



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

Monday, April 28, 2025

10:00 AM

Committee Room

Joint with B&A, P&E, and IT&C

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. [2025-146](#) PH-Amendment to Lease Agreement-Westchester Children's Museum

A RESOLUTION to set a Public Hearing on "A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children's Museum for the operation of a children's museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20) years and to amend and clarify certain other provisions of the lease agreement." [Public Hearing set for _____, 2025 at _____ .m.]. LOCAL LAW INTRO: 2025-147.

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

Joint with B&A and PE.

Guests: Parks, Recreation and Conservation

First Deputy Commissioner Peter Tartaglia

Senior Assistant County Attorney John Paul Iannace

2. [2025-147](#) LOCAL LAW-Amendment of Lease Agreement-Westchester Children's Museum

A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children's Museum for the operation of a children's museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20)

years and to amend and clarify certain other provisions of the lease agreement.

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

Joint with B&A and PE.

Guests: Parks, Recreation and Conservation

First Deputy Commissioner Peter Tartaglia

Senior Assistant County Attorney John Paul Iannace

3. [2025-148](#) PH-Sewer District Mod-Add-Cortlandt

A RESOLUTION to set a Public Hearing on "AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt." [Public Hearing set for _____, 2025 at _____ .m.]. Act 2025-149.

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

Joint with B&A.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

Director of Maintenance Steve Elie-Pierre

4. [2025-149](#) ACT-Sewer District Mod-Add-Cortlandt

AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt.

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

Joint with B&A.

Guests: Department of Environmental Facilities

Commissioner Vincent Kopicki

Director of Maintenance Steve Elie-Pierre

5. [2025-153](#) CBA-T0046-Farebox Equipment

A Capital Budget Amendment to amend the County's current-year Capital Budget to increase the County share for Capital Project T0046 - Farebox Equipment by TWELVE MILLION, SEVEN HUNDRED FIFTY THOUSAND (\$12,750,000) DOLLARS TO SIXTEEN MILLION, TWO HUNDRED FIFTY THOUSAND (\$16,250,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND INFORMATION TECHNOLOGY & CYBERSECURITY

Joint with B&A and ITC.

Guest: Department of Public Works & Transportation

Director of Surface Transportation Michael Swee

6. [2025-154](#) BOND ACT(Amended)-T0046-Farebox Equipment

A BOND ACT (Amended) amending Bond Act No. 220-2021 to remove a THREE MILLION,

FIVE HUNDRED THOUSAND (\$3,500,000) DOLLAR authorization allocable to T0046 (Farebox Equipment) and decrease the estimated maximum amount of bonds authorized to TEN MILLION, FOUR HUNDRED TWENTY-SIX THOUSAND (\$10,426,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND INFORMATION TECHNOLOGY & CYBERSECURITY

Joint with B&A and ITC.

Guest: Department of Public Works & Transportation

Director of Surface Transportation Michael Swee

7. [2025-155](#) BOND ACT-T0046-Farebox Equipment

A BOND ACT authorizing the issuance of bonds in the amount of SIXTEEN MILLION, TWO HUNDRED FIFTY THOUSAND (\$16,250,000) DOLLARS to finance the cost of acquisition of a contactless reader fare collection system, as well as a separate box that will accept cash fares, including the installation of the necessary hardware and software on the buses and in the bus garages and associated work. This SIXTEEN MILLION, TWO HUNDRED FIFTY THOUSAND (\$16,250,000) DOLLAR proposed Bond Act represents a TWELVE MILLION, SEVEN HUNDRED FIFTY THOUSAND (\$12,750,000) DOLLAR increase to the amount previously authorized for T0046 - Farebox Equipment and includes the THREE MILLION, FIVE HUNDRED THOUSAND (\$3,500,000) previously authorized for T0046 - Farebox Equipment by Bond Act 220-2021.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND INFORMATION TECHNOLOGY & CYBERSECURITY

Joint with B&A and ITC.

Guest: Department of Public Works & Transportation

Director of Surface Transportation Michael Swee

II. OTHER BUSINESS

III. RECEIVE & FILE

1. [2025-151](#) CLERK OF THE BOARD - Resolution to Extend the Somers Consolidated Water District No. 1

A RESOLUTION adopted by the Town of Somers for the extension of the Somers Consolidated Water District No. 1. (Please see items 2025-71 and 2025-156 for back-up).

COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS & TRANSPORTATION

2. [2025-156](#) CLERK OF THE BOARD - Resolution to Extend the Somers Sewer District No. 1

A RESOLUTION adopted by the Town of Somers to extend the Somers Sewer District No. 1. (Please see items 2025-71 and 2025-151 for back-up).

COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS & TRANSPORTATION

3. [2025-159](#) CLERK OF THE BOARD - Town of Somers Resolution - Parkview

Forwarded by the Town of Somers, a Resolution for proposed zoning map and text amendments to allow for a proposed project - Parkview (please see items 2025-71, 2025-151 and 2025-156 for additional back-up).

COMMITTEE REFERRAL: COMMITTEE ON PUBLIC WORKS & TRANSPORTATION

ADJOURNMENT



Kenneth W. Jenkins
County Executive

April 8, 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 a Local Law which would authorize the County of Westchester (the "County") to amend and restate the current ten (10) year lease agreement ("Original Lease") with the Westchester Children's Museum (the "Children's Museum") for the continued operation of a children's museum on approximately 21,390 square feet of County property which was formerly utilized as a men's bathhouse (the "Leased Premises") located in Playland Park, Rye, New York, in order to extend the term by an additional twenty (20) years and to amend and clarify certain other provisions of the lease relating to the maintenance and repair of the Leased Premises ("Amended and Restated Lease").

As your Honorable Board may recall, the Leased Premises was discontinued as parkland pursuant to Chapter 183 of the 2003 Laws of the State of New York (the "State"), as amended (the "State Legislation"), and the County was authorized to enter into a lease with the Children's Museum for a term of up to thirty (30) years. The State, in its authorizing legislation, conditioned its approval on the following:

1. State authorization is effective only upon condition that the County dedicate an amount equal to the fair market value of those interests being transferred for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities;
2. should the Leased Premises cease to be operated as a children's museum, the Lease shall terminate and revert to the County for public park and recreational purposes;
3. the children's museum shall be made available to the general public on an equitable basis; and
4. where availability of public facilities is limited, the use of such facilities must be determined by a reservation policy, administered by the Westchester Children's Museum in conjunction with the County, which provides priority use to the general public.

Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900 E-mail: ceo@westchestecountyny.gov



As your Honorable Board may further recall, Local Law 9-2011 subsequently authorized County to enter into the Original Lease with the Children's Museum, having a term of ten (10) years for \$1 per year. Pursuant to the terms of the Original Lease, the Children's Museum agreed to maintain the Leased Premises and to perform capital improvements to the Leased Premises totaling approximately \$6,441,300. In addition, the requirements and conditions of the State Legislation were incorporated into the Original Lease. I have been advised that the Original Lease commenced on December 14, 2015 and, to date, the Children's Museum has continuously operated the museum and has completed approximately \$4,605,000.00 in capital improvements.

Under the terms of the proposed Amended and Restated Lease, the termination date shall be extended an additional twenty (20) years to December 13, 2045 and the Children's Museum shall continue paying rent of \$1 per year to the County. In addition, the Children's Museum shall pay all costs and expenses in connection with the Amended and Restated Lease and at its sole cost and expense, and shall make all required repairs to the Leased Premises, including all exterior and structural repairs. However, the County shall provide propane, electricity, and other certain utility services to the Children's Museum at a cost of \$1,500.00 per month for the first five (5) years of the Amended and Restated Lease extension ("First Five Year Period"), adjusted annually for changes in CPI. At the end of the First Five Year Period and on each five (5) year anniversary thereafter, the Commissioner of the County's Department of Parks, Recreation and Conservation (the "Department") shall determine, in her sole discretion, whether or not the County will continue providing these services and, if so, the future costs for these services.

In addition, under the terms of the proposed Amended and Restated Lease, the Children's Museum shall invest a minimum of an additional \$10,000,000.00 in capital improvements to the Leased Premises during the remaining term. All improvements shall be subject to the approval of the Department and the County's Department of Public Works & Transportation. The County has further agreed that the County may, in its sole discretion, fund exterior repairs to the Leased Premises, including but not limited to roof repairs up to \$1,000,000.00, subject to appropriations and receipt of all future necessary legal approvals. Finally, the requirements and conditions of the State Legislation will remain expressly incorporated into the Amended and Restated Lease.

In compliance with the first condition of the State Legislation, the Department has advised that a market rental analysis prepared by Property Valuation, Inc. dated May 24, 2023, determined that the value of the proposed extension is approximately \$10,627,506.00 total over the twenty (20) year extension period. The Department has further advised that since the commencement of the Original Lease in 2015, the County has spent over \$150,000,000.00 on capital improvements at Playland Park alone, including over \$20,000,000.00 on the Playland Pool Complex and South Bathhouse. In addition, all other conditions of the State Legislation have been and are currently being met and the County is therefore authorized, subject to approval by your Honorable Board, to extend the Lease for an additional twenty (20) years.

The Department has advised that the Children's Museum has provided the public with an educational resource and age-appropriate museum for children that provides educational, recreational and economic value to the residents of Westchester County and is consistent with

the Department's mission: *To create life-enriching experiences at safe, clean, affordable parks and preserve our natural resources through responsible leadership.*

Based on the importance of the Children's Museum to the County, favorable action on the proposed Local Law is respectfully requested.

Sincerely,

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

Kenneth W. Jenkins
County Executive

KWJ/KOC/jpi
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending adoption of a Local Law which would authorize the County of Westchester (the “County”) to amend and restate the current ten (10) year lease agreement (the “Original Lease”) with the Westchester Children’s Museum (the “Children’s Museum”) for the operation of a children’s museum on approximately 21,390 square feet of County property which was formerly utilized as a men’s bathhouse (the “Leased Premises”) located in Playland Park, Rye, New York, in order to extend the term by an additional twenty (20) years and to amend and clarify certain other provisions of the Lease relating to the maintenance and repair of the Leased Premises (“Amended and Restated Lease”).

As your Honorable Board may recall, the Leased Premises was discontinued as parkland pursuant to Chapter 183 of the 2003 Laws of the State of New York (the “State”), as amended (the “State Legislation”), and the County was authorized to enter into a lease with the Children’s Museum for a term of up to thirty (30) years. The State, in its authorizing legislation, conditioned its approval on the following:

1. State authorization is effective only upon condition that the County dedicate an amount equal to the fair market value of those interests being transferred for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities;
2. should the Leased Premises cease to be operated as a children’s museum, the Lease shall terminate and revert to the County for public park and recreational purposes;
3. the children’s museum shall be made available to the general public on an equitable basis; and
4. where availability of public facilities is limited, the use of such facilities must be determined by a reservation policy, administered by the Westchester Children’s Museum in conjunction with the County, which provides priority use to the general public.

As your Honorable Board may further recall, Local Law 9-2011 subsequently authorized County to enter into the Original Lease with the Children's Museum, having a term of ten (10) years for \$1 per year. Pursuant to the terms of the Original Lease, the Children's Museum agreed to maintain the Leased Premises and to perform capital improvements to the Leased Premises totaling approximately \$6,441,300. In addition, the requirements and conditions of the State Legislation were incorporated into the Original Lease. I have been advised that the Original Lease commenced on December 14, 2015 and, to date, the Children's Museum has continuously operated the museum and has completed approximately \$4,605,000.00 in capital improvements.

Under the terms of the proposed Amended and Restated Lease, the termination date shall be extended an additional twenty (20) years to December 13, 2045 and the Children's Museum shall continue paying rent of \$1 per year to the County. In addition, the Children's Museum shall pay all costs and expenses in connection with the Amended and Restated Lease and at its sole cost and expense, and shall make all required repairs to the Leased Premises, including all exterior and structural repairs. However, the County shall provide propane, electricity, and other certain utility services to the Children's Museum at a cost of \$1,500.00 per month for the first five (5) years of the Amended and Restated Lease extension ("First Five Year Period"), adjusted annually for changes in CPI. At the end of the First Five Year Period and on each five (5) year anniversary thereafter, the Commissioner of the County's Department of Parks, Recreation and Conservation (the "Department") shall determine, in her sole discretion, whether or not the County will continue providing these services and, if so, the future costs for these services.

