2024. Accordingly, the proposed Bond Act will consolidate and supersede Bond Act Nos. 172-2023 and 207-2024, by combining the \$810,000 previously authorized under Bond Act No. 172-2023, with the \$2,000,000 previously authorized under Bond Act No. 207-2024. In addition, the proposed Bond Act will further expand the scope of BES24 to include construction associated with the installation of the pre-fabricated smoke house fire prop building, and increase the estimated maximum cost and the amount of bonds authorized thereunder by \$5,400,000, for a total aggregate bonding amount of \$8,210,000.

As your Honorable Board may know, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed BES24 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Based on the importance of this project to the County, favorable action on the proposed Capital Budget Amendment and Bond Act is most respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'KWJ', with a long horizontal flourish extending to the right.

Kenneth W. Jenkins  
Westchester County Executive

KWJ/RW/jpg/nn



**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmission from the County Executive recommending approval by the County of Westchester (“County”) of an act amending the County’s current-year capital budget (“Capital Budget Amendment”), as well as adoption of a related consolidated bond act (the “Bond Act”) which, if approved, will authorize the County to issue a total aggregate amount of \$8,210,000.00 in bonds to finance capital project BES24 - Replacement of Smoke House Building (“BES24”).

Your Committee is advised that the Capital Budget Amendment will amend the County’s 2025 capital budget to increase the County share for this project by \$1,900,000. The increase is needed due to higher than anticipated construction cost estimates associated with this project.

The Bond Act, in the total aggregate amount of \$8,210,000, which includes \$2,810,000 in previously authorized bonds of the County, and \$5,400,000 in additional funding, would finance the completion of construction associated with the replacement of the current 50-year-old "prop" building located at the Westchester County Department of Emergency Service Training Center in Valhalla. The prop building is used by local fire departments and other first responders to train in a variety of fire response conditions, including live fire. The Bond Act was drafted by the law firm Harris Beach Murtha.

The Department of Emergency Services (“DES”) has advised that the existing prop building does not meet National Fire Protection Agency (NFPA) standards and has failed inspection. Consequently, it is currently out of service. DES needs to replace the building in order to meet its responsibilities as a county fire training facility. The new building will consist of prefabricated construction, and will replace the current building, in a similar, but slightly larger and angled footprint on an already paved surface. The new building will allow DES to replicate different types of fire situations for training purposes.

Your Committee is advised that following bonding authorization, design will be scheduled and is anticipated to take one (1) month to complete and will be performed by outside consultants. It is estimated that construction will take approximately one (1) year to complete and will begin after award and execution of the construction contracts.

Your Committee notes that your Honorable Board has previously authorized the County to issues bonds for prior components of BES24 as follows: (i) Bond Act No. 172-2023, which authorized \$810,000 in bonds to finance the cost of design, special studies, and administrative reviews associated with the demolition of the existing smoke house and construction of a new smoke house fire training prop; and (ii) Bond Act No. 207-2024, which authorized the issuance of \$2,000,000 to finance the purchase of a new pre-fabricated smoke house fire prop building, associated design during construction, and any additional site work needed. No bonds have been issued under either Bond Act No. 172-2023 or Bond Act No. 207-2024. Accordingly, the proposed Bond Act will consolidate and supersede Bond Act Nos. 172–2023 and 207-2024, by combining the \$810,000 previously authorized under Bond Act No. 172-2023, with the \$2,000,000 previously authorized under Bond Act No. 207-2024. In addition, the proposed Bond Act will further expand the scope of BES24 to include construction associated with the installation of the pre-fabricated smoke house fire prop building, and increase the estimated maximum cost and the amount of bonds authorized thereunder by \$5,400,000, for a total aggregate bonding amount of \$8,210,000.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Additionally, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the “Planning Board”) with respect to the physical planning aspects of the project. The Planning Department has advised that the Planning Board has previously reviewed BES24 and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment. It should be

further noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in order to amend the County's Capital Budget and to adopt the Bond Act.

Dated: \_\_\_\_\_, 2025  
White Plains, New York

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BES24

☐ NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

Source of County Funds (check one):

☐ Current Appropriations

☒ Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 8,210,000 PPU 15 Anticipated Interest Rate 3.14%

Anticipated Annual Cost (Principal and Interest): \$ 694,280

Total Debt Service (Annual Cost x Term): \$ 10,414,200

Finance Department: Interest rates from February 20, 2025 Bond Buyer - ASBA

## SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations  
(describe in detail for current and next four years):

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 89

Prepared by: Dianne Vanadia

Title: Associate Budget Director

Department: Budget

Date: 2/26/25


Reviewed By: [Signature]

2/26/25

Budget Director

Date: 2/27/25

TO: Michelle Greenbaum, Senior Assistant County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney  
Carla Chaves, Senior Assistant County Attorney

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

DATE: February 10, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
BES24 REPLACEMENT OF SMOKE HOUSE BUILDING**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on 01/28/2025 (Unique ID: 2828)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- **617.5(c)(9):** construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.

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**COMMENTS:** None.

DSK/oav

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Associate Budget Director  
Robert Abbamont, Director of Operations, Department of Public Works & Transportation  
Susan Darling, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Principal Environmental Planner



Memorandum

**Department of Planning**

432 Michaelian Office Building  
White Plains, NY 10601

To: The Westchester County Planning Board

From: Susan Darling, Chief Planner

A handwritten signature in dark ink, appearing to be "SD" or similar initials, written over the name Susan Darling.

Date: February 12, 2025

RE: **NO-ACTION MEMO - Capital Budget Amendment – BES24 Replacement of Smoke House Building (2025 CBA)**

The County Executive is requesting an amendment to the 2025 Capital Budget to modify the funding of the above project. Capital project **BES24 Replacement of Smoke House Building (2025 CBA)** will increase the County share for **BES24** by \$1,900,000 due to increase costs associated with the project.

The Department of Emergency Services has advised that the Capital Budget Amendment is necessary to fund construction of the smoke house at the Grasslands Emergency Services Training Center for first responders to train in a variety of fire response conditions.

This project was classified as a PL2 in the Planning Board Report for the 2023 Capital Budget adopted July 5, 2022. There are no substantial changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Blanca P. López, Commissioner  
David S. Kvinge, Assistant Commissioner  
Michael Lipkin, Associate Planner

An Act amending the 2025 County  
Capital Budget Appropriations for  
Capital Project BES24  
REPLACEMENT OF SMOKE  
HOUSE BUILDING

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

Section 1. The Capital section of the 2025 County Budget is hereby amended as follows:

|                  | Previous 2025<br>Appropriation | Change      | Revised 2025<br>Appropriation |
|------------------|--------------------------------|-------------|-------------------------------|
| I. Appropriation | \$6,310,000                    | \$1,900,000 | \$8,210,000                   |

Section 2. The estimated method of financing in the Capital Section of the 2025 Westchester County Capital Budget is amended as follows:

II. METHOD OF  
FINANCING

|                    |             |             |             |
|--------------------|-------------|-------------|-------------|
| Bonds and/or Notes | \$6,310,000 | \$1,900,000 | \$8,210,000 |
| Non County Shares  | \$0         |             | \$0         |
| Cash               | \$0         |             | \$0         |
| Total              | \$6,310,000 | \$1,900,000 | \$8,210,000 |

Section 3. The ACT shall take effect immediately.



ACT NO. -20\_\_

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING BOND ACT NO. 172-2023 ADOPTED SEPTEMBER 18, 2023 AND BOND ACT NO. 207-2024 ADOPTED OCTOBER 7, 2024 CONSOLIDATING PREVIOUSLY ADOPTED BOND ACTS FOR CAPITAL PROJECT BES24 FOR THE REPLACEMENT OF A SMOKE HOUSE FIRE PROP BUILDING LOCATED ON THE VALHALLA GRASSLANDS CAMPUS, AND AUTHORIZING ADDITIONAL BONDS FOR SUCH PROJECT; AT THE TOTAL ESTIMATED COST OF \$8,210,000. (Adopted , 20\_\_)

Recitals

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance various elements of Capital Project BES24 (the “Project”), at the total estimated maximum cost of \$2,810,000, pursuant to Act No. 172-2023 adopted September 18, 2023 and Bond Act No. 207-2024 adopted October 7, 2024 (collectively, the “Previous Bond Acts”), and it has now been determined that the Previous Bond Acts should be consolidated into one bond act so that the aggregate proceeds of authorized but unissued amounts of bonds pursuant to the Previous Bond Acts may be expended as required on any respective element of the Project; and the period of probable usefulness of the Project shall be amended and restated as set forth herein;

WHEREAS, in addition to such consolidation, due to additional costs of the Project, it is necessary to increase the appropriation for such Project by \$5,400,000; and

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds

of the voting strength of said Board), TO AMEND AND RESTATE BOND ACT NOS. 172-2023 and 207-2024 IN THERE ENTIRETY AS FOLLOWS:

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING BOND ACT NO. 172-2023 ADOPTED SEPTEMBER 18, 2023 AND BOND ACT NO. 207-2024 ADOPTED OCTOBER 7, 2024 CONSOLIDATING PREVIOUSLY ADOPTED BOND ACTS FOR CAPITAL PROJECT BES24 FOR THE REPLACEMENT OF A SMOKE HOUSE FIRE PROP BUILDING LOCATED ON THE VALHALLA GRASSLANDS CAMPUS, AND AUTHORIZING ADDITIONAL BONDS FOR SUCH PROJECT; AT THE TOTAL ESTIMATED COST OF \$8,210,000. (Adopted       , 20\_\_)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, to the provisions of other laws applicable thereto, \$8,210,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the replacement of a Smoke House Fire Prop Building located on the Valhalla Grasslands Campus; all as collectively set forth in section 1 of each of the Previous Bond Acts and the County's current year Capital Budget, as amended. To the extent that the County has previously issued bonds pursuant to each of the Previous Bond Acts, the proceeds of such previously issued bonds shall only be expended for the scope of the project as set forth in the respective bond act, from which such proceeds are derived, when originally adopted and/or amended. The total estimated

maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$8,210,000. The plan of financing includes the issuance of \$8,210,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 12(a)(2) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$8,210,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby

delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 5. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

STATE OF NEW YORK                    )  
  : ss.:  
COUNTY OF NEW YORK                )

I HEREBY CERTIFY that I have compared the foregoing Act No. -20\_\_ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on \_\_\_\_\_, 20\_\_ and approved by the County Executive on \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this     day of     , 20\_\_.

