

June 2, 2023

TO: Hon. Vedat Gashi, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive

RE: Message Requesting Immediate Consideration: **ACT – Grant Easements to Clean Path New York LLC.**

*Kevin Jenkins
Acting County Executive*

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators June 5, 2023 Agenda.

Attached for your consideration is a proposed Act that, if adopted, would authorize the County of Westchester (the “County”) to grant permanent and temporary easements to Clean Path New York LLC (“Clean Path”) over certain real property in Croton Point Park (“Park”) in the Village of Croton-on-Hudson.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for June 5, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

June 1, 2023

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

Dear Honorable Members of the Board of Legislators:

Attached for your consideration is a proposed Act that, if adopted, would authorize the County of Westchester (the "County") to grant permanent and temporary easements to Clean Path New York LLC ("Clean Path") over certain real property in Croton Point Park ("Park") in the Village of Croton-on-Hudson ("Property"). Pursuant to the terms of the proposed easements, the County would convey to Clean Path the right to lay, maintain, operate and replace electrical lines under, over and across the Property along with all related equipment and appurtenances.

Clean Path will construct a proposed 1,300 megawatt high voltage direct current transmission project that will run underground and underwater for approximately 178 miles from a substation near Delhi, New York to Queens, New York. The project will deliver power from new wind and solar generation facilities in upstate New York directly to New York City, providing the city with approximately 15% of its annual electricity consumption.

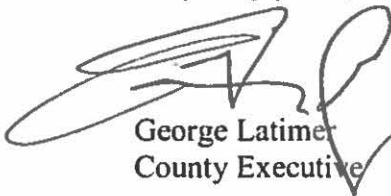
Clean Path has asked the County to grant a permanent easement approximately 20 feet wide and approximately 9,000 feet long for a utility trench running beneath the Park, from its northern boundary along Half Moon Bay Drive until it emerges in the Hudson River at the southern boundary. The County would also grant a wider temporary easement during construction. The easements will be assignable to the New York Power Authority.

Clean Path will pay the appraised value to the County as consideration for both the permanent and temporary easements and will restore all disturbed areas. Pursuant to Section 249.111(4) of the Laws of Westchester County, the Commissioner of the Department of Parks, Recreation and Conservation may recommend to the Board of Legislators the grant of an easement to a corporation for the purpose of laying electrical conduits within and across County parkland.

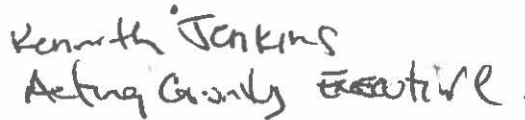
As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of State Environmental Quality Review Act ("SEQRA") have been met. The Planning Department has advised that pursuant to SEQRA and its implementing regulations, 6 NYCRR Part 617, this has been classified as a Type II action. A Type II action is an action determined not to have a significant effect on the environment and therefore does not require further environmental review. As you know, your Honorable Board may use such expert advice to reach its own conclusion. A copy of the Planning Department's analysis is attached.

Based on the necessity of the easements, your favorable action on the annexed Act is most respectfully requested.

Very truly yours,



George Latimer
County Executive



Kenneth Jenkins
Acting County Executive.

GL/DLV
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an Act that, if adopted, would authorize the County of Westchester (the "County") to grant permanent and temporary easements to Clean Path New York LLC ("Clean Path") over certain real property in Croton Point Park ("Park") in the Village of Croton-on-Hudson ("Property"). Pursuant to the terms of the proposed easements, the County would convey to Clean Path the right, to lay, maintain, operate and replace electrical lines under, over and across the Property along with all related equipment and appurtenances.

Clean Path will construct a proposed 1,300 megawatt high voltage direct current transmission project that will run underground and underwater for approximately 178 miles from a substation near Delhi, New York to Queens, New York. The project will deliver power from new wind and solar generation facilities in upstate New York directly to New York City, providing the city with approximately 15% of its annual electricity consumption.

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As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of State Environmental Quality Review Act (“SEQRA”) have been met. The Planning Department has advised that pursuant to SEQRA and its implementing regulations, 6 NYCRR Part 617, this has been classified as a Type II action. A Type II action is an action determined not to have a significant effect on the environment and therefore does not require further environmental review. A copy of the Planning Department’s analysis is attached. Your Committee concurs with this conclusion.

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

Dated: _____, 2023

White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Easement - Clean Path New York

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue \$ _____ -

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

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: _____

Next Four Years: _____

Prepared by: Neil Squillante 

Title: Deputy Commissioner

Department: Parks, Recreation & Conservation

Date: June 1, 2023

Reviewed By: 

Budget Director

Date: 6/1/23

TO: David Vutera, Associate County Attorney
Department of Law

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



DATE: May 31, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CLEAN PATH NY
EASEMENTS AT CROTON POINT PARK**

In response to your request, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6NYCRR Part 617 (SEQR).

The action involves the granting of temporary and permanent easements to Clean Path New York LLC for the installation and maintenance of a 1,300 megawatt high voltage direct current underground transmission line through Croton Point Park, located in the Village of Croton-on-Hudson. The action is part of a larger project that will deliver wind and solar power generated from upstate New York to New York City.

The overall project, which encompasses a total of 178 miles of new transmission lines from Delhi to Queens, is subject to review under Article VII of the New York State Public Service Law. Article VII provides for an environmental review process and the issuance of a Certificate of Environmental Compatibility and Public Need by the Public Service Commission, which has sole approval authority over the siting of major utility transmission facilities. Such projects are classified as a Type II action under SEQR, pursuant to section 617.5(c)(44): actions requiring a certificate of environmental compatibility and public need under article VII, VIII, X or 10 of the Public Service Law and the consideration of, granting or denial of any such certificate. As such, it is our understanding that no further environmental review under SEQR is required for the proposed utility easements. However, we note that such a project will likely involve significant excavation and disturbance at a very popular and valuable County park. We recommend that the County Department of Parks, Recreation and Conservation be involved in the review of the project details to the maximum extent practical to ensure the minimization of impacts to and protection of valuable recreation, environmental and historic resources.

Please contact me if you need any additional information regarding this classification.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Tami Altschiller, Assistant Chief Deputy County Attorney
Peter Tartaglia, First Deputy Commissioner, Dept. of Parks, Recreation and Conservation
Blanca Lopez, Acting Commissioner
Claudia Maxwell, Associate Environmental Planner

ACT NO. _____ - 2023

AN ACT authorizing the County of Westchester to grant permanent and temporary easements to Clean Path New York LLC over certain real property in Croton Point Park in the Village of Croton-on-Hudson.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to grant permanent and temporary easements to Clean Path New York LLC (“Clean Path”) over certain real property in Croton Point Park (“Park”) in the Village of Croton-on-Hudson (“Property”) to lay electrical conduits within and across the Park along with all related equipment and appurtenances. The permanent easement shall be approximately 20 feet wide and approximately 9,000 feet long for a utility trench running beneath the Park, from its northern boundary along Half Moon Bay Drive until it emerges in the Hudson River at the southern boundary. The temporary easement during construction shall be over a wider part of the Property. The easements shall be assignable to the New York Power Authority.

§2. Clean Path shall pay the appraised value to the County as consideration for both the permanent and temporary easements and shall restore all disturbed areas.

§3. The County Executive or his authorized designee is empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

§4. This Act shall take effect immediately.