In addition, under the terms of the proposed Amended and Restated Lease, the Children's Museum shall invest a minimum of an additional \$10,000,000.00 in capital improvements to the Leased Premises during the remaining term. All improvements shall be subject to the approval of the Department and the County's Department of Public Works & Transportation. The County has further agreed that the County may, in its sole discretion, fund exterior repairs to the Leased Premises, including but not limited to roof repairs up to \$1,000,000.00, subject to appropriations

and receipt of all future necessary legal approvals. Finally, the requirements and conditions of the State Legislation will remain expressly incorporated into the Amended and Restated Lease.

In compliance with the first condition of the State Legislation, the Department has advised that a market rental analysis prepared by Property Valuation, Inc. dated May 24, 2023, determined that the value of the proposed extension is approximately \$10,627,506.00 total over the twenty (20) year extension period. The Department has further advised that since the commencement of the Original Lease in 2015, the County has spent over \$150,000,000.00 on capital improvements at Playland Park alone, including over \$20,000,000.00 on the Playland Pool Complex and South Bathhouse. In addition, all other conditions of the State Legislation have been and are currently being met and the County is therefore authorized, subject to approval by your Honorable Board, to extend the Lease for an additional twenty (20) years.

The Department has advised that the Children's Museum has provided the public with an educational resource and age-appropriate museum for children that provides educational, recreational and economic value to the residents of Westchester County and is consistent with the Department's mission: *To create life-enriching experiences at safe, clean, affordable parks and preserve our natural resources through responsible leadership.*

The Planning Department has advised that, based on its review, the proposed Amended and Restated Lease constitutes a "Type II" under the State Environmental Quality Review Act, 6 NYCRR Part 617 ("SEQRA), which 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 SEQRA documentation is annexed hereto. Your Committee concurs with this recommendation.

It should be noted that in accordance with Section 104.11(5)(b) of the Laws of Westchester County, an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the attached local law. Your Committee has carefully considered the proposed local law and therefore recommends that your Honorable Board adopt the proposed local law authorizing County to enter into an Amended and Restated Lease with the Children's Museum in order to extend the term of the Original Lease by an additional twenty (20) years and clarify certain other provisions relating to the maintenance and repair of the Leased Premises.

c/jpi/3.21.25

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Westchester Children's Museum ☐ 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 \$ 751
Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations
☐ Additional Appropriations ☒ Other (explain)

Identify Accounts: Revenue - 165-42-5520-9205

Potential Related Operating Budget Expenses: Annual Amount _____
Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$18,001
Describe: Rent of \$1 per year plus \$1,500 per month (\$18,000 annually) for the use of utilities (propane/electric). Monthly payment for utilities to begin on 12/14/2025.

Anticipated Savings to County and/or Impact on Department Operations:
Current Year: _____
Next Four Years: Leasee agrees to invest \$10,000,000 in capital improvements to the leased premises during the term of the lease.


Prepared by: Kerry Riguzzi *[Signature]*
Title: Manager - Fiscal Operations
Department: Parks, Recreation & Conservation
Date: March 17, 2025

Reviewed By: *[Signature]*
Budget Director
Date: 4/1/2025



Memorandum
Department of Planning

TO: Tami Altschiller, Assistant Chief Deputy County Attorney
Department of Law

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

DATE: March 27, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
AMENDEMENT OF THE WESTCHESTER CHILDREN'S MUSEUM
LEASE AGREEMENT**

PROJECT/ACTION: Legislation to amend and restate the 10-year lease agreement with the Westchester Children's Museum for the building formerly utilized as a men's bathhouse in Playland Park to extend the term by an additional 20 years. Pursuant to the terms of the proposed lease amendment, the Children's Museum shall make all required repairs to the leased premises, including exterior and structural repairs, as well as invest in capital improvements to the leased premises subject to the approval of the County's departments of Parks, Recreation & Conservation and Public Works & Transportation.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the proposed action, may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(1):** maintenance or repair involving no substantial changes in an existing structure or facility; and
- **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; and
- **617.5(c)(32):** license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities.

COMMENTS: All repairs and improvements will comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Future capital improvements by the Children's Museum will be subject to County department approvals and any further environmental review as may be required by SEQR.

DSK/oav

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
John Paul Iannace, Senior Assistant County Attorney
Claudia Maxwell, Principal Environmental Planner

RESOLUTION NO. _____ - 2025

RESOLVED, that a public hearing shall be held in accordance with requirements of law, in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 on the ____ day of _____, 2025 at _____ .m. upon a proposed Local Law entitled “A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children’s Museum for the operation of a children’s museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20) years and to amend and clarify certain other provisions of the lease agreement;” and be it further

RESOLVED, that the Clerk of the Board of Legislators be and hereby is authorized and empowered to cause notice of such public hearing to be published in the official newspaper of the County at such times and in such manner as required by law.

Dated: _____, 2025
 White Plains, New York

LOCAL LAW INTRO. NO. – 2025

A LOCAL LAW authorizing the County of Westchester to amend a lease agreement with the Westchester Children's Museum for the operation of a children's museum on approximately 21,390 square feet of County property in order to extend the term an additional twenty (20) years and to amend and clarify certain other provisions of the lease agreement.

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

Section 1. The County of Westchester ("County") is hereby authorized to enter into an amended and restated lease agreement ("Amended and Restated Lease") with the Westchester Children's Museum ("Children's Museum") for the operation of a children's museum on approximately 21,390 square feet of County property in Playland Park, Rye, New York (the "Leased Premises") in order to extend the term an additional twenty (20) years for a new termination date of December 13, 2045. Lease fees shall be paid at the rate of \$1 per year for the term and the Children's Museum shall pay all costs and expenses in connection with the Amended and Restated Lease at its sole cost and expense and shall make all required repairs to the Leased Premises, including all exterior and structural repairs. Additionally, the Children's Museum shall make capital improvements over the remaining term of the Amended and Restated Lease to the Leased Premises totaling approximately Ten Million Dollars (\$10,000,000). All improvements shall be subject to the approval of the County's Department of Parks, Recreation and Conservation and the Department of Public Works.

§2. The County Executive or his authorized designee is authorized and empowered to execute all instruments and to take all actions reasonably necessary to effectuate the purposes of this Local Law.

§3. This Local Law shall take effect immediately.

day of **THIS RESTATED AND AMENDED LEASE AGREEMENT** made this
, 2025 by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601 (hereinafter referred to as the "County" or the "Landlord"),

and

WESTCHESTER CHILDREN'S MUSEUM, an educational corporation having an office and place of business 100 Playland Parkway, Rye, New York 10580 (hereinafter referred to as the "Lessee" or the "Children's Museum").

WITNESSETH:

WHEREAS, the County, acting through its Department of Parks, Recreation and Conservation, and Lessee executed a ten (10) year lease dated January 25, 2017 (the "Initial Lease Document") for approximately 23,856 square feet of property which was formerly utilized as a men's bathhouse at Playland Park, Rye, New York for the operation of a children's museum; and

WHEREAS, pursuant to Chapter 83 of the 2003 Laws of the State of New York, as amended by Chapter 376 of the Laws of 2010 ("State Law"), the Leased Premises were discontinued as parkland and the County was authorized to enter into a Lease with the Lessee for a term not in excess of thirty (30) years, subject to certain conditions and

WHEREAS, the County and Lessee desire to restate and amend the Initial Lease Document and extend the Term of the lease from ten years to thirty years which mirrors the term authorized by the State Law; and

NOW, THEREFORE, in consideration of the agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree the Initial Lease Document shall be amended and restated in its entirety and as more particularly set forth herein, as follows:

ARTICLE 1

DESCRIPTION AND USE

1.1 The County hereby leases to the Lessee and the Lessee hereby accepts from the County all those certain premises formerly the men's bathhouse located at Playland Park, Rye, New York ("Lease"), consisting of the premises as more particularly defined on Schedule "A" annexed hereto (hereinafter the "Leased Premises"), and made a part hereof.

1.2 The Lessee shall occupy and use the Leased Premises for the operation of a children's museum, which shall be made available to the general public on an equitable basis.

1.3 Pursuant to the State Law, the Lessee agrees as follows:

- (a) Should the Leased Premises cease to be operated as a children's museum, the Lease shall immediately terminate and the Leased Premises shall revert to the County for public park and recreational purposes;
- (b) The children's museum shall be made available to the general public on an equitable basis; and
- (c) Where availability of public facilities is limited, the use of such facilities must be determined by a reservation policy, administered by the Children's Museum in conjunction with the County, which provides priority use to the general public.

ARTICLE 2

TERM

2.1. The lease term ("Lease Term") shall be deemed to have commenced at 12:00 a.m. on December 14, 2015, (the "Commencement Date"), and shall terminate at 11:59 p.m. on December 13, 2045, unless sooner terminated in accordance with the terms contained in this Lease.

ARTICLE 3

FEES

3.1 As consideration for the rights granted to the Lessee pursuant to Article "1", supra, the Lessee shall pay to the County during the term hereof the following:

- (a) Beginning with the Commencement Date and continuing through the Lease Term, the annual sum of ONE DOLLAR, payable in advance on the anniversary of the Commencement Date.
- (b) In addition to the aforesaid fees payable to the County, Lessee shall be solely responsible for and shall pay and discharge, when due and payable, any and all real property assessments, water meter and sewer rents, utility charges, all other utilities, internet, telephone, refuse removal and recycling, sprinkler servicing, dehumidifier servicing, burglary and fire protection services, exterminator services, etc. and all other charges which may become due and payable to any party Lessee contracts with in connection with the Leased Premises during the term of this Lease.

3.2 It is the intention of the parties hereto that all costs, expenses and obligations of every kind relating to the Leased Premises or the Children's Museum (except as otherwise specifically provided in this Lease) which may arise or become due during the Lease Term, shall be paid by the Lessee, and that the County shall be indemnified by the Lessee against such costs, expenses and obligations.

3.3 Notwithstanding anything to the contrary contained herein, for the period of December 14, 2025 to December 13, 2030 ("Five Year Period"), the County shall provide propane (LNG) and electricity services (collectively the "LNG/Electricity Utilities") to the Children's Museum at a cost of \$1,500.00 per month ("Utility Fee") payable to the County monthly on the first day of the month. The Utility Fee shall be adjusted yearly starting December 14, 2026 by the percentage change in the Consumer Price Index over the immediately preceding calendar year. "Consumer Price Index" means the Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor, All Items, New York, New York – Northeastern New Jersey Area, all urban consumers (1982-84 = 100), or a successor index ("CPI"). At the end of the Five Year Period and on each five (5) year anniversary from the Five Year Period thereafter through the Lease Term, the Commissioner of the County's Department of Parks, Recreation and Conservation or his/her duly authorized designee (collectively the "Commissioner"), in his/her sole discretion, whether or not the County will continue providing the LNG/Electricity Utilities to Lessee. If it is determined that the County shall continue to provide PNG/Electricity Utilities to the Children's Museum the new monthly fee for the LNG/Electricity Utilities shall be calculated at that time by the Commissioner in his/her sole discretion (subject to ongoing annual CPI adjustments). . If it is determined that such utilities will be discontinued then the Children's Museum must procure and contract for LNG/Electricity Utilities directly.

3.4 All fees due to the County under the Lease shall be payable at the Office of the Commissioner when due, or at such other office as the County may designate by notice. An interest charge shall be assessed on any late or overdue payment at a rate of 1.5% per month.

3.5 All fees due to the County in this Article 3 shall be considered additional rent.

ARTICLE 4

ACCOUNTS

4.1 The Lessee shall keep the books of accounts and records of all operations and establish a system of bookkeeping and accounts in a manner considered to be good accounting practice according to the American Institute of Certified Public Accountants and satisfactory to the Commissioner, and shall permit inspection of said books and records by the County as often as deemed necessary in the opinion of the Commissioner. The Lessee shall, within one hundred twenty (120) days of the end of each calendar year, submit a certified, audited annual report, or as required by the Commissioner, a profit and loss statement of operations under the terms of this Lease, in a form considered to be good accounting practice according to the American Institute of Certified Public Accountants and satisfactory to the Commissioner. The County, its employees and agents, shall have the right to inspect the Lessee's operation at any time and for any reason provided such inspections shall not unreasonably interfere with Lessee's business operations.