(SEAL)                                   The Clerk and Chief Administrative Officer of the  
County Board of Legislators  
County of Westchester, New York

## LEGAL NOTICE

An amended and restated Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on September 18, 2023 and October 7, 2024 and amended on \_\_\_\_\_, 20\_\_ and approved, as amended, by the County Executive on \_\_\_\_\_, 20\_\_ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the amended Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. \_\_\_\_\_-20\_\_

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING AND RESTATING BOND ACT NO. 172-2023 ADOPTED SEPTEMBER 18, 2023 AND BOND ACT NO. 207-2024 ADOPTED OCTOBER 7, 2024 CONSOLIDATING PREVIOUSLY ADOPTED BOND ACTS FOR CAPITAL PROJECT BES24 FOR THE REPLACEMENT OF A SMOKE HOUSE FIRE PROP BUILDING LOCATED ON THE VALHALLA GRASSLANDS CAMPUS, AND AUTHORIZING ADDITIONAL BONDS FOR SUCH PROJECT; AT THE TOTAL ESTIMATED COST OF \$8,210,000. (Adopted \_\_\_\_\_, 20\_\_)

object or purpose: to finance the cost for replacement of a Smoke House Fire Prop Building located on the Valhalla Grasslands Campus; all as set forth in the County's 20\_\_ Capital Budget, as amended

amount of obligations to be issued:

and period of probable usefulness: \$8,210,000; fifteen (15) years

Dated: \_\_\_\_\_, 20\_\_  
White Plains, New York

\_\_\_\_\_  
Clerk and Chief Administrative Officer of the County Board of  
Legislators of the County of Westchester, New York



## CAPITAL PROJECT FACT SHEET

|   |   |  |
|---|---|--|
| <b>Project ID:*</b><br>BES24                        | <input checked="" type="checkbox"/> <b>CBA</b>                | <b>Fact Sheet Date:*</b><br>01-23-2025 |
| <b>Fact Sheet Year:*</b><br>2025                    | <b>Project Title:*</b><br>REPLACEMENT OF SMOKE HOUSE BUILDING | <b>Legislative District ID:</b><br>3,  |
| <b>Category*</b><br>BUILDINGS, LAND & MISCELLANEOUS | <b>Department:*</b><br>EMERGENCY SERVICES                     | <b>CP Unique ID:</b><br>2828           |

### Overall Project Description

This project funds a new Smoke House Building fire training prop located in the fire training yard on the Valhalla Grasslands campus.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies     | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety               | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue                   |
| <input type="checkbox"/> Security                             | <input type="checkbox"/> Other                   |  |

### FIVE-YEAR CAPITAL PROGRAM (in thousands)

|                               | Estimated Ultimate Total Cost | Appropriated | 2025 | 2026 | 2027 | 2028 | 2029 | Under Review |
|-------------------------------|-------------------------------|--------------|------|------|------|------|------|--------------|
| <b>Gross</b>                  | 8,210                         | 6,310        | 0    | 0    | 0    | 0    | 0    | 1,900        |
| <b>Less Non-County Shares</b> | 0                             | 0            | 0    | 0    | 0    | 0    | 0    | 0            |
| <b>Net</b>                    | 8,210                         | 6,310        | 0    | 0    | 0    | 0    | 0    | 1,900        |

**Expended/Obligated Amount (in thousands) as of :** 1,942

**Current Bond Description:** Bonding authorization is requested to complete construction to replace the current 50 year old "prop" building located at the Westchester County Department of Emergency Service Training Center and used by local fire Depts and other first responders to train in a variety of fire response conditions, including live fire. The current building doesn't meet NFPA standards and failed inspection so is out of services. DES needs to replace the building in order to meet our responsibilities as a county training facility. The bond request includes a Capital Budget amendment increase of \$1.9M due to higher than anticipated construction cost estimates. The new building is prefabricated construction, and replaces the current building, in a similar, but slightly larger and angled footprint on an already paved surface. The building allows us to replicate different types of fire situations for training purposes.

### Financing Plan for Current Request:

|                    |                     |
|--------------------|---------------------|
| Non-County Shares: | \$ 0                |
| Bonds/Notes:       | 5,400,000           |
| Cash:              | 0                   |
| <b>Total:</b>      | <b>\$ 5,400,000</b> |

### SEQR Classification:

TYPE II

### Amount Requested:

5,400,000

### Expected Design Work Provider:

- |                                       |  |   |
|---------------------------------------|--|---|
| <input type="checkbox"/> County Staff | <input checked="" type="checkbox"/> Consultant | <input type="checkbox"/> Not Applicable |
|---------------------------------------|--|---|

### Comments:

The current request includes a 2025 CBA in the amount of \$1.9m. These funds are shown above in "Under Review".

### Energy Efficiencies:

**Appropriation History:**

| Year | Amount    | Description  |
|------|-----------|--------------|
| 2023 | 810,000   | DESIGN       |
| 2024 | 5,500,000 | CONSTRUCTION |

**Total Appropriation History:**

6,310,000

**Financing History:**

| Year | Bond Act # | Amount    | Issued | Description                         |
|------|------------|-----------|--------|-------------------------------------|
| 23   | 172        | 810,000   | 0      | REPLACEMENT OF SMOKE HOUSE BUILDING |
| 24   | 207        | 2,000,000 | 0      |                                     |

**Total Financing History:**

2,810,000

**Recommended By:**

Department of Planning  
MLLL

Date  
01-28-2025

Department of Public Works  
RJB4

Date  
01-29-2025

Budget Department  
DEV9

Date  
01-30-2025

Requesting Department  
TCH1

Date  
01-30-2025

## REPLACEMENT OF SMOKE HOUSE BUILDING ( BES24 )

**User Department :** Emergency Services

**Managing Department(s) :** Emergency Services ; Public Works ;

**Estimated Completion Date:** TBD

**Planning Board Recommendation:** Project approved in concept but subject to subsequent staff review.

### **FIVE YEAR CAPITAL PROGRAM (in thousands)**

|                  | Est Uft Cost | Appropriated | Exp / Obl | 2025 | 2026 | 2027 | 2028 | 2029 | Under Review |
|------------------|--------------|--------------|-----------|------|------|------|------|------|--------------|
| Gross            | 6,310        | 6,310        | 1,942     |      |      |      |      |      |              |
| Non County Share |              |              |           |      |      |      |      |      |              |
| Total            | 6,310        | 6,310        | 1,942     |      |      |      |      |      |              |

### **Project Description**

This project funds a new Smoke House Building fire training prop located in the fire training yard on the Valhalla Grasslands campus.

### **Current Year Description**

There is no current year request.

### **Impact on Operating Budget**

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

### **Appropriation History**

| Year  | Amount    | Description  | Status   |
|-------|-----------|--------------|--|
| 2023  | 810,000   | Design       | DESIGN   |
| 2024  | 5,500,000 | Construction | \$2,000,000 IN PROGRESS; \$3,500,000 AWAITING BOND AUTHORIZATION |
| Total | 6,310,000 |              |  |

### **Prior Appropriations**

|               | Appropriated | Collected | Uncollected |
|---------------|--------------|-----------|-------------|
| Bond Proceeds | 6,310,000    |           | 6,310,000   |
| Total         | 6,310,000    |           | 6,310,000   |

### **Bonds Authorized**

| Bond Act | Amount    | Date Sold | Amount Sold | Balance   |
|----------|-----------|-----------|-------------|-----------|
| 172 23   | 810,000   |           |             | 810,000   |
| 207 24   | 2,000,000 |           |             | 2,000,000 |
| Total    | 2,810,000 |           |             | 2,810,000 |

**Margaret A. Cunzio**

Minority Leader, Legislator, 3rd District



Committee Assignments:  
Rules, *Co-Chair*  
Public Safety, *Vice Chair*  
Legislation

**MEMORANDUM**

TO: Vedat Gashi, Chair, Board of Legislators

FROM: Margaret Cunzio, Legislator – 3<sup>rd</sup> District

DATE: February 27, 2025

RE: Correspondence: request for removal from Westchester County  
Saw Mill Sanitary Sewer District: 634 Chappaqua Road, Briarcliff Manor, NY  
10510

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Please add the attached correspondence to the agenda of the March 10, 2025 Board of Legislators meeting for referral to the appropriate committees.



**CARL FULGENZI**  
Supervisor

February 14, 2025

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

Re: Request for removal from Westchester County Saw Mill Sanitary Sewer District

Dear Honorable Cunzio,

Enclosed is a certified copy of Town Board Resolution 58-25 for the following property owner who has requested removal from the County Saw Mill Sewer District.

| <u>Name</u>   | <u>Tax Map</u> | <u>Address</u>                                   |
|---------------|----------------|--|
| Richard Leroy | 91.17-1-10     | 634 Chappaqua Road<br>Briarcliff Manor, NY 10510 |

Also enclosed is a copy of the town tax map for this parcel. Please have this request processed for removal from the County Saw Mill Sewer District.

Sincerely,

*s/ Carl Fulgenzi*

Carl Fulgenzi, Town Supervisor



**EMILY COSTANZA**  
Town Clerk

EXTRACT OF THE MINUTES  
OF THE REGULAR MEETING  
OF THE TOWN BOARD  
TOWN OF MOUNT PLEASANT  
WESTCHESTER COUNTY, NY  
HELD JANUARY 28, 2025

Authorization to Remove 634 Chappaqua Road, Briarcliff Manor, NY from County Saw Mill Sewer District

RESOLUTION 58-25

Upon motion of Councilwoman Zaino, seconded by Councilwoman Smalley and unanimously carried, it was,


WHEREAS, certain property owner(s) have requested removal of their property from the Westchester County Saw Mill Sanitary Sewer District ("County Sewer District"); and

WHEREAS, it is believed by the Town of Mount Pleasant that the property satisfies all criteria set forth by Westchester County Department of Environmental Facilities (WCDEF) for removal of a property from the tax base; and therefore be it

RESOLVED, that the Westchester County Board of Legislators is requested to remove the following parcel from the County Sewer District:

| Name          | Tax Map    | Address                             |
|---------------|------------|-------------------------------------|
| Richard Leroy | 91.17-1-10 | 634 Chappaqua Rd., Briarcliff Manor |

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

  
EMILY COSTANZA  
TOWN CLERK  
TOWN OF MOUNT PLEASANT







TOWN OF SOMERS  
COUNTY OF WESTCHESTER: STATE OF NEW YORK

-----) (

In the Matter of the Application of

THE TOWN OF SOMERS

**PETITION**

For the Extension of the Peekskill Hollow Sewer District  
to Include the Boundaries of the Parkview Extension  
Area of Somers Sewer District No. 1

-----) (

**TO: THE BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER**

The Petition of Robert Scorrano, as Supervisor of the Town of Somers, respectfully shows and demonstrates to the Board of Legislators of the County of Westchester:

1. That the Town of Somers is a municipal corporation duly organized and existing under the laws of the State of New York and is located in the County of Westchester, State of New York.

2. That the Town of Somers currently operates Sewer District No. 1 in the Town of Somers.

3. That a Petition, Map and Plan have been prepared by Parkview B & G, LLC (Parkview) dated April 12, 2024, for the extension of the Somers Sewer District No. 1 of the Town of Somers and duly presented to this Town Board: and a duly conducted public hearing on said extension was held on November 14, 2024, at which time the public hearing was closed and the Town Board of the Town of Somers at that time duly adopted a resolution to extend the Somers Sewer District No. 1 to include the boundaries of the Parkview extension area as set forth in its petition.