ARTICLE 5

PROPOSED ALTERATIONS

5.1.1 The parties acknowledge and agree that, as of the date hereof, the Lessee has invested a total of FOUR MILLION SIX HUNDRED FIVE THOUSAND (\$4,605,000.00) DOLLARS in capital improvements to the Leased Premises.

The parties further acknowledge and agree that during the remaining Lease Term, the Lessee shall invest a minimum of an additional TEN MILLION (\$10,000,000.00) DOLLARS in future capital improvements.

5.1.2 Lessee may make capital improvements which comprise changes or alterations to the interior or exterior of the Leased Premises (collectively “Proposed Alterations”), subject to Landlord’s prior written approval and subject to necessary legal approvals, if any. Lessee, at its own expense, shall engage an engineer to prepare plans of any Proposed Alterations in sufficient detail to demonstrate that same are in compliance with Applicable Laws, and then current construction techniques and applicable engineering standards and requirements. All such plans shall be delivered to the Commissioner for the County’s review and approval.

Landlord shall notify Lessee within sixty (60) days after receipt of any such plans of its approval or disapproval of the proposed plans, and, in the event of its disapproval, shall specifically identify Landlord’s objection and state its reasons therefor, in which event Lessee shall have the right to re-submit revised plans for Landlord’s approval, and Landlord shall notify Lessee within thirty (30) days after receipt of any such revised plans of its approval or disapproval of the revised plans, and, in the event of its disapproval, shall specifically identify Landlord’s objection and state its reasons therefor. The parties agree that Lessee shall have the right to continue to submit further revised plans to Landlord until the revised plans are approved.

Any Proposed Alterations pursuant to this Article 5 shall be subject to the following conditions which Lessee covenants to observe and perform:

(a) Any structural change or alteration shall be conducted under the supervision of a licensed architect or engineer selected by Lessee.

(b) All changes and alterations shall be of such a character that, when completed, the value and utility of the changes and alterations shall not be less than the value and utility thereof immediately prior to any such change or alteration.

(c) All work done in connection with any change or alteration shall be done in a good and workmanlike manner and will be of the highest quality and will be consistent with the overall quality of the materials and workmanship employed throughout the Leased Premises.

(e) Copies of all “as built” drawings, if applicable, (which shall be deemed to include final architectural and engineering plans with field notations thereon) and equipment and building system operating and maintenance manuals, for the Proposed Alterations, shall be delivered to the Commissioner to complete the County’s records. Final “as built” drawings must be signed and sealed by a licensed New York design professional.

5.1.3 All Proposed Alterations shall comply with all applicable laws, ordinances, regulations or orders of any Federal, State, Municipal or other public authority affecting the same, including Local, County, and State building and fire codes, New York's State Environmental Quality Review Act (“SEQRA”) and all requirements of the New York Board of Fire Underwriters or other similar bodies having jurisdiction. All work will be subject to further environmental review pursuant to SEQRA, and Lessee shall cooperate with the County in connection with the preparation of any necessary environmental assessment and other supporting documentation necessary to carry out the improvements in accordance with SEQRA.

In addition, Lessee shall ensure that any contractors or consultants engaged by it to perform any work pursuant to this Lease, including Proposed Alterations, repairs and/or maintenance, in addition to any prior approvals required by the County hereunder, shall comply with the material terms and conditions of the Lease including but not limited to providing the required insurance naming the County as additional insured as set forth in Schedule “B”, as applicable to the work being performed by said contractor or consultant.

5.2 Proposed Alterations shall be scheduled so that there shall be no interruption in the use of Playland Park. Any determination with respect to whether particular items of work should be deemed complete shall be made by the Commissioner in good faith after taking into consideration the customary practices and procedures employed at similar facilities throughout the area.

5.3.1 Lessee shall further comply with any County laws and regulations concerning permitting and construction on County property, which now exist or shall hereafter be enacted or promulgated, including, but not limited to any acts, rules or regulations establishing a County building code and its enforcement and administration (the “County Code”) and ensure that its permitted use(s), and any modifications thereto, comply with the County Code, including, but not limited, where applicable, filing an application for and obtaining any and all permits required by the County Code and being subject to inspections and County approvals as required by the County Code.

5.4.1 The County shall cooperate with and assist the Lessee in obtaining any necessary permits and approvals including when reasonably necessary or appropriate authorizing application for such permits in the name of or on behalf of the County. Nothing contained herein shall be construed to obligate the County to expend any money or pay any permit fees, charges or penalties (whether or not such permit shall be held in the name of the County), it being the intent of the parties that all cost and obligations incurred in obtaining any necessary permits or approvals shall be borne solely by the Lessee.

5.4.2 The Lessee, at its sole cost and expense, shall apply for and obtain all permits as may be required.

5.5 Title to the improvements and to all supplies and materials expended or utilized in connection with the construction of any Proposed Alterations or repairs shall be vested in the County immediately upon their incorporation into the Leased Premises. Except as expressly set forth herein to the contrary, title to any equipment which is incorporated into the improvements and permanently affixed to the Leased Premises shall vest in the County immediately upon its installation.

5.6 During construction of an Proposed Alterations, and in addition to inspections performed in accordance with the County Code, the County may, from time to time, and at reasonable times, inspect the facilities being modified hereunder, provided that conduct of

such inspection shall not interfere with Lessee's construction activities. In the event that during such construction, the County reasonably determines that the construction is not being performed substantially in accordance with approved plans or the County Code, then the County shall give prompt written notice to the Lessee, specifying in detail the particular deficiency, omission, or other respect in which the County claims construction is not in accord with the approved plans or the County Code and the Lessee shall remedy the deficiency within a commercially reasonable time. In the event the Lessee disputes the County's objection that the construction is not being performed in accordance with the approved plans then the Lessee may respond in writing within five (5) business days setting forth with specificity the reason or reasons why it believes the construction conforms to the plans. Within a reasonable time thereafter the Commissioner, after such reasonable consultation and review as he may deem appropriate, shall advise the Lessee in writing as to whether the County's original objection shall be withdrawn, upheld or modified.

5.7 Before the Lessee or any contractor employed by Lessee undertakes any construction activities hereunder, the person responsible for performing the work shall furnish a performance and payment bond in form reasonably satisfactory to the County, having as surety a United States Treasury Listed surety company authorized to do business in New York and of recognized responsibility, in an amount equal to the estimated cost of construction as estimated by Lessee's architect or general contractor and approved as to amount by the County. Said bond shall be conditioned, without exception or proviso, upon the completion in accordance with the terms of this Lease and, substantially in accordance with the approved plans, in compliance with all applicable legal requirements, free and clear of all liens; and shall also be conditioned for the payment of the entire cost thereof.

ARTICLE 6

LIENS

6.1 Except as otherwise expressly provided herein, Lessee will not create or permit to be created, and will discharge within thirty (30) days after notice of the filing thereof, any lien, encumbrance or charge upon the Leased Premises or any equipment affixed to thereof,

having priority over or parity with the estate, title, right and/or interest of the County in the Leased Premises or such equipment.

ARTICLE 7
FOOD AND BEVERAGE HANDLING

7.1 If a restaurant or cafeteria is to be constructed at the Leased Premises, the Lessee's employees shall wear clean, washable uniforms or clothing and shall wear caps or nets where required. The employees shall be clean in their habits and shall thoroughly wash their hands before beginning work and immediately after each trip to the lavatories and shall keep them clean throughout the entire work period. The food service establishment shall at all times comply with New York State Department of Health laws, rules and regulations and the Lessee shall obtain all required food permits.

7.2 All food and beverages shall be clean, fresh, pure, of first class quality and safe for human consumption.

7.3 The Leased Premises and all equipment and materials used by the Lessee shall at all times be clean, sanitary and free from rubbish, refuse, dust, dirt, offensive or unclean material, flies and other insects, rodents and vermin. All apparatus, utensils, devices, machines and piping used by the Lessee shall be constructed so as to facilitate the cleaning and inspection thereof and shall be properly cleaned after each period of use. All trays, dishes, crockery, glassware, cutlery and other equipment of such type shall be properly cleaned and sanitized before each use. No chipped or cracked dishes, crockery, or glassware shall be used. The County reserves the right to require other sanitizing procedures that it deems reasonable and necessary.

ARTICLE 8
QUALITY AND PRICE

8.1 The Lessee warrants that admission fees, products, food and beverages shall be made available to the public at reasonable prices and further warrants that they shall be of first quality. For purposes of this Lease, "reasonable prices" shall mean prices that are comparable to prices for similar items sold at museums within a fifteen (15) mile radius of the Leased Premises. The County reserves the right of final approval on all prices charged for products, food and beverages and on the items to be offered for sale at the Leased Premises.

ARTICLE 9

EQUIPMENT

9.1 Lessee shall install all equipment necessary for the proper operation of the Children's Museum and shall make full payment for the same, and shall maintain all equipment, fixed and expendable, in good order and repair at Lessee's sole cost and expense during the term of this Lease. Plans and specifications for any additional and fixed equipment shall be submitted to the Commissioner for approval before being installed at the Leased Premises, and the installation shall be subject to inspection and approval of the Commissioner.

9.2 All air conditioning, fire sprinkling, electrical, plumbing and ventilating equipment, apparatus and devices, any and all fixtures, and all structural and non-structural physical improvements approved by the Commissioner for installation at the Leased Premises shall, immediately upon installation, be deemed to be attached to the realty and shall become property of the County to the same extent as if the same had been installed by the County prior to the commencement of the Lease.

9.3.1 The Lessee agrees to supply, maintain and replace at the sole cost and expense of Lessee all equipment required for the proper operation of the Children's Museum including, without limitation, food preparation equipment, serving equipment, eating utensils, dishes, glasses, barware, linens, and uniforms. All such equipment must be of first quality and approved by the Commissioner before being delivered to the Leased Premises.

9.3.2 Title to equipment that is affixed to the Leased Premises shall vest immediately in the County upon installation. Title to equipment provided by Lessee and not

affixed to the Leased Premises shall remain in Lessee, and such equipment shall be removed by Lessee at the termination or expiration of this Lease except as otherwise provided for herein. Should any such property remain on the Leased Premises after such expiration or termination, Commissioner may deal with such as though same had been abandoned and charge all cost and expense incurred in the removal thereof to Lessee. Lessee's obligation to observe and perform all of the terms and covenants and conditions of this Lease shall survive the expiration or other termination hereof.

ARTICLE 10

MAINTENANCE AND ALTERATIONS

10.1.1 (a) Lessee, at its sole cost and expense, shall keep the Leased Premises in clean and in good order and shall make all required repairs to the Leased Premises, including all exterior and structural repairs.

(b) Except as otherwise provided for herein, Lessee, at its sole cost and expense, shall further maintain and keep the area within fifteen (15) feet of the boundaries of the Leased Premises (the "Buffer Area"), clean and in good order, and shall make all required repairs in and to the Buffer Area, except for structural repairs which shall be the responsibility of the County.

(c) Notwithstanding anything to the contrary contained elsewhere herein, the County shall provide snow removal and salting services at no cost to the Lessee in the following areas of the Leased Premises and immediately adjacent to the Leased Premises: 1) Loading dock area; 2) the two (2) stairs located at rear of the Leased Premises; 3) the two (2) door areas located at the sides of the Leased Premises; and 4) Shoveling and salting of a footpath from the main boardwalk to the front door of the Leased Premises.

10.1.2 In the event Lessee fails to commence to maintain, clean, repair, replace, rebuild or repaint within a period of thirty (30) days after written notice from the County requesting such work, or in the event Lessee fails to diligently continue to completion any such work, the County may, at its sole option, and in addition to any other remedies available to it, enter the Leased Premises and clean, repair, replace, rebuild or repaint all or any part of the

Leased Premises or the improvements thereon at the cost and expense of Lessee. However, if in the sole opinion of the County, the failure of Lessee to perform such maintenance endangers the safety of the public, the employees or the property of the County, and the County states same in its notice, the County may, at its sole option, and in addition to any other remedies available to it, enter the Leased Premises and performs such maintenance at any time after giving of notice. Lessee agrees to pay all costs and expense associated with such maintenance.

10.2 The Lessee acknowledges that it does not and shall not have any claim against the County, its agents, or contractors for interference in or interruption of its operations as a result of any improvements made by the County. The County shall use reasonable efforts to minimize such interruptions or interference in operations without waiving its right to make improvements to the Playland Park property or its buildings.

10.3 It is the intention of the parties hereto that the Lessee shall pay all costs associated with the maintenance and repair of the Leased Premises, including, but not limited to costs of any necessary capital improvements/repairs to the exterior or interior of the Leased Premises, as well as routine maintenance. Any such capital improvements/repairs shall be subject to the prior approval of the County.

10.4 All upkeep and maintenance required to be performed by Lessee shall be subject to approval of the Commissioner in his or her sole discretion. Copies of all maintenance agreements and schedules shall be provided to Commissioner prior to commencement of any work other than routine maintenance such as cleaning.

10.5 The Parties acknowledge that the County may propose a one-time capital project of up to \$1,000,000.00 to fund exterior repairs to the Leased Premises, including but not limited to roof repairs. Notwithstanding anything to the contrary contained elsewhere herein, the County, may in its sole discretion and subject to the receipt of all necessary legal appropriations and approvals including those approvals from the County Board of Legislators and Board of Acquisition and Contract, perform such work.

ARTICLE 11
MANAGEMENT

11.1 The Lessee shall employ a manager to supervise and manage the Children's Museum. The Lessee shall employ a sufficient number of trained, knowledgeable personnel to insure the safe and proper operation of the Children's Museum. The Lessee shall provide, and its employees shall wear, appropriate employee identification and, if required by the Commissioner, uniforms. Employee identification and apparel shall be subject to the approval of the Commissioner.

11.2 The operation of the Children's Museum shall be conducted in an orderly and proper manner so as not to annoy, disturb or offend others using the County's park facilities. The Lessee shall immediately remove the cause of any objection made by the Commissioner regarding the demeanor, conduct and appearance of any Lessee employees, invitees or business guests.

ARTICLE 12
ASSIGNMENT

12.1 The Lessee shall not assign, sublet, subcontract or otherwise dispose of this Lease, or any right, duty or interest herein, without the prior written consent of the Commissioner, nor shall this Lease be transferred by operation of law, it being the purpose and spirit of this instrument to grant this Lease and privilege solely to the Lessee named herein. No assignment, subcontracting, subletting or other such disposition of this Lease, either with or without such consent of the Commissioner, shall serve to relieve the Lessee of its obligations hereunder.

ARTICLE 13
INSURANCE, DAMAGE, DESTRUCTION

13.1 To safeguard the interest and property of the County, the County in its own name as the insured, will procure and maintain throughout the term of this Lease insurance protection for fire and extended risks on the structure and improvements of which the Leased Premises are a part. Lessee agrees that it will reimburse County for the proportionate share of insurance premium costs applicable to the Leased Premises upon the presentation to Lessee of a bill.

13.2 In the event the Leased Premises or any building or structure thereon, are wholly or partially destroyed by any cause not the fault of the Lessee, the County shall have the option, exercisable for a period of sixty (60) days, to repair, rebuild or restore the damaged or destroyed premises. If the County elects to repair or restore the premises, the Lessee shall be entitled, during the period commencing with the date of damage and ending upon the completion of repairs by the County, and at the discretion of the Commissioner, to a reduction in fees payable to the County based upon the extent to which the Lessee's operations are prevented or diminished during such period.

13.3 If the County elects not to repair or restore the Leased Premises, it shall promptly so notify the Lessee, in which event the Lessee shall have the option, at its sole cost and expense, of repairing and restoring the premises or of forthwith, upon written notice, terminating this Lease.

13.4 If such damage results from any act or omission of the Lessee, then this Lease shall continue in full force and effect, without any abatement or reduction in fees payable hereunder, and the Lessee, at its sole cost and expense, shall repair the damage and return the Leased Premises to the condition existing at the commencement of the term hereof. Upon the failure of the Lessee to make such repairs, the County may repair such damage at the Lessee's cost and expense.

13.5 Lessee shall ensure that the County is named as an additional insured on all insurance obtained by any contractor(s) performing any work, including but limited to construction work, at the Leased Premises. All contracts pertaining to any work at the Leased Premises shall provide that the County shall be indemnified and held harmless against and from all liability arising from the work in a form reasonably acceptable to the County. All contracts pertaining to any work shall make the County a third party beneficiary thereunder so as to afford to the County the same rights and remedies afforded to the Lessee for breach of contract.

ARTICLE 14

INDEMNIFICATION

14.1 In addition to, and not in limitation of, the insurance requirements contained in Schedule "B" entitled "Standard Insurance Provisions", attached hereto and made a part hereof, the Lessee agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the sole negligence of the County, the Lessee shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of acts or omissions of the Lessee or third parties under the direction or control of the Lessee; and

(b) to provide defense for and defend, at Lessee's sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Lease and to bear all other costs and expenses related thereto; and

(c) in the event the Lessee does not provide the above defense and indemnification to the County, and such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Lessee shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connection with enforcing this provision of the Lease.

ARTICLE 15
BANKRUPTCY

15.1 If at any time during the term of this Lease, any petition in bankruptcy shall be filed by or against the Lessee or if the Lessee shall be adjudicated a bankrupt; or if a Receiver shall be appointed to take possession of the Lessee's property; or if the Lessee shall make any assignment for the benefit of creditors, this Lease shall, at the option of the County, immediately cease, terminate and expire. Nothing hereunder shall relieve the Lessee from any liability incurred under this Lease and the Lessee covenants and agrees to yield and deliver to the County possession of the Leased Premises promptly and in good condition on the date of the cessation of this Lease, whether such cessation be by termination, expiration or otherwise.

ARTICLE 16
TERMINATION

16.1 In the event that the Lessee defaults in the performance of any term, condition or covenant herein contained, the County, at its option and in addition to any other remedy it might have, may terminate this Lease upon thirty (30) days' written notice to Lessee. The Lessee shall have the notice period to cure such default. If such default remains uncured, County, at its sole option, may extend the period to cure. Upon the expiration of the extension, absent further extension, termination becomes effective.

16.2 In the event that the County defaults in the performance of any term, condition or covenant herein contained, the Lessee, at its option and in addition to any other remedy it might have, may terminate this Lease upon ninety (90) days' written notice to County. The County shall have the notice period to cure such default. If such default remains uncured, Lessee, at its sole option, may extend the period to cure. Upon the expiration of the extension, absent further extension, termination becomes effective.

16.3 In the event of termination, Lessee agrees to peaceably surrender the Leased Premises to County. Upon such surrender, the County may re-enter and reoccupy the Leased Premises and use any property of the Lessee located at the Leased Premises on the date of termination.

16.4 No holding over by Lessee after the termination or expiration of this Lease shall operate to extend or renew this Lease for any further term whatsoever. Continued occupancy thereof by Lessee shall constitute trespassing by Lessee. In addition to any other remedy available to the County, any holding over by Lessee without the written consent of the County shall make Lessee liable to the County for damages equal to a good faith estimate made by the Commissioner of the actual value of the leasehold over time.

ARTICLE 17

MISCELLANEOUS PROVISIONS

17.1 **LEGAL COMPLIANCE:** The Lessee shall, at its sole cost and expense, procure and maintain in full force and effect for the term of this Lease, all permits and approvals from all applicable governmental authorities. The Lessee shall further obey, perform and comply with any and all federal, state and local laws, rules, regulations, orders, ordinances and requirements of every kind and nature affecting the Leased Premises, which now exist or shall hereafter be enacted or promulgated, including, but not limited to, local zoning, SEQRA, state or County executive orders, and requirements of the New York Board of Fire Underwriters, the New York Fire Insurance Rating Organization or other entity with similar functions. All repairs and improvements will comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

17.2 **NON-DISCRIMINATION:** The Lessee expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability,

marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Lease, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Lessee acknowledges and understands that the County maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

17.3 FORCE MAJEURE: Neither the County nor the Lessee, as the case may be, shall be deemed in breach hereof if it is prevented from performing any of the obligations hereunder by reason of acts of God, acts of the public enemy, acts of superior governmental authority, strikes or labor disputes, floods, riots, rebellion, sabotage, public health emergencies, utility service disruptions, or any similar other circumstances not within its reasonable control.

17.4 INSPECTION: The Commissioner shall be entitled to enter the Leased Premises for the purposes of inspecting, observing and monitoring any aspect of Lessee's operations. The Lessee shall also permit inspection of same by any federal, state, County or municipal officer having jurisdiction. The Lessee, at its sole cost and expense, shall promptly remedy any and all violations issued as a result of such inspection.

17.5 FLAMMABLES: The Lessee shall not use or store any explosives, toxic materials or flammables on or about the Leased Premises.

17.6 ADVERTISING: All signs, advertising and promotions to be employed by the Lessee in connection with operation of the Concession shall be subject to prior written approval of the Commissioner.

17.7 CONDEMNATION: In the event that the space assigned to Lessee hereunder, or such a substantial part thereof so as to render impossible the operation of the Children's Museum, be taken by eminent domain, this Lease shall terminate on the date upon which title vests in the condemnor and neither party shall have any liability to the other on account of such termination. The parties agree that this clause shall not be interrupted or

construed to permit the County, acting solely for itself, to exercise any power of eminent domain with respect to Lessee's property without just compensation.

17.8 UTILITY AND SEWER LINES: The County reserves the right to lay, erect, construct, use, operate and maintain utility and sewer lines in, through, under and across the Leased Premises provided that such activity does not unreasonably interfere with the operation of the Children's Museum.

17.9 RISK OF OPERATION: The Lessee assumes all risks in the operation of the Children's Museum. The Lessee shall comply with any and all rules and regulations prescribed by the County for the operation of the Leased Premises. Upon request, the County shall furnish a copy of such rules and regulations to the Lessee.

17.10 AMBIGUITY: In the event of any ambiguity in any of the terms of this Lease, it shall not be construed for or against any party hereto based on which party was the author of the term in question.

17.11 BEST MANAGEMENT PRACTICES: In addition to all the other requirements of this Lease, the Lessee recognizes and understands that it is an essential element of this Lease that the Lessee insure that any work it does under this Lease, including but not limited to any plans, specifications, drawings, designs, management and advice, complies with the County's policy of Best Management Practices for Water Quality Protection. Therefore, the Lessee shall, at a minimum, incorporate the NYS Department of Environmental Protection (hereinafter "NYSDEC") technical standards for erosion and sediment control contained in the document, "*New York Standards and Specifications for Erosion and Sediment Control*," as the same may be amended from time to time. In addition, the Lessee shall incorporate for the design of water quality and water quality controls (post-construction stormwater control practices), the NYSDEC standards detailed in the "*New York State Stormwater Management Design Manual*," as the same may be amended from time to time. Both documents should be obtained from the NYSDEC website to insure that the Lessee has the latest versions of such documents. In addition, the Lessee shall apply these standards to ALL work done for the County, regardless of

the size of the project. For example, if the State standards applies only to projects of 1 acre or greater and the County's project is less than one acre, then the Lessee shall utilize the State standard for the larger project. To the extent that there is any conflict between the County standards and the standards required by any other regulatory agency, the Lessee shall utilize the stricter standard. The Lessee shall determine if the project shall require any permits from regulatory agencies, including, but not limited to, permits that concern stormwater management. To the extent that the services rendered by the Lessee involve design of the project and to the extent that any permits are required for the project, the Lessee shall complete the permit application and prepare the necessary information required by the permitting agency, including, but not limited to, the preparation of a Stormwater Pollution Prevention Plan. To the extent that the services rendered by the Lessee involve Construction Management, the County shall require such consultant to review plans and specifications and inspect the construction site to insure that the aforementioned standards are being met.

17.12 REQUIRED SCHEDULES: Attached hereto and forming parts hereof are the schedules listed below. Simultaneous with its execution of this Lease, the Lessee shall provide the County with a completed copy of each schedule. The Lessee agrees that the terms of each of these schedules has been accepted and agreed-to by the Lessee by virtue of its execution of this Lease, and the Lessee represents and warrants that it has completed each of these schedules accurately and completely.

1.) Schedule "C" — "Business Enterprises Owned and Controlled by Women or Persons of Color". Pursuant to Section 308.01 of the Laws of Westchester County, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by women or persons of color in contracts and projects funded by all departments of the County.