4. Petitioner is a limited liability company formed and existing under the laws of the State of New York and is in good standing. Petitioner is the owner of two existing parcels of land comprising in the aggregate 56.8 acres. The parcels are shown and designated on the Town of Somers Tax Map as tax parcels 4.20-1-12 and 15.08-1-4. Tax parcel 4.20-1-12 consists of approximately 19.8 acres. With respect to such parcel, 8.9 acres is presently zoned Residence R80; 8.6 acres is presently zoned Residence R40 and 2.3 acres is presently zoned Planned HamletPH. Tax parcel 15.08-1-4 consists of approximately 37 acres and is presently zoned Residence R80. Where the context requires, the two tax parcels shall hereinafter be collectively referred to as the "Property." Access to the Property is through the Somers Realty Planned Hamlet via Reynolds Drive. Petitioner has previously submitted to this Board a petition to rezone the Property to permit the construction of the improvements referenced below in accordance with the provisions of the Multifamily Residence Baldwin Place MFR-BP District. Petitioner proposes to construct an 81 unit townhouse community with associated asphalt road and parking, utility infrastructure,

stormwater management areas, landscaping, lighting, and a walking trail on approximately 49.3 acres of the Property. Five of the 81 units will be sponsor provided (at their cost without any county, state, or federal funding), and target households at or below the 120% AMI. A total of 58 units (including the 5 sponsor provided units at or below 120% AMI) will be three bedroom units and the remaining 23 units will be two bedroom. Additionally, on the remaining 7.5 acres of the Property, Petitioner proposes to construct, as a community benefit for the Town of Somers, a Community Center of approximately 6000 square feet which will include meeting rooms, bathrooms, storage and locker space and recreational areas. The Community Center lot will also include a proposed dog park as an additional community benefit. Upon completion of the construction of the Community Center, solely at the Petitioner's cost, Petitioner will dedicate the Community Center and the lot upon which it is constructed to the Town of Somers. A conservation area will be provided along the eastern portion of the property that will remain undeveloped preserving the land adjacent to the North County Trailway.

5. That the Town Board of the Town of Somers as Lead Agency under SEQRA adopted a Negative Declaration on February 13, 2025, having conducted a complete environmental review under SEQRA. The County of Westchester was an Involved Agency in this coordinated environmental review.

6. That the Town of Somers, therefore, deems it in the public interest that the Parkview extension area be connected to and serviced by the Peekskill Hollow Sewer District owned and operated by the County of Westchester.

7. That appropriate maps, property descriptions and plans have been prepared and submitted to the Town of Somers in connection with the petition of Parkview, all of which are attached hereto as **Exhibit A** and incorporated herein.

8. The resolution of the Town Board of the Town of Somers to extend the Somers Sewer District No. 1 to include the Parkview Extension Area dated February 13, 2025, is attached as **Exhibit B** hereto.

9. That the extension and enlargement of the Peekskill Hollow Sewer District, as proposed, is co-terminus with the boundaries of the Parkview Extension Area of Somers Sewer District No. 1.

10. That the establishment of the Parkview Extension Area of Somers Sewer District No. 1 will not result in any costs or expenses to the Town of Somers since it is proposed that all improvements to be designed, installed and constructed to service said extension area will be privately funded.

11. That a feasibility analysis has been performed which indicates that there is adequate capacity contained in the Peekskill Hollow Sewer District to service the Parkview Extension Area as currently proposed for development.

12. That on February 13, 2025, the Town Board of the Town of Somers adopted a resolution to petition the Board of Legislators of the County of Westchester to consider the

extension and enlargement of the Peekskill Hollow Sewer District as set forth above pursuant to Article 5-A of the County Law. A copy of this resolution is attached as **Exhibit C** hereto.

WHEREFORE, the Town Board of the Town of Somers hereby petitions the County of Westchester for the enlargement and extension of the Peekskill Hollow Sewer District to encompass and include the Parkview Extension Area of Somers Sewer District No. 1 as established by the Town Board of the Town of Somers.

Dated: Somers, New York  
February 21, 2025

TOWN OF SOMERS

By:   
Robert Scorrano  
Supervisor

STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF WESTCHESTER )

On the 21<sup>st</sup> day of February, in the year 2025, before me, the undersigned personally appeared ROBERT SCORRANO, Supervisor of the Town of Somers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

PATRICIA KALBA  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01KA6080158  
Qualified in Westchester County  
Commission Expires SEPTEMBER 09, 2026

## **EXHIBIT "A"**

TOWN BOARD OF THE TOWN OF SOMERS  
COUNTY OF WESTCHESTER

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IN THE MATTER OF THE PETITION OF

PARKVIEW B & G LLC

PETITION

FOR AN EXTENSION OF SOMERS SEWER DISTRICT #1

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TO THE SUPERVISOR AND MEMBERS OF THE TOWN BOARD OF THE TOWN OF  
SOMERS:

PETITIONER, PARKVIEW B & G LLC (hereinafter "Petitioner"), having a principal place of business at 57 Route 6, Suite 207, Baldwin Place, New York 10505, hereby petitions the Town Board of the Town of Somers for an extension of Somers Sewer District #1 and, in connection therewith, states as follows:

1. Petitioner is a limited liability company formed and existing under the laws of the State of New York and is in good standing. Petitioner is the owner of two existing parcels of land comprising in the aggregate 56.8 acres. The parcels are shown and designated on the Town of Somers Tax Map as tax parcels 4.20-1-12 and 15.08-1-4. Tax parcel 4.20-1-12 consists of approximately 19.8 acres. With respect to such parcel, 8.9 acres is presently zoned Residence R80; 8.6 acres is presently zoned Residence R40 and 2.3 acres is presently zoned Planned Hamlet PH. Tax parcel 15.08-1-4 consists of approximately 37 acres and is presently zoned Residence R80. Where the context requires, the two tax parcels shall hereinafter be collectively referred to as the "Property". Access to the Property is through the Somers Realty Planned Hamlet via Reynolds Drive. Petitioner has previously submitted to this Board a petition to rezone the Property to permit the construction of the improvements referenced below in accordance with

the provisions of the Multifamily Residence Baldwin Place MFR-BP District. Petitioner proposes to construct an 81 unit townhouse community on approximately 49.3 acres of the Property. Additionally, on the remaining 7.5 acres of the Property, Petitioner proposes to construct, as a community benefit for the Town of Somers, a Community Center of approximately 6000 square feet which will include meeting rooms, bathrooms, storage and locker space and recreational areas. The Community Center lot will also include a proposed dog park as an additional community benefit. Upon completion of the construction of the Community Center, solely at Petitioner's cost, Petitioner will dedicate the Community Center and the lot upon which it is constructed to the Town of Somers.

2. Petitioner seeks an extension of the Somers Sewer District #1 (hereinafter "SSD1") to enable the Property as referenced above to be serviced with municipal sewer service. In connection therewith, Petitioner will, at no cost or expense to SSD1 or the Town of Somers, provide the sewer infrastructure elements referenced below, which such sewer infrastructure elements would enable future connection of the improvements to be constructed upon the Property as referenced above as depicted in the document attached as Exhibit A hereto, which such document is entitled "Enlarged Somers Sewer #1 and Peekskill Sanitary Sewer Districts Expansion Map".

3. Petitioner proposes, pursuant to Article 12 of the Town Law, that the Town Board of the Town of Somers extend SSD1 so that the boundaries of the SSD1 as extended will include the Property shown on Exhibit A. For purposes of this Petition, such extension of the SSD1 shall be referred to as "the SSD1 Expansion Area".

4. Attached hereto and made part hereof as Exhibits A & B are maps of the existing and proposed boundaries of the SSD1, including an enlarged plan, illustrating the individual properties already located within the existing boundaries of the SSD1 and the Peekskill Sanitary Sewer District and the expansion of such districts as requested by this Petition. Said Exhibits are entitled “Exhibit A - Enlarged Somers Sewer #1 and Peekskill Sanitary Sewer Districts Expansion Map” and “Exhibit B - Somers Sewer #1 and Peekskill Sanitary Sewer Districts Expansion Map”.

5. Attached hereto and made part hereof as Exhibits C and D are engineering drawings showing the preliminary general plan of proposed improvements within the SSD1 Expansion Area. Exhibit C is entitled “Grading & Utilities Plan” consisting of three total sheets, last revised January 31, 2024 (Drawing SP-2.1, SP-2.2, and SP-2.3) and Exhibit D is entitled “Offsite Utilities Plan”, dated January 31, 2024 (Drawing SP-2.4)” as prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., an engineering firm duly licensed by the State of New York. The final design of the proposed improvements is subject to approval by Town of Somers and Westchester County authorities. As set forth thereon, the following sewer infrastructure elements are proposed to be constructed at no cost or expense to SSD1 or the Town of Somers, it being understood that the term “offsite” shall refer to improvements located within the public right-of-way and off the site of the Property and the term “onsite” shall refer to improvements located on the Property:

A. Offsite Improvements:



- a. Proposed Sewer Manholes along Reynolds Drive, Columbus Street, and Hoyt Street (approximately 8);
- b. Proposed Sewer Main along Reynolds Drive, Columbus Street, and Hoyt Street (approximately 1,210 feet in length);
- c. Proposed Sewer Forcemain from onsite sewer pump station (approximately 340 feet in length)

B. Onsite Improvements:

- i. Sewer Manholes (approximately 26);
- ii. Sewer Main (approximately 4,140 length feet);
- iii. Sewer Forcemain (approximately 2,650 feet in length);
- iv. Two sewer pump stations and two valve pits.

6. Attached hereto and made part hereof as Exhibit E is an Engineering Report entitled “Wastewater Engineering Report for Trailside Estates at Somers, Town of Somers, New York dated January 31, 2024” as prepared by Insite Engineering, Surveying & Landscape Architecture, P. C.

7. The SSD1 Expansion Area includes the Property as described above, which such property consists of approximately 56.8 acres which is proposed to be developed in accordance with plans submitted to the Planning Board of the Town of Somers. As set forth above, such plans contemplate the development of the Property for a residential townhouse community of 81 units with associated site appurtenances together with a 6000 square foot Community Center described above.

8. As set forth above, no portion of the cost of the proposed infrastructure improvements as preliminarily shown on Exhibits C and D will be borne by SSD1 or the Town of Somers. No amounts are to be expended by the Town of Somers or SSD1 for construction of proposed improvements necessary to provide sewer service to the Property as set forth in Exhibits C and D and the residential townhouse community and the Community Center to be constructed on the Property. All costs associated with the review, approval, inspection and acceptance of the proposed facilities shall be the responsibility of Petitioner.

9. Upon completion, the infrastructure improvements, both onsite and offsite referenced above shall be turned over to the SSD1 and any private property in which such improvements shall be located shall be made accessible by the deeding of any necessary access easements on the Property. Sewer service laterals to each of the proposed 81 townhouse unit buildings on the Property will not be turned over to the SSDI. Sewer service lateral for the proposed Community Center will be turned over to the Town of Somers as part of the 7.5 acre lot upon which it is constructed that the Petitioner will dedicate to the Town of Somers.

10. Because the sewage from SSD1 discharges to the Peekskill Wastewater Treatment Plant, SSD1 is part of the Westchester County Peekskill Sanitary Sewer District. As a consequence of the foregoing, expansion of SSD1 as requested by this Petition requires expansion of the Westchester County Peekskill Sanitary Sewer District. It should be noted in this regard that Tax parcel 4.20-1-12 is already in the Westchester County Peekskill Sanitary Sewer District<sup>1</sup>. This Petition therefore also seeks to expand the Westchester County Peekskill

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<sup>1</sup> The confirming boundary of the Westchester County Sewer District was obtained from Westchester County GIS mapping ([giswww.westchestergov.com/gismap/](http://giswww.westchestergov.com/gismap/)). In accordance with the website's description of layer, "The data

Sanitary Sewer District to include the entirety of the Property. Expansion of the Westchester County Peekskill Sanitary Sewer District is required to be authorized by the Westchester County Board of Legislators upon petition being made therefor by the municipal agency having jurisdiction over SSD1, the Town Board of the Town of Somers. As expansion of the Westchester County Peekskill Sanitary Sewer District is a condition precedent to expansion of SSD1, Petitioner respectfully requests that the Town Board petition the Westchester County Board of Legislators for an expansion of the Westchester County Peekskill Sanitary Sewer District to the same extent requested by this Petition, i.e., to include the Property which is the subject matter of this Petition.