2.) Schedule "D" — "Required Disclosure of Relationships to County". In the event that any information provided in Schedule "D" must be changed during the term of this Lease, the Lessee agrees to notify the County in writing within ten (10) business days and provide an updated version of the schedule.

3.) Schedule “E” — “Criminal Background Disclosure”. This schedule is required pursuant to Executive Order No. 1-2008.

4.) Schedule “F” — “Questionnaire Regarding Business Enterprises Owned and Controlled by Service-Disabled Veterans”

The County believes it is a laudable goal to provide business opportunities to veterans who were disabled while serving our country, and wants to encourage the participation in County contracts of certified business enterprises owned and controlled by service-disabled veterans. This schedule is required as part of the County’s program to encourage the participation of such business enterprises in County contracts, and in furtherance of Article 3 of the New York State Veterans’ Service Law.

17.13 REMEDIES CUMULATIVE: The failure of the County to insist, in any one or more instances, upon strict performance of any term or condition herein contained shall not be deemed a waiver or relinquishment for the future of such term or condition, but the same shall remain in full force and effect. Acceptance by the County of payment of any fee due hereunder with knowledge of a breach of any term or condition hereof, shall not be deemed a waiver of any such breach and no waiver by the County of any provision hereof shall be implied.

17.14 TAXES: It is the intention of the County and the Lessee that the Lease Fees herein referred to shall be net to the County in each year of the Lease Term and that all costs, expenses and obligations of every kind relating to the Leased Premises (except as otherwise specifically provided in this Lease) which may arise or become due during the Lease Term, including, but not limited to, any and all real property assessments or taxes, water meter and sewer rents, utility charges, shall be paid by the Lessee without set-off and the Lessee shall indemnify the County against such costs, expenses and obligations

17.15 APPROVALS: This Lease shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

17.16 CHOICE OF LAW: This Lease shall be performed and enforceable in Westchester County, New York, and shall be governed by the laws of the State of New York.

ARTICLE 18

NOTICES

18.1 NOTICES: All notices of any nature referred to in this Lease shall be in writing and sent by registered or certified mail postage pre-paid to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County:

Westchester County Executive
Michaelian Office Building, Room 900
148 Martine Avenue
White Plains, New York 10601

with copies to:

Commissioner
Department of Parks, Recreation and Conservation
450 Saw Mill River Road
Ardsley, New York 10502

and

Commissioner
Department of Public Works and Transportation
Michaelian Office Building, Room 500
148 Martine Avenue
White Plains, New York 10601

and

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Lessee:

Westchester Children's Museum
100 Playland Parkway
Rye, New York 10580

ARTICLE 19
ENTIRE AGREEMENT

19.1 This Lease and its Schedules constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, comments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

[NO FURTHER TEXT ON THIS PAGE. SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the day and year first above written.

THE COUNTY OF WESTCHESTER

By _____
Name:
Title:

WESTCHESTER CHILDREN'S MUSEUM

By _____
Name:
Title:

Approved by the Board of Legislators of the County of Westchester by Local Law No. 9 - 2011 approved on the 8th day of August, 2011 and on the 24th day of August, 2011, and by Local Law ____ -2024 on the ____ Day of _____, 2024.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 11th day of July, 2013 and on the ____ of _____, 2024.

Approved:

Sr. Assistant County Attorney
The County of Westchester

c.:JPI/PRC/Children's.Museum.Amended&Restated.Lease.3.31.25

ACKNOWLEDGMENT

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

On the _____ day of _____ in the year 20____ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgment

CERTIFICATE OF AUTHORITY

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(the "Corporation")

a corporation duly organized and in good standing under the (Law under which organized, e.g., the New York Business Corporation Law) named in the foregoing agreement; that

(Person executing agreement)

who signed said agreement on behalf of the Corporation was, at the time of execution

(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said Corporation by authority of its Board of Directors, thereunto duly authorized and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 20 _____ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgement

SCHEDULE “A”

Description of Leased Premises

DRAFT

SCHEDULE "B"

STANDARD INSURANCE PROVISIONS **Children's Museum at Playland**

1. Prior to commencing work, and throughout the term of the Agreement, the Lessee shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Lessee shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Lessee and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Lessee shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Lessee to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Lessee to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Lessee from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Lessee concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Lessee's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Lessee until such time as the Lessee shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Lessee maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Lessee. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Lessee shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- i. Premises - Operations.
- ii. Broad Form Contractual.
- iii. Independent Contractor and Sub-Contractor.
- iv. Products and Completed Operations.

- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

- e) Abuse and Molestation Liability, either by separate policy of insurance or through endorsement to the General Liability Policy or Professional Liability Policy. (Limits

of \$3,000,000.00 per occurrence. This insurance shall include coverage for the following, including coverage for client on client, counselor client, and third parties:

- i. Misconduct
 - ii. Abuse (including both physical and sexual)
 - iii. Molestation
- f) Pollution Control Liability, either by separate policy of insurance or through endorsement to the General Liability Policy or Automobile Policy. Minimum Limit: \$1,000,000.00. This insurance shall indicate the following coverages:
 - (i) Transit
 - (ii) Sudden and Accidental
 - (iii) Clean-up
- g) Builder's Risk –Contractor at their own cost and expense shall provide and maintain a Builder's Risk Form, All Risk Insurance Contract. The coverage shall be written for 100% of the completed value of the construction work, with the County of Westchester named as loss payee as its interest may appear
- h) Owners Protective Liability Policy naming the County as insured, with a minimum limit of liability per occurrence of \$3,000,000 (**All work requiring elevated work and/or the use of scaffolding** where applicable, or as determined by the Director, Risk Management)

If applicable:

- i) Crane, Rigging, & Crane Operator (Rigger Liability) Insurance with a minimum limit of liability per occurrence of \$5,000,000 for bodily injury and a minimum limit of \$500,000 per occurrence for property damage or a combined single limit of \$5,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured.
- j) Installation Floater coverage may suffice for construction work not requiring Builders Risk Coverage and shall serve to insure materials, tools, and equipment of the contractor while such items are in transit and/or in the process of being installed.

3. All policies of the Lessee shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Lessee.

DRAFT

SCHEDULE “C”

QUESTIONNAIRE REGARDING BUSINESS ENTERPRISES OWNED AND CONTROLLED BY WOMEN OR PERSONS OF COLOR

As part of the County’s program to encourage the meaningful and significant participation of business enterprises owned and controlled by persons of color or women in County contracts, and in furtherance of Section 308.01 of the Laws of Westchester County, completion of this form is required.

A “business enterprise owned and controlled by women or persons of color” means a business enterprise, including a sole proprietorship, limited liability partnership, partnership, limited liability company, or corporation, that either:

- 1.) meets the following requirements:
 - a. is at least 51% owned by one or more persons of color or women;
 - b. is an enterprise in which such ownership by persons of color or women is real, substantial and continuing;
 - c. is an enterprise in which such ownership interest by persons of color or women has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and
 - d. is an enterprise authorized to do business in this state which is independently owned and operated.
- 2.) is a business enterprise certified as a minority business enterprise (“MBE”) or women business enterprise (“WBE”) pursuant to Article 15-a of the New York State Executive Law and the implementing regulations, 9 New York Code of Rules and Regulations subtitle N Part 540 et seq., **OR**
- 3.) is a business enterprise certified as a small disadvantaged business concern pursuant to the Small Business Act, 15 U.S.C. 631 et seq., and the relevant provisions of the Code of Federal Regulations as amended.

Please note that the term “persons of color”, as used in this form, means a United States citizen or permanent resident alien who is and can demonstrate membership of one of the following groups:

- (a) Black persons having origins in any of the Black African racial groups;
- (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race;
- (c) Native American or Alaskan native persons having origins in any of the original peoples of North America; or
- (d) Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

1. Are you a business enterprise owned and controlled by women or persons of color in accordance with the standards listed above?

_____ No

_____ Yes

Please note: If you answered “yes” based upon certification by New York State and/or the Federal government, official documentation of the certification must be attached.

2. If you answered “Yes” above, please check off below whether your business enterprise is owned and controlled by women, persons of color, or both.

_____ Women

_____ Persons of Color (*please check off below all that apply*)

_____ Black persons having origins in any of the Black African racial groups

_____ Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race

_____ Native American or Alaskan native persons having origins in any of the original peoples of North America

_____ Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian sub-continent or the Pacific Islands

[NO FURTHER TEXT ON THIS PAGE]

SCHEDULE "D"

REQUIRED DISCLOSURE OF RELATIONSHIPS TO COUNTY

- 1.) Are any of the employees that the Consultant will use to carry out this contract also a County officer or employee, or the spouse, child, or dependent of a County officer or employee?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

- 2.) Are any of the owners of the Consultant or their spouses a County officer or employee?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

- 3.) Do any County officers or employees have an **interest**¹ in the Consultant or in any approved subconsultant that will be used for this contract?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

[NO FURTHER TEXT ON THIS PAGE]

¹ "Interest" means a direct or indirect pecuniary or material benefit accruing to a County officer or employee, his/her spouse, child or dependent, whether as the result of a contract with the County or otherwise. For the purpose of this form, a County officer or employee shall be deemed to have an "interest" in the contract of:

- 1.) His/her spouse, children and dependents, except a contract of employment with the County;
- 2.) A firm, partnership or association of which such officer or employee is a member or employee;
- 3.) A corporation of which such officer or employee is an officer, director or employee; and
- 4.) A corporation of which more than five (5) percent of the outstanding capital stock is owned by any of the aforesaid parties.

SCHEDULE “E”

CRIMINAL BACKGROUND DISCLOSURE

INSTRUCTIONS

Pursuant to Executive Order 1-2008, the County is required to maintain a record of criminal background disclosure from all persons providing work or services in connection with any County contract, including leases of County-owned real property and licenses:

- a.) If any of the persons providing work or services to the County in relation to a County contract are not subject to constant monitoring by County staff while performing tasks and/or while such persons are present on County property pursuant to the County contract; and
- b.) If any of the persons providing work or services to the County in relation to a County contract may, in the course of providing those services, have access to sensitive data (for example SSNs and other personal/secure data); facilities (secure facilities and/or communication equipment); and/or vulnerable populations (for example, children, seniors, and the infirm).

In those situations, the persons who must provide a criminal background disclosure (“Persons Subject to Disclosure”) include the following:

- a.) Consultants, Contractors, Licensees, Lessees of County-owned real property, their principals, agents, employees, volunteers or any other person acting on behalf of said Contractor, Consultant, Licensee, or Lessee who is at least sixteen (16) years old, including but not limited to Subconsultants, Subcontractors, Sublessees, or Sublicensees who are providing services to the County, and
- b.) Any family member or other person, who is at least sixteen (16) years old, residing in the household of a County employee who lives in housing provided by the County located on County property.

Under Executive Order 1-2008, it is the duty of every County Consultant, Contractor, Licensee, or Lessee to inquire of each and every Person Subject to Disclosure and disclose whether they have been convicted of a crime or whether they are subject to pending criminal charges, and to submit this form with that information.¹ Accordingly, the attached Criminal Background Disclosure Form and Certification must be completed and agreed-to as part of this Agreement.

Please note that under no circumstances shall the existence of a language barrier serve as a basis for the waiver of or an exception from the disclosure requirements of Executive Order 1-2008. If translation services are required by the Consultant, Contractor, Licensee, or Lessee to fulfill this obligation, it shall be at the sole cost and expense of the Consultant, Contractor, Licensee, or Lessee.

¹ For these disclosures, a “crime” or “pending criminal charge” includes all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State.

Please also note that the conviction of a crime(s) and/or being subject to a pending criminal charge(s) will not automatically result in a denial of a person's right to work on a County contract, right to be on County property, or license, but may, if the County determines that the prior conviction(s) or pending criminal charge(s) create an unacceptable risk. However, if a person fails to list or falsifies any part of his/her conviction history or any pending criminal charge(s) for any reason, he/she may be prohibited from working or being on County property without any risk assessment. If it is later determined that a Person Subject to Disclosure failed to disclose a criminal conviction or pending criminal charge for any reason, his/her right to work on a County contract, be on County property, or license may be terminated at any time.

Please further note that, pursuant to Executive Order 1-2008, and subject to the applicable provisions of New York Correction Law §§ 752 and 753, the County has the right to bar a Person Subject to Disclosure from providing work or services to the County or from being on County property if any such person has:

- a.) A conviction of a crime(s);
- b.) A pending criminal proceeding for a crime(s); or
- c.) Refused to answer questions concerning his/her criminal background

Please finally note that any failure by a County Consultant, Contractor, Licensee, or Lessee to comply with the disclosure requirements of Executive Order 1-2008 may be considered by the County to be a material breach and shall be grounds for immediate termination by the County of the related County contract.

Exemptions

Executive Order 1-2008 exempts from the aforementioned disclosure requirements Persons Subject to Disclosure:

- a.) for whom the County has already conducted a background check and issued a security clearance that is in full force and effect; and
- b.) for whom another state or federal agency having appropriate jurisdiction has conducted a security and/or background clearance or has implemented other protocols or criteria for this purpose that apply to the subject matter of a County contract that is in full force and effect.

If you are claiming an exemption for one or more Persons Subject to Disclosure, you must notify the Procuring Officer². The Procuring Officer will then determine whether the Person(s) Subject to Disclosure are actually exempt, and provide written notification of his/her determination. If the Procuring Officer determines that a Person Subject to Disclosure is not exempt, the Procuring Officer will notify you of that determination, and you will have to include disclosures for that person on your Criminal Background Disclosure Form and Certification.

² Procuring Officer" shall mean the head of the department or the individual or individuals authorized by the head(s) of the department(s) undertaking the procurement and with respect to those matters delegated to the Bureau of Purchase and Supply pursuant to Section 161.11(1)(a) of the Laws of Westchester County, the Purchasing Agent.

Subconsultants, Subcontractors, Sublessees, or Sublicensees

Under Executive Order 1-2008, it is your duty to ensure that any and all approved subconsultants, subcontractors, sublessees, or sublicensees complete and submit the attached Criminal Background Disclosure Form and Certification for all of their respective Persons Subject to Disclosure. This must be done before such a subconsultant, subcontractor, sublessees, or sublicensees can be approved to perform work on a contract.

New Persons Subject to Disclosure

Under Executive Order 1-2008, you have a **CONTINUING OBLIGATION** to maintain the accuracy of the Criminal Background Disclosure Form and Certification (and any accompanying documentation) for the duration of this contract, including any amendments or extensions thereto. Accordingly, it is your duty to complete and submit an updated Criminal Background Disclosure Form and Certification whenever there is a new Person Subject to Disclosure for this contract. **NO NEW PERSON SUBJECT TO DISCLOSURE SHALL PERFORM WORK OR SERVICES OR ENTER ONTO COUNTY PREMISES UNTIL THE UPDATED CRIMINAL BACKGROUND DISCLOSURE FORM AND CERTIFICATION IS FILED WITH THE PROCURING OFFICER.** You shall also provide the County with any other updates that may be necessary to comply with the disclosures required by Executive Order 1-2008.

PLEASE CONTINUE TO THE

Criminal Background Disclosure Form and Certification

BEGINNING ON THE NEXT PAGE

CRIMINAL BACKGROUND DISCLOSURE

FORM AND CERTIFICATION

If this form is being completed by a subconsultant, subcontractor, sublessee, or sublicensee, please consider all references in this form to “consultant, contractor, lessee, or licensee” to mean “subconsultant, subcontractor, sublessee, or sublicensee” and check here: _____

By executing this Agreement, I, as the signatory for the Contractor, certify that I am a principal or a representative of the Consultant, Contractor, Lessee, or Licensee and I am authorized to agree to and provide this completed Criminal Background Disclosure Form and Certification. I certify that each Person Subject to Disclosure has been asked the following questions:

- **Have you or your company ever been convicted of a crime (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State) including, but not limited to, conviction for commission of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property?**
- **Are you or your company subject to any pending criminal charges (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State)?**

I certify that the names and titles of Persons Subject to Disclosure who refused to answer **either** of the questions above are as follows:

If none, check this box: ☐

1. _____
2. _____
3. _____

(If more space is needed, please attach separate pages labeled “REFUSED to Answer - Continued.”)

I certify that the names and titles of Persons Subject to Disclosure who answered “Yes” to **either of the** questions above are as follows:

If none, check this box: ☐

1. _____
2. _____
3. _____

(If more space is needed, please attach separate pages labeled “YES Answers - Continued”)

Each Person Subject to Disclosure listed above who has either **been convicted of a crime(s)** and/or **is subject to a pending criminal charge(s)** must answer additional questions. Those questions are below.

A Person Subject to Disclosure who has **been convicted of a crime(s)** must respond to the following (please attach separate pages with responses for each person, with their name and title):

- 1.) Describe the reason for being on County property if applicable, identify the specific duties and responsibilities on this project which you intend to perform for the County, including but not limited to, access to sensitive data and facilities and access to vulnerable populations.
- 2.) Please list all criminal convictions along with a brief description of the crime(s) (including all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State).
- 3.) Please provide the date and place of each conviction.
- 4.) Please provide your age at the time of each crime for which you were convicted.
- 5.) Please provide the legal disposition of each case.
- 6.) Please provide any information either produced by yourself or someone on your behalf in regards to your rehabilitation and good conduct.

A Person Subject to Disclosure who **is subject to a pending criminal charge(s)** must respond to the following (please attach separate pages with responses for each person, with their name and title):

- 1.) Describe the reason for being on County property and if applicable, identify the specific duties and responsibilities on this project which you intend to perform for the County, including but not limited to, access to sensitive data and facilities and access to vulnerable populations.
- 2.) Please identify all pending criminal charges (all felonies and misdemeanors as defined under the New York State Penal Law or the equivalent under Federal law or the laws of any other State).
- 3.) Please briefly describe the nature of the pending charges and the date upon which it is alleged that a crime was committed.

I hereby certify that all of the information provided herein (and in any and all attachments) is true and accurate and that all disclosures required by Executive Order 1-2008 and this Criminal Background Disclosure Form and Certification have been completed. By executing this Agreement, I hereby affirm that all of the facts, statements and answers contained herein (and in any and all attachments) are true and correct. I understand that providing false or incomplete information or withholding by omission or intention pertinent information will be cause for refusing further consideration of my being utilized under this contract.

It is understood and agreed that no Person Subject to Disclosure shall perform work or services or enter onto County property until this required Criminal Background Disclosure Form and Certification is filed with the Procuring Officer.

It is understood and agreed that to the extent that new Persons Subject to Disclosure are proposed to perform work or provide services under this contract after filing of this Criminal Background Disclosure Form and Certification with the Procuring Officer, such new Persons Subject to Disclosure shall not perform work or provide services or enter into County property until an updated Criminal Background Disclosure Form and Certification has been filed with the Procuring Officer.

It is further understood and agreed that the consultant, contractor, lessee, or licensee has a continuing obligation to maintain the accuracy of the Criminal Background Disclosure Form and Certification for the duration of this contract, including any amendments or extensions thereto, and shall provide any updates to the information to the County as necessary to comply with the requirements of Executive Order 1-2008.

[NO FURTHER TEXT ON THIS PAGE]

SCHEDULE “F”

For Informational Purposes Only

**QUESTIONNAIRE REGARDING BUSINESS ENTERPRISES
OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS**

The County believes it is a laudable goal to provide business opportunities to veterans who were disabled while serving our country, and wants to encourage the participation in County contracts of certified business enterprises owned and controlled by service-disabled veterans. As part of the County's program to encourage the participation of such business enterprises in County contracts, and in furtherance of Article 3 of the New York State Veterans' Service Law, we request that you answer the questions listed below.

The term “Certified Service-Disabled Veteran-Owned Business Enterprise” shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is a certified service-disabled veteran-owned business enterprise under Article 3 of the New York State Veterans' Service Law.

1. Are you a business enterprise that is owned and controlled by a service-disabled veteran in accordance with the standards listed above?

_____ No
_____ Yes

2. Are you certified with the State of New York as a Certified Service-Disabled Veteran-Owned Business?

_____ No
_____ Yes

If you are certified with the State of New York as a Certified Service-Disabled Veteran-Owned Business, please attach a copy of the certification.

[NO FURTHER TEXT ON THIS PAGE]



Kenneth W. Jenkins
County Executive

April 16, 2025

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

Dear Honorable Members:

I have been advised by the Commissioner of Environmental Facilities (the "Commissioner") that the Town of Cortlandt ("Town") has requested pursuant to the attached resolution of the Town that the Peekskill Sanitary Sewer District ("District") be modified to add one (1) parcel of property more particularly described as 44 Regina Avenue, Sec. 24.10, Block 1, Lot 4 (hereinafter the "Parcel") to the District, which Parcel is not currently in any County Sanitary Sewer District, having been removed from the District in 1998 for the 1999 tax year.

I am advised that the feasibility report prepared by the Department of Environmental Facilities (the "Department") dated December 30, 2024 and attached hereto, indicates that the proposed addition of the Parcel represents an increase of 0.048% to the Equalized Full Value of the District. The addition of the Parcel will not cause significant changes in the tax rate of the District.

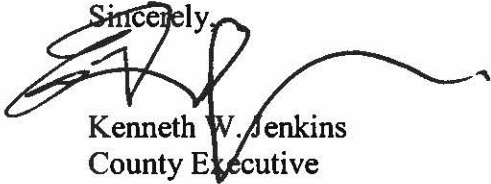
According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the Parcel to County facilities (i.e., gravity sewers) will be constructed at the total expense of the Town; 3) maintenance of the completed facilities will be the responsibility of the Town and not the District; 4) the Peekskill Water Resource Recovery Facility (the "Facility") has a design flow of 10 MGD and the present average daily flow is 6.1 MGD. The average daily flow the Parcel will generate after inclusion is 105 GPD. Therefore, the Facility and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

As your Honorable Board knows, Laws of Westchester County ("LWC") Section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators may only alter or change a district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board of Legislators shall direct. Therefore, attached hereto is a Resolution which will authorize the date and time of the public hearing.

Furthermore, LWC Sections 237.131 and 237.141 confer authority to determine what charges will be assessed against the Parcel. The Department recommends an aggregate surcharge of \$14,910.00 to be paid in each of ten equal annual installments of \$1,491.00, be assessed against the Parcel. This surcharge reflects capital costs incurred by the District from 1999 through 2024. This formula has been used in past legislation for parcels added to a sanitary sewer district.

Based on the above facts and the feasibility report provided by the Department, I respectfully recommend that your Board adopt a Resolution to hold a public hearing on this matter and after the public hearing, adopt an Act which will add the Parcel to the District.

Sincerely,

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

Kenneth W. Jenkins
County Executive

KWJ/VK/SEP/sjc
Attachments

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

Your Committee is in receipt of a transmittal from the County Executive in which the County Executive states that the Commissioner of Environmental Facilities (the “Commissioner”) has advised him that the Town of Cortlandt (“Town”) has requested pursuant to the attached resolution of the Town that the Peekskill Sanitary Sewer District (“District”) be modified to add one (1) parcel of property more particularly described as 44 Regina Avenue, Sec. 24.10, Block 1, Lot 4 (hereinafter the “Parcel”), which Parcel is not currently in any County Sanitary Sewer District, having been removed from the District in 1998 for the 1999 tax year.

Your Committee is informed that the feasibility report prepared by the Department of Environmental Facilities (the “Department”) dated December 30, 2024 and attached hereto, indicates that the proposed addition of the Parcel represents an increase of 0.048% to the Equalized Full Value of the District. The addition of the Parcel will not cause significant changes in the tax rate of the District.

According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the Parcel to County facilities (i.e., gravity sewers) will be constructed at the total expense of the Town; 3) maintenance of the completed facilities will be the responsibility of the Town and not the District; 4) the Peekskill Water Resource Recovery Facility (the “Facility”) has a design flow of 10 MGD and the present average daily flow is 6.1 MGD. The average daily flow the Parcel will generate after inclusion is 105 GPD. Therefore, the Facility and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

Your Committee notes that Section 237.131 of the Laws of Westchester County (“LWC”) authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board

shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would authorize the date and time of the public hearing. Your Committee recommends adoption of said Resolution.