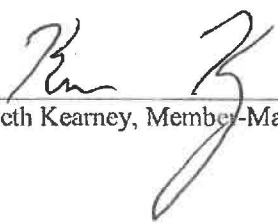
11. Petitioner agrees to comply with the rules and regulations of the SSD1 as presently existing or as same may be amended in the future, including all rates and fee schedules.

WHEREFORE, Petitioner respectfully requests that (a) the Town Board of the Town of Somers extend the Somers Sewer District #1 as hereinabove proposed and described, and that a Public Hearing thereon be held according to law; and (b) the Town Board of the Town of Somers Petition the Westchester County Board of Legislators for a corresponding extension of the Westchester County Peekskill Sanitary Sewer District.

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layer was derived from sewer districts mapped by the Department of Planning in 1997. Data was updated in 2020 to reflect all available Board of Legislators (BOL) approved additions and take-outs to the year 2019. Updates also include district boundaries updates in June 2015 by GIS to conform to new Westchester County Municipal Boundaries data layer updated in 2014.”

PARKVIEW B & G LLC.

  
By: Kenneth Kearney, Member-Manager

State of New York  
County of Westchester

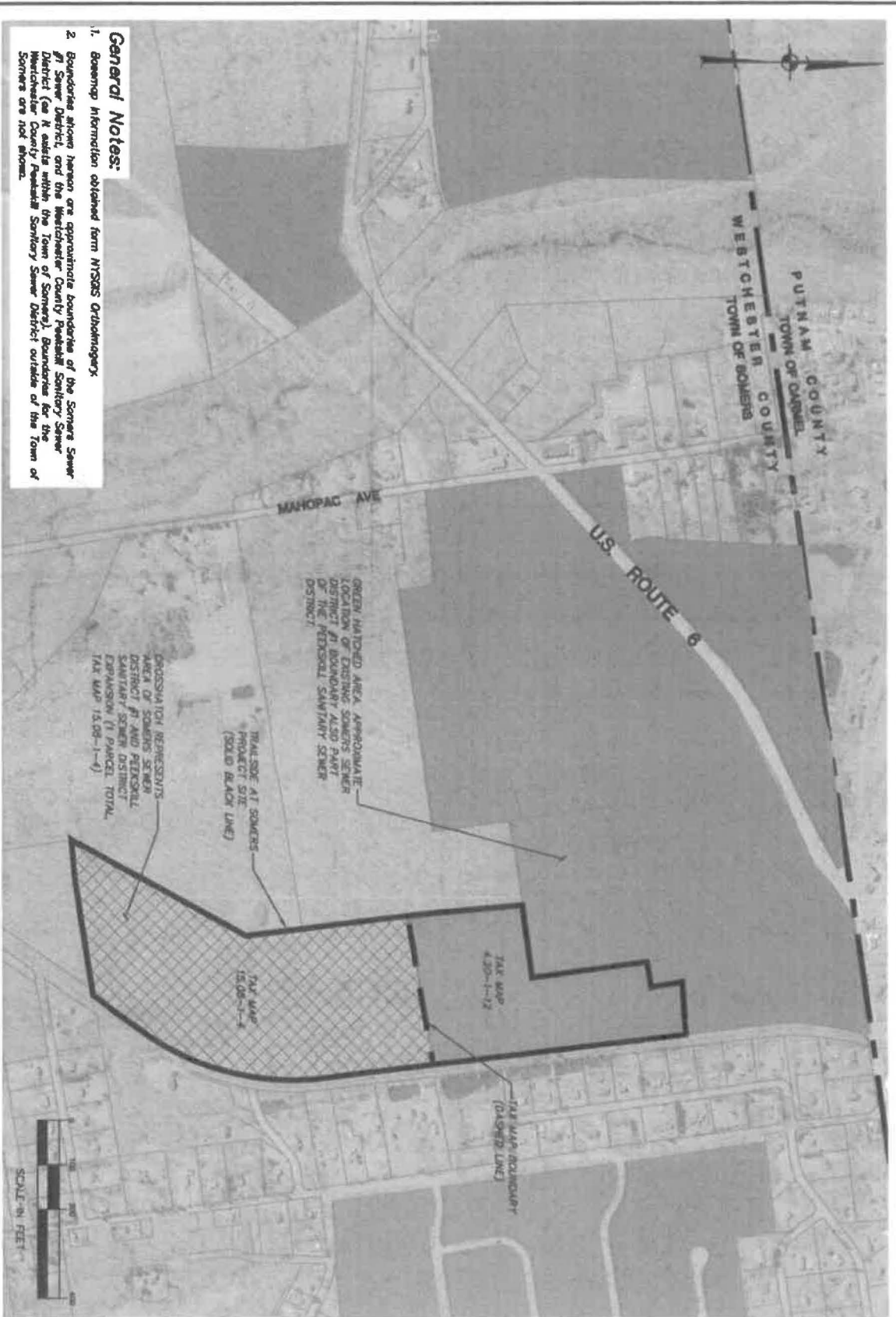
On the 12 day of <sup>April</sup>~~February~~, 2024 before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth Kearney, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public



## **EXHIBIT A**

# REDUCED SCALE PLAN

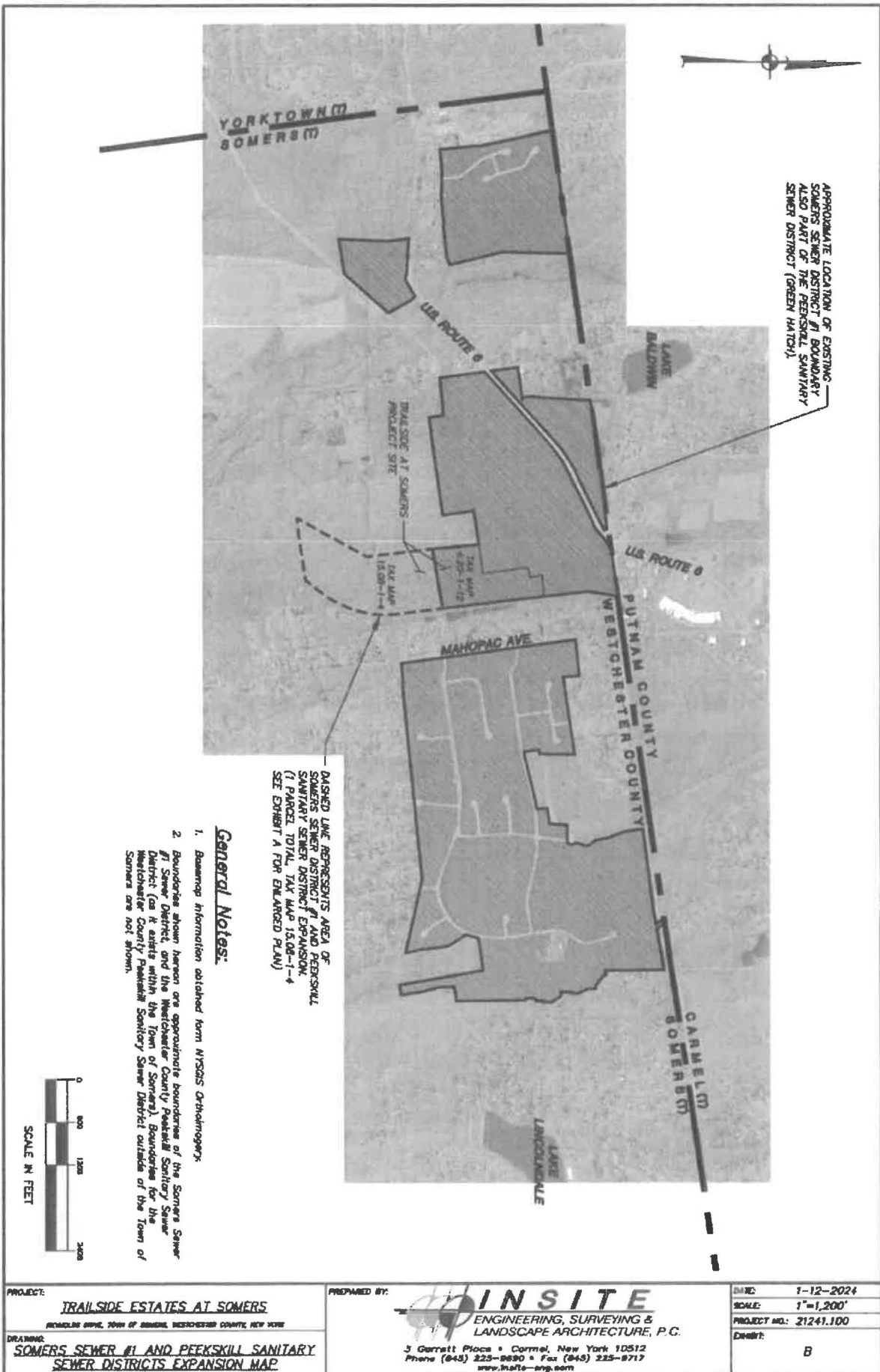


- General Notes:**
1. Boremap information obtained from NYSDAS Orthophotography.
  2. Boundaries shown herein are approximate boundaries of the Somers Sewer District #1, the Westchester County Peekskill Sanitary Sewer District (as it exists within the Town of Somers), and the Westchester County Peekskill Sanitary Sewer District outside of the Town of Somers are not shown.

|   |  |  |
|---|--|--|
| <p>PROJECT: <b>TRAILSIDE ESTATES AT SOMERS</b><br/> REYNOLDS DR., TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK</p> <p>DRAWING: <b>ENLARGED SOMERS SEWER #1 AND PEEKSKILL SANITARY SEWER DISTRICTS EXPANSION MAP</b></p> | <p>PREPARED BY: <b>INSITE</b><br/> ENGINEERING, SURVEYING &amp;<br/> LANDSCAPE ARCHITECTURE, P.C.<br/> 3 Garrett Place • Carmel, New York 10512<br/> Phone (845) 225-9650 • Fax (845) 225-9717<br/> www.insite-eng.com</p> | <p>DATE: 1-12-2024<br/> SCALE: 1" = 500'<br/> PROJECT NO.: 21241.100<br/> EXHIBIT: A</p> |
|---|--|--|

## **EXHIBIT B**

# REDUCED SCALE PLAN





## **EXHIBIT C**

Grading & Utilities Plan consisting of three total sheets, last revised January 31, 2024 (Drawing SP-2.1, SP-2.2, and SP-2.3), separately submitted

## **EXHIBIT D**

Offsite Utilities Plan, dated January 31, 2024 (Drawing SP-2.4), separately submitted

## **EXHIBIT E**



## **WASTEWATER ENGINEERING REPORT**

**For**

**Trailside Estates at Somers  
Town of Somers, New York**

**January 31, 2024**

**Prepared By**

**Insite Engineering, Surveying & Landscape Architecture, P.C.  
3 Garrett Place  
Carmel, New York 10512**

## 1.0 INTRODUCTION

The applicant, Parkview B & G, LLC is proposing to construct an 81-unit townhouse community and community center on two parcels totaling 56.8± acres in the Town of Somers. The townhouse units will consist of (58) three-bedroom units and (23) two-bedroom units. The community center will be dedicated to the Town of Somers. The tax parcels are identified as 4.20-1-12 and 15.08-1-4, located in the PH, R40 and R80 zoning districts. Access to the property is proposed through the Somers Realty Planned Hamlet via Reynolds Drive. The site is located on the south side of US Route 6 and between the Somers Realty Planned Hamlet and the North County Trailway.