Furthermore, LWC Sections 237.131 and 237.141 confer authority to determine what charges, if any, will be assessed against the Parcel. Your Committee has been informed that the Department recommends that an aggregate surcharge of \$14,910.00 to be paid in each of ten equal annual installments of \$1,491.00, be assessed against the Parcel. This surcharge reflects capital costs incurred by the District from 1999 through 2024. This formula has been used in past legislation for parcels added to a sanitary sewer district.

The Planning Department has advised that based on its review, the proposed addition of the Parcel may constitute a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617.5(c)(13), (26) and (33), and therefore no further environmental review is required. Your Committee has reviewed the annexed SEQRA documentation and concurs with this recommendation.

It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass this Act.

Based on the above facts and the Feasibility Report prepared by the Department, your Committee concurs with the recommendation of the County Executive and recommends that your Honorable Board adopt the annexed Resolution which will authorize publication of the Legal Notice for the public hearing as required by the Laws of Westchester County in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the addition of the Parcel to the District.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON

K:SJC 1/15/2025

FISCAL IMPACT STATEMENT

SUBJECT: 44 Regina Peekskill SSD, Cortlandt (T)

☐ 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: 236-60-1610-9012

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: Operating expenses related to process and treatment

plant expenses of additional flow from these parcels.

Potential Related Operating Budget Revenues: Annual Amount \$ 1,491

Describe: "Buy-in" revenue for parcel added to the Peekskill Sewer District each year
for the next 10 years

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

Current Year:

Next Four Years: Please see descriptions above

Prepared by: Steve Elie-Pierre, P.E.

Title: Director Of Wastewater Treatment

Department: Environmental Facilities

Date: December 4, 2024


Reviewed By:

Budget Director

Date:

4/8/2025

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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

DATE: April 1, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT
OF PROPERTY TO PEEKSKILL SANITARY SEWER DISTRICT –
44 REGINA AVENUE, TOWN OF CORTLANDT**

PROJECT/ACTION: The reinstatement of one parcel (Section 24.10, Block 1, Lot 4) located at 44 Regina Avenue in the Town of Cortlandt to the County's Peekskill Sanitary Sewer District. The property is approximately 18 acres in size and was consolidated from multiple parcels following approval for development as a self-storage facility. The owner is seeking reinstatement into the district in order to discharge sanitary sewage associated with restroom/office facilities on the premises.

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 because the project/action may be classified as a TYPE II action pursuant to section(s):

- **617.5(c)(13):** extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
 - **617.5(c)(26):** routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
 - **617.5(c)(33):** adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.
-

COMMENTS: The subject property was removed from the County sewer district in 1998, along with many other parcels that were not connected to sanitary sewers, at the request of the Town of Cortlandt. The parcel to be reinstated will be able to access the County sewer system via a connection to an existing local sewer line located at the north end of the property. The parcel is in the M-1 zoning district, is almost fully developed and a force main has been installed within the development and in a 15-foot wide sewer easement on the west side of Regina Avenue. The estimated sewage contribution for the parcel is 105 gallons per day (GPD) based on seven employees or up to 195 GPD at full buildout with a total of 13 employees. Sewage from the

Peekskill Sanitary Sewer District is treated at the Peekskill Water Resource Recovery Facility (WRRF). Since the Peekskill WRRF has a design flow of 10 million gallons per day (MGD) and the present average flow is 6.1 MGD, the treatment plant, as well as the County trunk sewer, have sufficient capacity to accommodate the additional flow.

DSK/cnm

Att.

cc: Joan McDonald, Director of Operations
Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca Lopez, Commissioner of Planning
Marian Pompa, Director of Wastewater Treatment, Dept. of Environmental Facilities
Steve Elie-Pierre, Director – Maintenance, Dept. of Environmental Facilities
Jeffrey Goldman, Senior Assistant County Attorney
Sean Curtin, Assistant County Attorney
Claudia Maxwell, Principal Environmental Planner

RESOLUTION

NUMBER 243-23

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

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

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

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

Owner(s): Mark Giordano

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

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

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROE ROSE SHATZKIN
TOWN CLERK**

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

Certified Copy
07/31/23 Date
LAROE ROSE SHATZKIN
Town Clerk and Registrar

COUNTY OF WESTCHESTER
DEPARTMENT OF ENVIRONMENTAL FACILITIES

December 30, 2024

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR A CERTAIN PROPERTY

IN THE

PEEKSKILL SANITARY SEWER DISTRICT

TOWN OF CORTLANDT



Vincent F. Kopicki, P.E.
Commissioner
Environmental Facilities

The Town of Cortland has petitioned that one (1) property currently not included in the Peekskill Sanitary Sewer District be returned to the Peekskill Sanitary Sewer District. This parcel was removed from the County Sewer District in 1998 for the 1999 tax year.

A. The identification of the property not currently within the boundaries of the Peekskill Sanitary Sewer District and to be added is contained in the attached Resolution prepared by the Town Clerk, Town of Cortlandt. Said property is not currently in any County Sanitary Sewer District, and has never been in any County Sewer District in the past. The property is known as 44 Regina Avenue, designated as Section 24.10, Block 1, Lot 4.

B. EFFECT ON SEWER DISTRICT TAX RATE:

Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuations in the 2024 tax levy pertinent to the subject property:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Cortlandt	\$ 14,893,985	1.22%	\$1,220,818,443
Peekskill	123,230,717	2.39	5,156,096,946
Somers	64,641,224	9.71	665,718,064
Yorktown	53,940,666	1.72	3,136,085,233
Total			\$10,178,718,686
(Town of Cortlandt) Total Value of the parcels to be added			+ <u>4,932,377</u>
Total Full Value of District as Amended:			\$10,183,651,063

* represents a 0.048% increase in the FEV of the District

C. The Surcharge Calculation for the property which is not now in a County Sewer District and is proposed for inclusion in the Peekskill Sanitary Sewer District is as follows:

If: e = added area's share in District equity or surcharge amount;

A = added area's f.e.v., 2024 Rolls

D = District f.e.v., 2024 rolls, before proposed additions

and E = District equity in existing facilities or the total of debt service and advances from district levies to pay the capital costs of those facilities, for the period 1999 through 2024.

Then:
$$e = \frac{A}{D+A} \times E$$

$$e = \frac{4,932,377}{10,178,718,686 + 4,932,377} \times 30,805,869$$

$$e = \frac{4,932,377}{10,183,651,063} \times 30,805,869$$

$$e = 0.000484 \times \$30,805,869$$

$$e = \$14,910.040 \text{ (rounded to } \$14,910.00)$$

and: in each of 10 annual installments, a total surcharge of \$1,491.00 is to be collected from the added property and credited to the remaining properties of all Municipalities in the District, in each of the ten years.

D. Summary and Recommendations.

The proposed Peekskill Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the Town of Cortlandt.
2. The facilities necessary to connect the property to County facilities (i.e. Gravity Sewers) will be constructed at the total expense of the Town of Cortlandt.
3. Maintenance of the completed facilities will be the responsibility of the Town of Cortlandt but not the Peekskill Sanitary Sewer District.
4. The Peekskill Water Resource Recovery Facility has a design flow of 10 MGD and the present average daily flow is 6.1 MGD. The average daily flow the parcels will generate is 105 gallons per day. The Facility and the County Trunk Sewer have sufficient capacity to accommodate this property.
5. The subject expansion will not result in any significant effect on the tax structure of the district.
6. The Territory proposed to be added to the Peekskill Sanitary Sewer District is not now in any County Sewer District and will be required to pay a surcharge over a ten year period.

File Name: FEAS 44 Regina_Lot_4.docx

RESOLUTION NO. 2025 –

RESOLVED, that this Board hold a public hearing on the proposed modification to the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt, more particularly described as 44 Regina Avenue, Sec. 24.10, Block 1, Lot 4, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ P.M. on the _____ day of _____, 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Such Notice shall be substantially in the form attached hereto.

PUBLIC NOTICE

NOTICE OF HEARING: MODIFICATION TO THE PEEKSKILL SANITARY SEWER DISTRICT BY THE ADDITION OF ONE (1) PARCEL OF PROPERTY IN THE TOWN OF CORTLANDT; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE _____ DAY OF _____, 2025 AT _____ P.M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE PROPOSED ADDITION TO THE PEEKSKILL SANITARY SEWER DISTRICT OF LAND IN THE TOWN OF CORTLANDT IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED DECEMBER 30, 2024, OF THE PARCEL LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION.

44 REGINA AVENUE, SEC. 24.10, BLOCK 1, LOT 4

A COPY OF THE REPORT AND MAP PREPARED BY THE COMMISSIONER OF ENVIRONMENTAL FACILITIES IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF LEGISLATORS AND MAY BE INSPECTED THERE BY ANY INTERESTED PARTY DURING BUSINESS HOURS.

CLERK OF THE COUNTY
BOARD OF LEGISLATORS
WESTCHESTER COUNTY, NEW YORK

Dated: _____, 2025
White Plains, New York

ACT NO. 2025 -

AN ACT to Modify the Peekskill Sanitary Sewer District by the Addition of one (1) Parcel of Property Located in the Town of Cortlandt.

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

Section 1. The following property known and designated as 44 Regina Avenue, Sec. 24.10, Block 1, Lot 4 (the "Parcel") on the assessment maps of the Town of Cortlandt (the "Town") is hereby added to the Peekskill Sanitary Sewer District (the "District").

§ 2. Pursuant to the provisions of Chapter 237 of the Laws of Westchester County, the Board levies and assesses against the Parcel the aggregate sum of Fourteen Thousand Nine Hundred Ten Dollars (\$14,910.00) which amount shall be payable in ten equal annual installments of One Thousand Four Hundred Ninety-One Dollars (\$1,491.00) and shall be credited to the remaining portion of the District.

§ 3. This Act and the District and assessment areas as so altered, changed, modified, reduced and/or enlarged hereby, shall become effective immediately and the assessment rolls filed after the next taxable status date shall show County sewer district assessments and taxes on the basis of such revised District, and taxes levied on such rolls shall be based thereon, but any sewer district tax or assessment levied on any valid assessment rolls in effect prior to the next taxable status date, on any parcel affected by the revisions made by this Act, shall continue valid as such or as a tax lien, until paid and the amount paid shall be credited to the sewer district in which such parcel was assessed on the role on which said tax is levied.

§ 4. The County Executive or his authorized designee be and hereby is authorized and empowered to execute any and all instruments and to take all action necessary and appropriate to accomplish the purposes hereof.

§ 5. This Act shall take effect immediately.



Kenneth W. Jenkins
Westchester County Executive

April 11, 2025

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

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act to amend the current-year capital budget ("Capital Budget Amendment"), as well as two bond acts ("Bond Acts"), of the County of Westchester ("County") as follows:

(1) the proposed Capital Budget Amendment will amend the County's current-year capital budget to increase the County share for Capital Project T0046 – Farebox Equipment ("T0046") by \$12,750,000 to \$16,250,000; and

(2) a bond act amending, in part, prior Bond Act No. 220-2021 to remove a \$3,500,000 authorization allocable to T0046, and decrease the estimated maximum amount of bonds authorized to \$10,426,000 ("Amending Bond Act"); and

(3) a bond act authorizing the issuance of bonds in the amount of \$16,250,000 to finance the cost of acquisition of a contactless reader fare collection system, as well as a separate box that will accept cash fares, including the installation of the necessary hardware and software on the buses and in the bus garages and associated work. This \$16,250,000 proposed Bond Act represents a \$12,750,000 increase to the amount previously authorized for T0046 and includes the \$3,500,000 previously authorized for T0046 by Bond Act 220-2021 ("Consolidated Bond Act").

The Amending Bond Act is required to remove the purchase of farebox equipment, ancillary equipment, design, installation and other related services related to T0046, so that those authorizations may be included in the Consolidated Bond Act for T0046.

The Department of Public Works and Transportation ("Department") has advised that the County has been an Affiliate Agency of the Metropolitan Transportation Authority ("MTA") since 2007, and has been using the MTA's MetroCard fare payment system for the Bee-Line Bus System. This direct integration and formal partnership has many advantages, highlighted by free and seamless transfers between Bee-Line and MTA's New York City Transit Subways and Buses, benefitting about 6 million passengers annually. MTA is now decommissioning MetroCard and replacing it with One Metro New York ("OMNY"), a new contactless fare payment system. In order for Bee-Line to remain fully integrated with the MTA's operations, the County will also be transitioning to the OMNY system. The current MetroCard farebox accepts both MetroCard swipes as well as coins. OMNY is a contactless reader only and will not accept cash. In addition to the new contactless OMNY system, the County will be installing a separate cash

farebox which will allow passengers to use either the OMNY reader or pay with cash. The requested funding is for the purchase and installation of both the OMNY reader and a cash farebox systems.