A portion of the project is shown as being located in the Westchester County Peekskill Sanitary Sewer District. As part of this application, it is proposed to place the entire property in Somers Sewer District 1 and expand the county sewer district to the entirety of the property. A sanitary sewer conveyance system extension down Reynolds Drive consisting of gravity sewer main and sewer manholes was reviewed and approved by the Town and WCDOH as part of the Somers Realty Phase 3 subdivision but was not constructed. The onsite sewer service will be provided by a sewer collection and conveyance system which will connect to the terminal manhole in Reynolds Drive which was reviewed and approved by the Town and WCDOH as part of the Somers Realty Phase 3 subdivision. The sanitary sewer system will consist of an onsite gravity sewer collection and conveyance system which will discharge to one of two proposed pump stations. From the pump stations, a sewer forcemain will convey the sewage to the terminal manhole in Reynolds Drive.

## 2.0 PROJECT DESIGN FLOWS AND ANTICIPATED FLOWS

Design maximum daily wastewater flows for the proposed project are based on the hydraulic loading rates given in the New York State Department of Environmental Conservation (NYSDEC) publication *Design Standards for Intermediate Sized Wastewater Treatment Works – 2014* (Dec 14). The following table calculates the hydraulic loading rates and the design flow rates (gallons per day or gpd) for the proposed project.

**Table 1: Project Design Maximum Daily Flow Rate**

| Proposed Use                 | Hydraulic Loading Rate | Design Maximum Daily Domestic Flow (gpd) |
|------------------------------|------------------------|--|
| 58 – Three Bedroom Townhomes | 330 gpd/dwelling       | 19,140                                   |
| 23 – Two Bedroom Townhomes   | 220 gpd/dwelling       | 5,060                                    |
| Town Community Center        | -                      | 1,000                                    |
| <b>Total</b>                 |                        | <b>25,200</b>                            |

For preliminary purposes, an estimate of 1,000 gpd is assumed for the proposed community center to be dedicated to the Town of Somers.. As the project advances an actual maximum daily flow for the community center will be established based on discussions with the Town on anticipated use.

The anticipated design average daily flows for the project is expected to be significantly less than the design maximum daily design flow. The design maximum daily flows represent conservative flows to ensure that the proposed water works are designed with an ample factor of safety. The anticipated actual flows are based on occupancy rates and measured data for water use. Statistical data (obtained from *Rutgers University, Center for Urban Policy Research, Residential Demographic Multipliers*, June 2006) for the average number of occupants in a single-family attached dwelling which are owner-occupied (based on number of bedrooms) was used to calculate the expected number of residents anticipated for

the project as shown in the table below. Data from the American Water Works Association (AWWA) shows that the average in home water use is 69 gpd per person. This number is reduced to 45 gpd per person when water saving fixtures are used, which is the case for this project.

**Table 2: Design Average Daily Flow**

| Proposed Use                             | Occupancy Rate   | Total Anticipated Residents | Water Use Per Resident (gpd) | Water Use (gpd) |
|--|------------------|-----------------------------|------------------------------|-----------------|
| Town Community Center                    | -                | -                           | -                            | 1,000           |
| 58 –Three Bedroom Townhomes              | 3.08 people/unit | 179                         | 45                           | 8,055           |
| 23 – Two Bedroom Townhomes               | 2.16 people/unit | 50                          | 45                           | 2,250           |
| <b>Total Anticipated Water Use (gpd)</b> |                  |                             |                              | <b>11,305</b>   |

As demonstrated above, through the use of water saving fixtures as required by current building code, a design maximum flow of 25,200 gpd is proposed for the project, while the actual anticipated flows are 11,305 gpd.

Although the anticipated average daily flow for the project is lower than the design maximum daily flows, the design maximum daily flows are used for the design of the system. This provides an additional factor of safety in the proposed design.

The peak hourly flow for the domestic and park is calculated using a peaking factor that is based on the population of the subject project. *Recommended Standards for Wastewater Facilities - 2004* was used to determine a peaking factor of four.

#### Peak Hourly Flow

$$25,200 \text{ gpd} \div (24 \text{ hr/day}) \div (60 \text{ min/hr}) = 17.5 \text{ gallons per minute (gpm)}$$

$$\text{Peak Hourly Flow} = 17.5 \text{ gpm} \times 4 = \mathbf{70.0 \text{ gpm}}$$

### **3.0 PROPOSED CONNECTION TO SOMERS SEWER DISTRICT #1 AND THE WESTCHESTER COUNTY PEEKSKILL SANITARY SEWER DISTRICT**

Existing 6 inch and 8-inch ductile iron pipe (DIP) forcemains run along US Route 6. These sewer forcemains originate in The Preserves development, and run along US Route 6 ultimately discharging into a manhole located at the intersection of Hill and Lee Boulevards in the Town of Yorktown. Sewage then flows by gravity into the Peekskill Wastewater Treatment Plant. The sewer forcemains north of the project site are owned by the Town of Somers and are part of Somers Sewer District #1. Since the sewage from Somers Sewer District #1 discharges to the Peekskill Wastewater Treatment Plant, Somers Sewer District #1 is also part of the Westchester County Peekskill Sanitary Sewer District. The Trailside Estates at Somers Project is proposing to connect to the conveyance system constructed as part of the Somers Realty Planned Hamlet which ultimately discharges to the existing 6 inch and 8-inch diameter forcemains.

The Peekskill Wastewater Treatment Plant (WWTP) is approved for a monthly average flow of 10 mgd (million gallons per day). Based on review of the discharge monitoring reports from the United States Environmental Protection Agency (EPA), the Peekskill WWTP has averaged between 5.15 to 8.11 mgd over the past 24 months. The proposed project would create an additional 0.03 mgd. Therefore, there is sufficient capacity in the Peekskill WWTP to accommodate the proposed project.

### **4.0 PROPOSED COLLECTION SYSTEM COMPONENTS**

A gravity sewage collection and conveyance system consisting of 8-inch diameter PVC SDR 35 sewer mains and precast concrete manholes will be installed onsite. The sewage collection and conveyance system will flow by gravity to one of two onsite pump stations. Two duplex pump stations are proposed to be installed and will connect to the approved terminal sewer manhole and gravity sewer system along Reynolds Drive. A backup generator will be provided for each pump station to power the pumps in the event of power failure. The proposed sewer collection and conveyance system will consist of



both onsite improvements and offsite improvements along Reynolds Drive, Columbus Street and Hoyt Street. The onsite and offsite improvements are proposed to consist of the following:

- A. Offsite Improvements:
  - a. Proposed Sewer Manholes: 8 Total
  - b. Proposed 8" Diameter Sewer Main: 1,210 length feet
  - c. Proposed Sewer Forcemain: 340 length feet
- B. Onsite Improvements:
  - a. Proposed Sewer Manholes: 26 Total
  - b. Proposed 8" Diameter Sewer Main: 4,140 length feet
  - c. Proposed Sewer Forcemain: 2,650 length feet
  - d. Two Sewer Pump Stations and Two Valve Pits

Wastewater flow from each townhome will be conveyed by individual 4" diameter PVC SDR 35 sewer service connection. The service connections will be installed with a minimum slope of  $\frac{1}{4}$ " per foot meeting the requirements of DEC 14. Each sewer service connection will connect to an 8" PVC SDR 35 gravity sewer main. The 8" gravity sewer mains will flow the proposed onsite pump stations to be conveyed to the sewer conveyance system along Reynolds Drive which was previously approved and proposed to be constructed as part of this project. As part of the proposed connection the Somers Realty Planned Hamlet Pump Station will be analyzed to determine if any modifications are necessary.

All PVC SDR 35 pipe will contain rubber push on gaskets at pipe connections. Sewer manholes will be installed at all bends for access and maintenance. All sewer manholes will have exterior asphalt coating and contain water tight connections at all pipe connections. Cleanouts will be provided on each sewer service connection just outside of the townhomes. All sewer mains will be pressure tested, and all manholes vacuum tested in accordance with the *Recommended Standards for Wastewater Treatment Works*.

## 5.0 PUMP STATION DESIGN

Wastewater flow from each townhome and the proposed community center will be conveyed by gravity to one of two onsite sewer pump stations. Sewer pump station #1 is located at the southern end of the project site. Wastewater from the southern most 60 townhome units are conveyed by gravity to sewer pump station #1. From pump station #1, a sewer forcemain conveys the wastewater across the project site and discharges to an onsite sewer manhole where it is then conveyed by gravity to sewer pump station #2. Sewer pump station #2 is located in the northeast corner of the project site. The wastewater from the remaining 21 townhome units and community center are conveyed by gravity to sewer pump station #2. The sewer forcemain from pump station #2 conveys all of the onsite wastewater to the terminal sewer manhole along Reynolds Drive.

The pump stations will be sized to convey at a minimum the peak hourly flow from the subject project and the community center. The pumps will need to achieve this flow rate while pumping against the static and friction heads in the system. The static head the pumps will need to overcome will be from the liquid level in the pump station wet well the elevation of the terminal sewer manhole along Reynolds Drive. Duplex grinder pumps are proposed for each pump station. The grinder pumps allows a smaller diameter forcemain, which will help to achieve a minimum velocity of 2.0 ft/s in the proposed forcemains in accordance with DEC 14. A 3-inch diameter forcemain is envisioned. Headloss calculations and pump sizing will be provided in future reports.

### 5.1 Pumps and Pump Controls

Duplex submersible grinder pumps are proposed to convey the sewage flow contributing to each pump station generated from the proposed development. The pumps will be housed in a six-foot diameter wet well. The submersible pumps will be controlled via a liquid level probe in the wet well that will turn the pumps on or off depending on the water level within the wet well. The pump

controller will also alternate the lead/lag designation of the pumps. Additionally, a backup float system will be provided to operate the pumps independent of the probe controls in the event of a probe control system failure.

## 5.2 Pump Design Criteria

As discussed above, the pump design is based on the average design flow reaching the pump station and a peaking factor of 4.0. The static head and losses associated with bends, entrance and exit losses and valves to calculate a total dynamic head (TDH) at the peak flow using a Hazen-Williams "C" value of 120. The specific flows and TDHs for the pump station are discussed below.

Based upon an average daily flow rate of 25,200 gallons per day (gpd) and a peaking factor of 4.0, a peak design sewage inflow rate of 70 gallons per minute (gpm) was calculated for the entire project. Separate peak design sewage inflow rates will be calculated for each pump station based on the number of townhomes conveyed to each station.

## 5.3 Pump Controls

A submersible level control system is proposed for each of the pump stations. This system is composed of a submersible level transducer to control and monitor the operation of the duplex pump station and provide lead-lag automatic alternation, high and low level alarms (Visual and Audible).

Both submersible grinder pumps within each pump station will shut off at the "both pumps off" set point. When the level in the wet well rises to the second set point, "lead pump on", a signal will be sent to the control panel to turn the lead pump on. The "lead pump on" set point will be 1 foot above the "both pumps off" set point. The lead pump shall operate until the liquid level reaches both pumps off level (pump(s) shut off). If the liquid level in the wet well continues to rise to the "lag pump on" set point, 6 inches above the "lead pump on" set point, the control panel will, in addition to the lead pump, turn on the lag pump. The further rise of the liquid level within the wet well 6 inches to "High Level Alarm" set point will result in an alarm condition being transmitted to operating personnel via an auto-dialer to the sewer system operator.

In the event that the primary control system fails to operate the pumps, and the wet well level rises above the high-level alarm set point, a back-up float pump control system will override the primary pump controller and take over control of the pumps. Upon the liquid level reaching 6 inches above the "high level alarm", the back-up float will turn on both the lead and lag (after 45 second delay for lag) pumps. Upon the liquid level reaching 6 inches below the low alarm, a backup float will simultaneously turn both pumps off. The station will continue to operate in this mode until the alarm condition is corrected and the primary pump control system has been placed back into operation.

## 5.4 Wet Well

The pump station wet well has been designed based on the average daily flow reaching the pump station. The pump dose volume for each pump station is set to provide less than 30-minute detention time, at the average daily flow as recommended by *Recommended Standards for Wastewater Facilities*.

Guidrails for the lifting and lowering of the proposed submersible grinder pumps will be provided. A portable hoist socket has been provided at the top of the wet well. This socket will be compatible with a portable hoist currently used by the Somers Sewer Department in order to lift and lower the submersible pumps.

## 5.5 Valve Pit

A precast concrete valve pit will be provided for the pump station to house gate valves, check valves, plug valves and a bypass piping system. The valve pit will also house discharge pressure

gauges on the forcemain. The valve pit will be provided with a floor drain to the wet well for removal of accumulated water. A gate valve will be provided on the drain line.

#### 5.6 Check Valves

Check valves will be provided on both pump discharge headers. The proposed check valves will be swing type with a weight and lever. The check valves will have a pressure rating of 150 psi.

#### 5.7 Control Panel

The controls for the pump station will be post mounted inside the pump station fence. Controls will include power panels, a transfer switch for auxiliary power, pump control panel, and an autodialer. The controls will be house in a weather proof NEMA enclosure. Access to the pump pit area will be provided via a 10-foot wide gate.

#### 5.8 Auto-dialer and Alarm Communication

In order to transmit pump station alarm conditions, an autodialer with telephone will be provided. Alarm conditions will include pump station "Wet Well High Level" alarm, "Wet Well Low Level" alarm, "Power Failure" alarm and "Pump Failure" alarm. The auto-dialer will be capable of transmitting the four alarms separately. The power and pump failure systems will also have contacts connected to the autodialer. The autodialer shall call a designated representative of the owner and Adam Smith at the Town of Somers Sewer Department. Dial out numbers will be coordinated at startup.

#### 5.9 Forcemains

The proposed sewer forcemains will be used to convey raw sewage from the sewer pump stations to the terminal sewer manhole along Reynolds Drive. Two (2) 3" diameter PVC SDR 21 forcemains are envisioned. The PVC SDR 21 will have bell and spigot joints and factory installed gaskets. The fittings and elbows will be glued SCH 80 fittings. Any horizontal or vertical bends will be provided with concrete thrust blocks. The forcemain shall be provided with 3'-6" minimum cover.

#### 5.10 Emergency Backup Power

The controls, autodialer and telephone modem will be connected to an uninterrupted power supply (UPS) to maintain control and communications while the backup generator starts.

A natural gas generator will supply backup power. The generator will be able to run both the lead and lag pump, controls and communications. An automatic transfer switch will provide automatic startup of the backup generator and automatic transfer between primary and backup power as required.

" EXHIBIT "B"

Record & Return to:  
Roland A. Baroni, Jr.  
ABRAMSFENSTERMAN,LLP  
81 Main Street, Suite 400  
White Plains, NY 10601

At a meeting of the Town Board of the Town of Somers at Town Hall located at 335 Route 202, Somers, Westchester County, New York on the 13<sup>th</sup> day of February, 2025 at 7:00 P.M.

**RESOLUTION TO EXTEND THE  
SOMERS SEWER DISTRICT #1**

WHEREAS, a Petition, Map, Plan and Report have been prepared by PARK.VIEW B & G, LLC dated April 12, 2024, for the extension of the Somers Sewer District #1 of the Town of Somers, New York, and duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on October 10, 2024, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying November 14, 2024 at 7:00 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such Order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 14<sup>th</sup> day of November, 2024 commencing at 7:00 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed; and

WHEREAS, the Town Board as Lead Agency under SEQRA adopted a Negative Declaration February 13, 2025 having conducted a complete environmental review under SEQRA; and

WHEREAS, the Town Board has reviewed the submissions for the Proposed Action and, in particular, the Map, Plan and Report dated April 12, 2024, pertaining to the proposed extension of the Somers Sewer District #1; and

WHEREAS, based upon its review of the submitted petition and the environmental record for the Proposed Action, the Town Board makes the following environmental findings pursuant to SEQRA:

1. As discussed in the Map, Plan and Report, there is adequate capacity in the existing system to service the project.

2. The Town Board has weighed and balanced relevant environmental impacts with social, economic and other considerations.
3. The Town Board hereby certifies that the requirements of Part 617 of Title 6 NYCRR have been met.
4. The Town Board hereby certifies that consistent with the social, economic and other essential considerations, from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental 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.

NOW, upon the evidence given at such hearing and on motion of Supervisor Scorrano seconded by Councilman Ciriaco, it is

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; (b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of the Somers Sewer District #1 as proposed in said petition be approved; that such extension be designated as "Parkview Water Extension"; that the improvements to be constructed by the Petitioner or its successors be constructed at the sole cost and expense of the Petitioner, and such extension be bounded and described as set forth in **Schedule A** attached hereto; and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

Roll Call:

Vote:

|                               |     |
|-------------------------------|-----|
| Hon. Robert Scorrano          | AYE |
| Councilman Anthony Ciriaco    | AYE |
| Councilman William Faulkner   | AYE |
| Councilman Richard G. Clinchy | AYE |
| Councilman Thomas A. Garrity  | AYE |

STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
TOWN OF SOMERS

I, PATRICIA KALBA, Town Clerk of the Town of Somers, do hereby certify that I have compared the preceding Resolution with the original thereof filed in my office at Town Hall, 335 Route 202, Somers, Westchester County, New York, that the same is a true and correct copy of said original and the whole thereof.

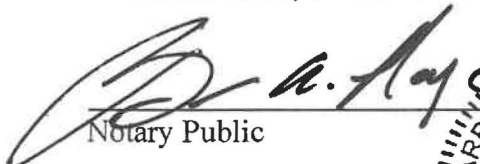
I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

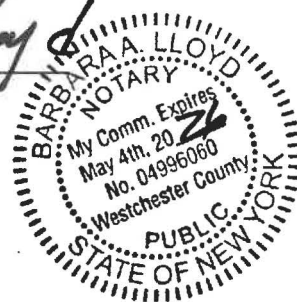
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19<sup>th</sup> day of February, 2025.

  
PATRICIA KALBA  
Town Clerk

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER        )

On the 19<sup>th</sup> day of February in the year 2025 before me, the undersigned personally appeared PATRICIA KALBA, Town Clerk of the Town of Somers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public



## SCHEDULE A

Tax Parcels

1. 4.20-1-12

2. 15.08-1-4



## EXHIBIT "C"

a

Record & Return to:  
Roland A. Baroni, Jr.  
ABRAMSFENSTERMAN,LLP  
81 Main Street, Suite 400  
White Plains, NY 10601

At a meeting of the Town Board of the Town of Somers at Town Hall located at 335 Route 202, Somers, Westchester County, New York on the 13<sup>th</sup> day of February, 2025 at 7:00 P.M.

**RESOLUTION TO EXTEND THE  
SOMERS CONSOLIDATED WATER DISTRICT No.1**

WHEREAS, a Petition, Map, Plan and Report have been prepared by PARK.VIEW B & G, LLC dated April 12, 2024, for the extension of the Somers Consolidated Water District No. 1 of the Town of Somers, New York, and duly presented to this Town Board; and

WHEREAS, an Order was duly adopted by the Town Board on October 10, 2024, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed extension, and the estimated expenses thereof and specifying November 14, 2024 at 7:00 p.m. as the time and the Town Hall in said Town as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such Order was duly posted, published and served as required by law; and

WHEREAS, a hearing in the matter was duly held by the Board on the 14<sup>th</sup> day of November, 2024 commencing at 7:00 p.m. o'clock at the Town Hall in said Town and considerable discussion upon the matter having been had, and all persons desiring to be heard having been duly heard and thereupon the hearing being duly closed; and

WHEREAS, the Town Board as Lead Agency under SEQRA adopted a Negative Declaration February 13, 2025 having conducted a complete environmental review under SEQRA; and

WHEREAS, the Town Board has reviewed the submissions for the Proposed Action and, in particular, the Map, Plan and Report dated April 12, 2024, pertaining to the proposed extension of the Somers Consolidated Water District No. 1; and

WHEREAS, based upon its review of the submitted petition and the environmental record for the Proposed Action, the Town Board makes the following environmental findings pursuant to SEQRA:

1. As discussed in the Map, Plan and Report, there is adequate capacity in the existing system to service the project.

2. The Town Board has weighed and balanced relevant environmental impacts with social, economic and other considerations.
3. The Town Board hereby certifies that the requirements of Part 617 of Title 6 NYCRR have been met.
4. The Town Board hereby certifies that consistent with the social, economic and other essential considerations, from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental 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.

NOW, upon the evidence given at such hearing and on motion of Supervisor Scorrano seconded by Councilman Faulkner, it is

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers with respect to the boundaries of the proposed district extension as herein approved and it is otherwise sufficient; (b) all property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the proposed district expansion; and (d) that it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED AND DETERMINED, that the extension of the Somers Consolidated Water District No. 1 as proposed in said petition be approved; that such extension be designated as "Parkview Water Extension"; that the improvements to be constructed by the Petitioner or its successors be constructed at the sole cost and expense of the Petitioner, and such extension be bounded and described as set forth in **Schedule A** attached hereto; and it is further

RESOLVED, that the Town Clerk shall file certified copies thereof, in duplicate, in the office of the State Department of Audit and Control in Albany, New York and record same with the County Clerk, County of Westchester, Division of Land Records within ten (10) days hereof.

Roll Call:

Vote:

|                               |     |
|-------------------------------|-----|
| Hon. Robert Scorrano          | AYE |
| Councilman Anthony Ciriaco    | AYE |
| Councilman William Faulkner   | AYE |
| Councilman Richard G. Clinchy | AYE |
| Councilman Thomas A. Garrity  | AYE |

STATE OF NEW YORK

COUNTY OF WESTCHESTER  
TOWN OF SOMERS

I, PATRICIA KALBA, Town Clerk of the Town of Somers, do hereby certify that I have compared the preceding Resolution with the original thereof filed in my office at Town Hall, 335 Route 202, Somers, Westchester County, New York, that the same is a true and correct copy of said original and the whole thereof.

I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

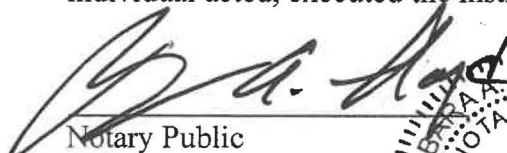
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19<sup>th</sup> day of February, 2025.




PATRICIA KALBA  
Town Clerk

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER        )

On the 19<sup>th</sup> day of February in the year 2025 before me, the undersigned personally appeared PATRICIA KALBA, Town Clerk of the Town of Somers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public



**SCHEDULE A**

## Tax Parcels

1. 4.20-1-12

2. 15.08-1-4

**ANNUAL REPORT OF THE WESTCHESTER COUNTY  
SOLID WASTE COMMISSION  
FOR 2024**

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**2024 Commission Board Members**

HON. ANTHONY SCARPINO, CHAIRPERSON

KEN JENKINS, DEPUTY COUNTY EXECUTIVE

KARIN HABLOW, COMMISSIONER OF FINANCE

TERRANCE RAYNOR, COMMISSIONER OF PUBLIC SAFETY

JAMES MAISANO, DIRECTOR OF CONSUMER PROTECTION

VINCENT KOPICKI, COMMISSIONER OF ENVIRONMENTAL FACILITIES

JENNIFER FIELDS-TAWIL

*Peri Alyse Kadanoff, Esq.*  
EXECUTIVE DIRECTOR

**PREPARED FOR HON. KEN JENKINS  
WESTCHESTER COUNTY EXECUTIVE,  
AND  
THE WESTCHESTER COUNTY  
BOARD OF LEGISLATORS**

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## INTRODUCTION

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In August 1999, the Westchester County Board of Legislators enacted and County Executive Andrew J. Spano signed into law “The Westchester County Solid Waste and Recyclables Collection Licensing Law” (“Chapter 826-a”). Chapter 826-a was enacted following disclosures made during a series of legislative hearings that the solid waste and recyclables collection industries in Westchester County were permeated and dominated by Organized Crime. The hearings revealed that organized crime-controlled cartels produced anti-competitive effects in the industry including, but not limited to, price-fixing; the prevention of new entry into the industry; the existence of unconscionable customer contract terms; and the incidence of corruption. Chapter 826-a was enacted in an attempt to address these problems, with the goals of eliminating the influence of organized crime in the Solid Waste and Recyclables collection industries; ensuring that only individuals of suitable good character, honesty and integrity are licensed to operate within the Solid Waste and Recyclables collection industries; and increasing competition.

The Westchester County Solid Waste Commission hereby submits its Annual Report for 2024.

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## MISSION STATEMENT OF THE WESTCHETER COUNTY SOLID WASTE COMMISSION

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The mission of the Westchester County Solid Waste Commission is to promote the general health, welfare and safety of the citizens of Westchester County by regulating the industry and ensuring that only individuals and companies of good character, honesty and integrity receive and retain licenses to operate in the Solid Waste and Recyclables hauling and disposal industries; increasing competition among haulers and enhancing consumer choice; seeking to eliminate fraud and the influence of Organized Crime and other organized criminal activity and bad actors in the Solid Waste and Recyclables hauling and disposal industries; and ensuring that any and all haulers and transfer stations that are either collecting, storing, transporting and or dumping Solid Waste and Recyclables within Westchester County are in full compliance with the Laws of Westchester County.

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## DEPARTMENT RESPONSIBILITIES

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- A. To perform background checks on all Applicants and principals seeking a license to operate in the Solid Waste and Recyclables hauling industry in Westchester County so as to evaluate their good character, honesty and integrity.
- B. To issue licenses for the performance of activities for which a license is required by Chapter 826-a.
- C. To ensure that only Solid Waste Commission licensees and permittees collect, haul, store and/or dispose of Solid Waste and Recyclables at transfer stations within Westchester County, and that licensees use only trucks registered with the Solid Waste Commission.
- D. To investigate all complaints by and against haulers that occur within, or impact, Westchester County.
- E. To encourage entry into the industry and encourage competition within the industry in Westchester County.
- F. To partner with the Department of Public Safety and other agencies, on investigations of possible criminal activity related to the Solid Waste and Recyclables hauling industries in Westchester County.

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## SOLID WASTE COMMISSION LICENSING CATEGORIES

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The Solid Waste Commission issues licenses by the type of waste expected to be hauled, collected, stored, processed, transferred, transported and/or disposed of in Westchester County.

These licenses are:

Class A: for a hauler that collects, stores, processes, transfers, transports and/or disposes of any type of waste, including Municipal Solid Waste, Construction and Demolition Debris, Recyclables, garden and yard waste and Scrap. Class A licensees may also conduct Class B, Class C, Class D, Class E and Class F activities.

Class B: for a hauler that collects, stores, processes, transfers, transports or disposes of recyclables.

Class C: for a hauler that exclusively collects, stores, processes, transfers, transports or disposes of construction and demolition debris. There are two types of Class C licenses:

Class C-1: for a business that generates construction and demolition debris; and which, incidental to such business, hauls the construction and demolition debris itself.

Class C-2: for a hauler that hauls construction and demolition debris generated by others.

Class D: for a hauler that collects, stores, processes, transfers, transports or disposes of garden or yard waste.

Class E: for a hauler that exclusively collects, stores, processes, transfers, transports or disposes of scrap (a scrap peddler business).

Class F: for a hauler that exclusively collects, stores, processes, transfers, transports or disposes of food waste.

The Commission also issues licenses for Solid Waste Brokers, which are persons or business entities that, for a fee, broker agreements between commercial establishments and haulers, or evaluate the waste generated by commercial establishments in order to recommend cost efficient means of waste disposal or other changes in related business practices.

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## ASSET OR BUSINESS SALE TRANSACTIONS, MERGERS, ACQUISITIONS, OR OTHER BUSINESS RESTRUCTURING OR REORGANIZATION

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The Commission reviews proposed purchases, sales, asset sales, ownership interest in stock, merger and acquisition transactions, which licensees are required to submit before the sale or purchase of their company or a substantial portion of their company, including routes, trucks and customer lists, to determine



whether such transaction may have a substantial impact on Westchester County operations of the company and ensure that the Solid Waste and Recyclables industry in the County maintains a competitive balance.

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**APPLICANTS FOR LICENSES TO HAUL SOLID WASTE AND RECYCLABLES IN WESTCHESTER COUNTY: BACKGROUND INVESTIGATIONS, LICENSING DECISIONS**

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Chapter 826-a requires that the Commission investigate the backgrounds of Applicants for Solid Waste Commission licenses, and their principals. As part of the background investigation process, individuals identified as the principals of New Applicants as well as other individuals determined to be working in a decision making or managerial capacity will have to fill out the proper forms and submit to fingerprinting and, possibly, an interview as determined by the Commission.

Chapter 826-a authorizes the Commission to issue “Permits to Operate” to companies wishing to operate in Westchester County, on a probationary basis for one year, while the background investigation continues. Permits to Operate enable such companies to operate in the Westchester County market during the completion of their background investigations, thereby increasing the number of companies available to work in Westchester County.

During 2024, the Commission continued to receive and review applications from companies seeking licenses to haul Solid Waste and Recyclables in Westchester County. The following constitutes a breakdown of the approved new Applicants for Commission licenses (“New Applicants”) for a total of **101** new Permit holders:

**NEW PERMITS ISSUED BY CLASS**

|                | Class A | Class B | Class C1 | Class C2 | Class D | Class E | Class F | Brokers | Total |
|----------------|---------|---------|----------|----------|---------|---------|---------|---------|-------|
| New applicants | 15      | 2       | 34       | 36       | 5       | 0       | 6       | 3       | 101   |

Once the Commission staff deems the company issued a “Permit to Operate” to have completed the term without any outstanding issues regarding their background nor any problematic issues arising during the time period, it is recommended to the Commission that the Permits to Operate be converted to Licenses.

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**INSPECTIONS, INVESTIGATIONS & ENFORCEMENT**

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During 2024, the Solid Waste Commission conducted numerous inspections and investigations throughout Westchester County, at transfer stations and at active construction sites. As a result of these efforts, in addition to paying fines, unlicensed haulers either applied for Commission licenses, or chose to cease operating with Westchester County. Further, as a result of Commission inspections, investigations and related enforcement actions, licensed companies that used unregistered trucks to haul solid waste also paid fines and either registered their trucks with the Commission and paid the required registration fees, or ceased to use them in the County. The goal of these enforcement actions is to obtain full compliance with

Chapter 826-a of the Laws of Westchester County by those persons or entities collecting, storing, transporting, transferring, processing or disposing of solid waste and/or recyclables within Westchester County.

**Transfer Stations Records:**

The Commission staff requires transfer station operators to supply lists of companies that dumped waste or recyclables at their facilities. The Commission’s staff utilizes these records to identify companies that are not licensed by the Commission and corroborate observations made during inspections at the transfer stations.

**Customer Complaints:**

The Solid Waste Commission investigated complaints by customers about billing discrepancies, contract disputes with their haulers, service problems and other issues. Customers and haulers were interviewed, the sites in question were inspected, and where appropriate, the Commission intervened to help rectify problems in a myriad of ways. When interviewing customers, the Inspectors often ask to review copies of their service contracts. Where serious issues were discovered, we conducted long-term investigations into a customer’s allegations. In some cases, investigative findings resulted in Commission enforcement actions or, where appropriate, referral to law enforcement authorities.

**Contract Reviews:**

Under certain circumstances, the Commission staff reviews the service contracts issued to customers by licensed and permitted haulers, including the mandatory incorporation of the Customer Bill of Rights into their service contracts.

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**COMPLIANCE AND HEARINGS**

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During 2024, the Commission issued Notice of Hearings for violations to persons or entities for the following violations:

| <u><b>Types of Violations Issued</b></u>    | <u><b>Number of Violations Issued</b></u> |
|---|---|
| <b>Unlicensed Operation</b>                 | <b>123</b>                                |
| <b>Failure to Label a Vehicle/Container</b> | <b>4</b>                                  |
| <b>Unregistered Vehicle</b>                 | <b>36</b>                                 |
| <b>Prohibited Practice</b>                  | <b>1</b>                                  |
| <b>Failure to Pay Commission Fees</b>       | <b>2</b>                                  |
| <b>Failure to Properly Display Decals</b>   | <b>5</b>                                  |

|   |            |
|---|------------|
| <b>Revocation</b>                               | <b>0</b>   |
| <b>Suspension</b>                               | <b>1</b>   |
| <b>Subcontracting Work to Unlicensed Hauler</b> | <b>2</b>   |
| <b>TOTAL</b>                                    | <b>174</b> |

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## LAW ENFORCEMENT

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### Investigations

During 2024, the Commission continued to work with Law Enforcement and other government officials throughout the region incident to Commission investigations, including:

- The New York City Business Integrity Commission
- The New Jersey Department of Environmental Protection
- The New York State Department of Environmental Conservation (“DEC”)
- Several municipalities within the County

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## SOLID WASTE COMMISSION BUDGET

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The Solid Waste Commission’s budget is entirely **self-funded** through the Application, Background Investigation, Licensing, Registration, and Transfer Station fees charged to Applicants and Licensees, in addition to the collection of fines imposed for violations.

### Fees:

**For Class A, B and C-2 Licensees:** Initial and then bi-annual application fees of \$350 per Applicant and \$350 per Principal; and annual licensing fees of \$1,000 per Licensee (which includes decals for one vehicle); \$1,000 per vehicle (\$500 for Class B) used by licensee beyond the first vehicle. Initial backgrounds cost \$1400 for the company and \$765 per principal, and every four years a renewal background costs \$1000 for the company and \$550 per principal.

**For Class C-1, D, E and F Licensees:** bi-annual application fee of \$45 per applicant, and annual licensing fees of \$100 per licensee (which includes decals for one vehicle) and \$100 per vehicle used by licensee beyond the first vehicle;

**For Solid Waste Brokers:** Initial application fees of \$350 per Applicant and \$350 per Principal, then bi-annual application fees of \$100 per Applicant and \$100 per principal, and annual licensing fees of \$250. Initial Backgrounds cost \$1400 for the company and \$765 per principal, and every four years a renewal background costs \$1000 for the company and \$550 per principal. Brokers do not have vehicles”

**Transfer Station Fee (and Recycling Credit information):** - \$20,000 per year

Chapter 826-a includes an incentive for the industry to recycle and re-use materials in the form of a recycling credit for transfer stations, based upon the percentage of the materials they accept that they re-use or recycle. The credit reduces the annual \$20,000 transfer station fee, and ranges from a \$500 to \$7,500 credit when a facility recycles or re-uses from 11% to 100% of materials. A facility that recycles or re-uses between 0 to 10% of materials is not entitled to a credit.

**Final Disposal Site Fee** - \$50,000 per year

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## NEW INITIATIVES

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**New Program for 2024 – Small Business Initiative (for eligible C-2 Haulers)** - The Westchester County Solid Waste Commission Small Business Incentive Pilot Program was implemented in 2024 to remove a financial barrier, allowing eligible small businesses the ability to enter the hauling market while complying with regulatory mandates. Such small businesses operating in Westchester County stimulate economic activity by developing more business opportunities within the county. All companies who meet the Solid Waste Commission’s small business eligibility requirements, either new or existing, will pay significantly reduced fees. The Small Business Incentive fee schedule and eligibility criteria is listed on the Solid Waste Commission website.

**Transfer Stations** – In an effort to maintain consistency and equity amongst the disposal industry in the County, this year we focused our attention on identifying unlicensed transfer stations operating in the County and have succeeded in newly licensing five (5) Transfer Stations.

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## GENERAL PROTECTION FOR THE PUBLIC BY CHAPTER 826-A

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Chapter 826-a was originally enacted to prevent Organized Crime from controlling Westchester County hauling industry. That goal now also includes ensuring that only those with integrity and good character participate in the hauling industry in Westchester County, and also the prevention of organized criminal activity in the industry. The goal of the County Executive and the Board of Legislators remains to prevent the recurrence of anti-competitive effects in the industry including, but not limited to, price-fixing; the prevention of new entry into the industry; the existence of unconscionable customer contract terms; and the incidence of corruption. One method utilized in this effort was the inclusion of the “Customer Bill of Rights” (“the Bill of Rights”) in Chapter 826-a.

The Bill of Rights, which must be incorporated into all customer contracts, provides consumers with certain protections that cannot be waived by any agreement between a hauler and a customer.

Specifically, the provisions are the following:

Pursuant to Chapter 826.402(3)(c) of the Laws of Westchester County, the Customer shall be entitled to the following rights which cannot be waived:

1. This Service Contract shall not exceed (2) years in duration unless the Customer is a Municipality which, after establishing good cause for such waiver, has received a formal waiver of the contract term limit from the Commission.
2. A Service Contract which provides for automatic renewal shall be terminable by the Customer, without penalty, on thirty (30) days written notice to the Service Provider at any time during any renewal term of the Service Contract.
3. The Customer shall not be required to give the Service Provider more than (30) days' notice of its intent to exercise its option to terminate or its option to renew an existing Service Contract prior to the expiration of such existing Service Contract.
4. All Service Contracts shall be terminable by the Customer, without penalty, during the final thirty (30) days of any regular Service Contract term or for the thirty (30) day period following any and all proposals made to a Customer by the Service Provider with whom the Customer currently contracts, where such proposal includes a proposal for a new Service Contract which will commence prior to the end of the regular term of the existing Service Contract.
5. Any notice of Service Contract termination from the Service Provider to the Customer shall be in writing, unless otherwise specifically requested by the Customer.
6. Any notice of Service Contract termination from the Customer to the Service Provider may be made by the Customer or the Customer's Agent either: (i.) in writing by facsimile or regular mail; or (ii.) orally by a telephone call to the Service Provider's office.
7. In the event that the Service Provider's license or registration to provide solid waste services is suspended or revoked by the Westchester County Solid Waste Commission, the Service Provider shall notify the Customer, in writing, within (5) business days of the suspension or revocation.
8. A Customer who is notified, by the Service Provider or otherwise, of the suspension or revocation of its Service Provider's license or registration may, immediately and without penalty, terminate this Service Contract.
9. In the event of Service Contract termination prior to the end of any regular contract term, the Service Provider shall not require the Customer to pay liquidated damages.
10. The Customer shall not be required to inform the Service Provider of competitive offers which it may receive for the removal, collection or disposal of refuse and recyclable materials.
11. The Customer shall not be required to give the Service Provider an opportunity to match the terms of any competitive offer which may be made to a Customer by any potential competitor.
12. The Customer shall not be required to contract exclusively with the Service Provider named herein for the removal of the Customer's refuse and recyclable materials. However, a municipal Customer may request such an exclusivity provision in its Service Contracts pursuant to its procurement policy.
13. The Service Provider herein shall not discontinue service to the Customer unless at least thirty (30) days advance written notice has been given to such Customer.
14. The Service Provider shall give the Customer no less than (i.) thirty (30) days advance written notice of proposed rate increases or (ii.) sixty (60) days notice of subcontracting or contract assignment. Upon receipt of such written notice, a Customer may terminate its Service Contract, without penalty, by giving fourteen (14) days notice to the Service Provider. Such notice may be given by the Customer at any time prior to the commencement of the rate increase or the implementation of the assignment or subcontracting.

15. The Service Provider shall promptly provide the Customer with any and all informational notices which the Westchester County Solid Waste Commission may develop or prescribe.

16. In the event that the Service Provider herein shall fail to comply with any of the requirements provided in Paragraphs 1-15, above, in connection with this Contract for Solid Waste Services, or shall integrate provisions into this Service Contract which impairs the Customer's rights as outlined in Paragraphs 1-15, above, the Customer shall be entitled to, immediately and without penalty, terminate this Service Contract. In the event that the Customer believes that such a failure to comply has occurred, the Customer is urged to consult with the Westchester County Solid Waste Commission in order to clarify the Customer's rights and obligations pursuant thereto.

17. All Customers have the right and are encouraged to contact the Westchester County Solid Waste Commission to register a complaint against a Service Provider in the event that the Service Provider

(a.) fails to provide the services as agreed under the Service Contract,

(b.) fails to comply with the requirements outlined in this Customer Bill of Rights or

(c.) engages in any of the following prohibited practices:

(i.) Makes a false or misleading statement to the Customer or a prospective Customer;

(ii.) Threatens or attempts to intimidate a Customer or a prospective Customer;

(iii.) Imposes or attempts to impose liquidated damages upon a Customer for termination of a Service Contract;

(iv.) Retaliates against a Customer or prospective Customer that has made a complaint to the Westchester County Solid Waste Commission or has exercised or attempted to exercise a right under Chapter 826-a of the Laws of Westchester County; or

(v.) Discourages a Customer or prospective Customer, who has a question or inquiry concerning the Customer's or the prospective Customer's rights or obligations concerning solid waste, from contacting the Westchester County Solid Waste Commission.

The Bill of Rights specifically urges customers to contact the Commission if they believe that a hauler has failed to comply with the Bill of Rights, or has failed to provide the services as agreed upon under their Service Contract.

As a result of this provision, the Commission fields questions and complaints from customers and haulers. Generally, the complaints fall into four main categories: billing disputes between customers and haulers; failure to provide service/service deficiency; misleading and/or coercive sales tactics; and questions about the existence or validity of contracts.

The Commission investigates allegations that sales representatives of Licensees attempt to obtain new customers by making factual misrepresentations about their competitors or about the County's Solid Waste Commission law.

Respectfully submitted:

Westchester County  
Solid Waste Commission



## TOWN OF NORTH CASTLE

Town Hall - 15 Bedford Road  
Armonk, New York 10504  
[northcastleny.com](http://northcastleny.com)

Established 1736

Joseph A. Rende  
Supervisor

(914) 273-3000 x53  
[jrende@northcastleny.com](mailto:jrende@northcastleny.com)

February 5, 2025

Clerk of the Board of Legislators  
Vedat Gashi, Chair and  
Board of Legislator Members  
County Board of Legislators  
8<sup>th</sup> Floor, Michaelian Office Bldg.  
148 Martine Avenue  
White Plains, NY 10601

**Re: Recertification of Westchester County Agricultural District Number One**

The Town of North Castle has had a long agrarian history with farming being North Castle's principal industry prior to 1850. However, by the beginning of the twentieth century, wealthy families from New York City began to purchase farms to create large summer estates. Since that time the farmland to residential conversion process has continued apace so that agricultural land now constitutes only a small fraction of total land acreage within the Town. Over the last one hundred years North Castle has had to address balancing the desire to preserve the Town's farming roots with the reality of the Town being a very desirable residential community.

The Town of North Castle, as a Hudson River Valley Greenway **Compact Community**, has expressed its commitment to scenic, natural, historic, cultural and recreation resources, including farmland protection and farmland economic development strategies. The Town encourages the protection of farmland and discourages its further conversion to residential uses by expressly permitting farm uses and horse breeding and boarding in almost every zoning district and within all residential zoning districts within the Town of North Castle.

The Town of North Castle is concerned, however, that if property were placed in the Agricultural District, the property owner may petition the NYS Dept of Agriculture and Markets to review our local Town Code in order to determine whether our existing regulations regarding farming and horse breeding are "unreasonably restrictive" for a farmer in the Agricultural District. If a determination were to be made that our laws are too onerous, it is possible that our local regulations will be found in violation of the Agriculture and Markets law, and we will need to exempt this class of use from

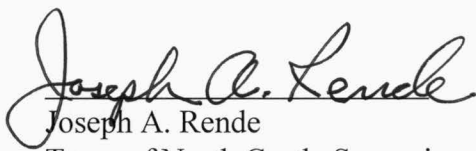
local land use control. The Town of North Castle feels that if such a determination were made that it would negatively impact the health, safety and general welfare of the residents of North Castle.

It is noted that Westchester County is very different from some of our more rural counties in other parts of New York State. In Westchester County, and North Castle in particular, it is likely that any farm use will be in close proximity to residential uses, commercial uses or environmentally sensitive areas. While the Town encourages farming within the community, the Town acknowledges a need to regulate the land use and environmental impacts a farm may have upon surrounding properties given the suburban nature of the Town of North Castle.

In addition, the Town recognizes the need to ensure that the development of land, including farmland, is environmentally sensitive. The majority of undeveloped land within the Town of North Castle is environmentally constrained by wetlands, floodplains or steep slopes. Since many farming operations require disturbance to sensitive areas, the Town must evaluate whether any proposed site disturbance would have negative impacts on our environment.

Based upon the above, the Town requests that North Castle continue to be excluded from Westchester County Agricultural District Number One.

Sincerely,



Joseph A. Rende  
Town of North Castle Supervisor



Adam R. Kaufman, AICP  
Town of North Castle  
Director of Planning

cc: Agriculture & Farmland Protection Board of West. County – [David Kvinge – 995-3780]  
Town of North Castle Town Board