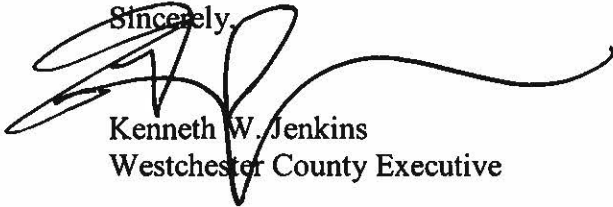
Following bonding authorization, the preparation of specifications will be scheduled and is anticipated to take two months to complete and will be completed by consultants. It is estimated that the production and delivery of the new equipment will take six months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance T0046 as indicated in the annexed fact sheet.

As your Honorable Board may know, Section 167.131 of the Laws of Westchester County 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 T0046 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 Acts is respectfully requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth W. Jenkins', with a long, sweeping horizontal line extending to the right.

Kenneth W. Jenkins
Westchester County Executive

Attachments

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

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of the following Acts in connection Capital Project T0046 – Farebox Equipment (“T0046”):

(1) an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (“Capital Budget Amendment”);

(2) a bond act amending, in part, prior Bond Act No. 220-2021 to remove a \$3,500,000 authorization allocable to T0046, and decrease the estimated maximum amount of bonds authorized to \$10,426,000 (“Amending Bond Act”); and

(3) a bond act authorizing the issuance of bonds in the amount of \$16,250,000 to finance the cost of acquisition of a contactless reader fare collection system, as well as a separate box that will accept cash fares, including the installation of the necessary hardware and software on the buses and in the bus garages and associated work. This \$16,250,000 proposed Bond Act represents a \$12,750,000 increase to the amount previously authorized for T0046 and includes the \$3,500,000 previously authorized for T0046 by Bond Act 220-2021 (“Consolidated Bond Act”).

Your Committee is advised that the proposed Capital Budget Amendment will amend the County’s current-year capital budget to increase the County share for T0046 by \$12,750,000 to \$16,250,000.

The Amending Bond Act, which was prepared by the law firm Harris Beach, is required to remove the purchase of farebox equipment, ancillary equipment, design, installation and other related services related to T0046 so that those authorizations may be included in the Consolidated Bond Act for T0046.

This \$16,250,000 Consolidated Bond Act and represents a \$12,750,000 increase to the amount previously authorized for T0046 and includes the \$3,500,000 previously authorized for T0046 by Bond Act 220-2021. The Consolidated bond act authorizes the issuance of bonds to finance the cost of acquisition of a contactless reader fare collection system, as well as a separate box that will accept cash fares, including the installation of the necessary hardware and software on the buses and in the bus garages along with associated work, in connection with T0046.

The Department of Public Works and Transportation (“Department”) has advised that the County has been an Affiliate Agency of the Metropolitan Transportation Authority (“MTA”) since 2007, and has been using the MTA’s MetroCard fare payment system for the Bee-Line Bus System. This direct integration and formal partnership has many advantages, highlighted by free and seamless transfers between Bee-Line and MTA’s New York City Transit Subways and Buses, benefitting about 6 million passengers annually. MTA is now decommissioning MetroCard and replacing it with One Metro New York (“OMNY”), a new contactless fare payment system. In order for Bee-Line to remain fully integrated with the MTA’s operations, the County will also be transitioning to the OMNY system. The current MetroCard farebox accepts both MetroCard swipes as well as coins. OMNY is a contactless reader only and will not accept cash. In addition to the new contactless OMNY system, the County will be installing a separate cash farebox which will allow passengers to use either the OMNY reader or pay with cash. The requested funding is for the purchase and installation of both the OMNY reader and a cash farebox systems.

Following bonding authorization, the preparation of specifications will be scheduled and is anticipated to take two months to complete and will be completed by consultants. It is estimated that the production and delivery of the new equipment will take six months to complete.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance T0046 as indicated in the annexed fact sheet.

The Department of Planning has advised your Committee that based on its review, T0046 may be classified as a Type “II” action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

Additionally, as your Honorable Board may know, Section 167.131 of the Laws of Westchester County 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 T0046 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 Amending Bond Act and Consolidated Bond Act, and recommends approval of all the proposed Acts, noting that the Amending Bond Act and Consolidated 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 Amending Bond Act and Consolidated Bond Act.

Dated: _____, 20____.
White Plains, New York

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: March 25, 2025

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
T0046 FAREBOX EQUIPMENT**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 3-18-2025 (Unique ID: 2867)

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; and
- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.

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
Gayle Katzman, First Deputy Commissioner, Department of Public Works & Transportation
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: March 27, 2025

RE: **NO-ACTION MEMO - Capital Budget Amendment – T0046 Farebox Equipment (2025 CBA)**

The County Executive is requesting an amendment to the 2025 Capital Budget to modify the funding of capital project **T0046 Farebox Equipment (2025 CBA)**. Funding for this project will increase by approximately \$12.75 million. The prior appropriation made in 2022 was \$3.5 million, bringing the total project cost to \$16.25 million.

Since 2007, Westchester County has been an Affiliate Agency of the Metropolitan Transportation Authority (MTA) and has been using the MTA's MetroCard fare payment system for the Bee-Line Bus System. As the MTA is now replacing MetroCard with OMNY, a new contactless fare payment system, the Bee-Line will now need to take the necessary steps to become fully integrated with the MTA's operations and offer uninterrupted free transfers between systems.

The increase in funding is needed to contract with Cubic Transportation System, the MTA's vendor that developed OMNY, and purchase modems to integrate OMNY with the current Bee-Line Bus Fleet of 78, and to cover onboarding expenses that must be paid which are integral to the integration of the Bee-Line system with the OMNY hardware. The project also will include procurement of separate cash fareboxes in order to keep a cash fare payment option.

This project was classified as a PL1 in the Planning Board Report for the 2022 Capital Budget adopted July 6, 2021. A PL1 project is a project that has been determined to have no substantial physical planning aspects of concern to the Planning Board. 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 of Planning
Hugh Greechan, Commissioner of Public Works and Transportation
David S. Kvinge, Assistant Commissioner
Michael Lipkin, Associate Planner

2022 Capital Project Requests

Adopted

**Report of the
Westchester County Planning Board**

July 6, 2021

George Latimer
County Executive

Richard Hyman
Chair
Westchester County Planning Board

TRANSPORTATION

There are 8 projects in this Department with a rating of PL1.

T001U Replacement of Thirty-Foot Buses
\$11,237,000

PL1 - This project will fund the procurement of up to 17 electric and/or hybrid diesel-electric buses to replace 17 Orion thirty-foot buses that were built in 2005.

T001Y Replace Orion V 40-foot Coach Buses
\$17,000,000

PL1 - This project will fund the procurement of up to (27) forty-foot buses to replace (27) 2008 Orion V forty-foot coach buses. The project also includes appropriation for the procurement of related services, associated equipment and parts.

T001Z Replace 95 NABI 40-Foot Hybrid Buses
\$350,000

PL1 - This project will fund the procurement of up to (95) forty-foot buses to replace (95) 2009 NABI forty-foot hybrid buses.

T0046 Farebox Equipment
\$3,500,000

PL1 - This project will modify the existing fare collection equipment on the entire Bee-Line fleet (excluding Paratransit) in order to be consistent with the new MTA fare system (OMNY).

T0047 Replacement of HVAC System at Cerrato Maintenance Facility
\$250,000

PL1 - This project involves complete replacement of the Heating Ventilating and Air Conditioning (HVAC) system at the Cerrato Maintenance Facility at the Valhalla Campus.

T0068 Central Maintenance Facility - Infrastructure Improvements, Yonkers (2019-2023)
\$3,000,000

PL1 - This project will fund infrastructure improvements at the Bee-Line Central Maintenance Facility (CMF) in Yonkers. Included in the 2022 funding is 1) replacement of HVAC systems in the penthouse, mezzanine, computer room, money room, farebox room and cleanerslounge; 2) replace the backflow prevention device associated with the main water pipe serving the facility; 3) replacement of the fuel dispensing equipment, software and VDM replacement.

An Act amending the 2025 County
Capital Budget Appropriations for
Capital Project T0046 FAREBOX
EQUIPMENT

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 Appropriation	Change	Revised 2025 Appropriation
I. Appropriation	\$3,500,000	\$12,750,000	\$16,250,000

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	\$3,500,000	\$12,750,000	\$16,250,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	\$3,500,000	\$12,750,000	\$16,250,000

Section 3. The ACT shall take effect immediately.

REFERENCE BES23
BLR2E
B077E
BPF39
T009G
T034A
T0069
T0056

ACT NO. -20__

BOND ACT OF THE COUNTY OF WESTCHESTER, NEW YORK, AMENDING THE BOND ACT ADOPTED DECEMBER 7, 2021 IN RELATION TO THE ACQUISITION OF VARIOUS EQUIPMENT AND CONSTRUCTION OF VARIOUS IMPROVEMENTS IN AND FOR THE COUNTY AT THE TOTAL ESTIMATED COST OF \$10,426,000. (Adopted , 20__).

WHEREAS, this Board has heretofore duly authorized the issuance of bonds to finance the cost of the acquisition of various equipment and construction of various improvements in and for the County, to wit: the acquisition of a ladder truck for the Department of Emergency Services, the purchase equipment such as: Total Kjeldsen Nitrogen Distiller, High temp Waterbath, Solid Phase Extraction Conc; NIST Traceable Libraries Agilent, Centrifuge, Agilent Flame Ionization Detector, Polar Light Microscope, various mass spectrometers, and other laboratory equipment as required for the Department of Labs and Research, the design, construction and construction management associated with the replacement of existing windows, doors, storefronts and related work at the Mount Kisco district office for the Department of Public Works, the purchase and installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations for the Department of Public Works, the purchase of replacement vehicles, associated equipment and related services for the Department of Transportation, the construction of improvements at the Cerrato bus facility in Valhalla including a new radiant heat

system in the bus maintenance area, replacement of the air compressor system and replacement of underground fuel storage tanks for the Department of Transportation, the purchase of farebox equipment, ancillary equipment, design, installation and other related services for the Department of Transportation, the replacement of fuel dispensing equipment for the Department of Transportation, and construction of physical improvements related to bus stops, new bus shelters, bus shelters, signage, design services and other related services for the Department of Transportation, at the estimated maximum cost of \$13,926,000, pursuant to Act No. 220-2021 duly adopted on December 7, 2021, and

WHEREAS, this Board has determined to revise the scope of work of said Bond Act, and remove the \$3,500,000 authorization for project T0046, and

WHEREAS, it has now been determined that such bond act shall be amended to revise said scope of work and decrease the amount of bonds authorized; now, therefore,

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 (A). The bond act duly adopted by this Board on December 7, 2021, entitled:

“(BOND) ACT NO. 220-2021

BOND ACT AUTHORIZING THE ISSUANCE OF \$13,926,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS EQUIPMENT AND CONSTRUCTION OF VARIOUS IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED

TOTAL COST THEREOF IS \$13,926,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$13,926,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

is hereby amended to read as follows:

BOND ACT AUTHORIZING THE ISSUANCE OF \$10,426,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS EQUIPMENT AND CONSTRUCTION OF VARIOUS IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$10,426,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,426,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(adopted on December 7, 2021 and amended on _____, 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, and to the provisions of other laws applicable thereto, \$10,426,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of various equipment and construction of various improvements in and for the County, to wit: the acquisition of a ladder truck for the Department of Emergency Services, the purchase equipment

such as: Total Kjeldahl Nitrogen Distiller, High temp Waterbath, Solid Phase Extraction Conc; NIST Traceable Libraries Agilent, Centrifuge, Agilent Flame Ionization Detector, Polar Light Microscope, various mass spectrometers, and other laboratory equipment as required for the Department of Labs and Research, the design, construction and construction management associated with the replacement of existing windows, doors, storefronts and related work at the Mount Kisco district office for the Department of Public Works, the purchase and installation of electric vehicle (EV) charging stations and associated infrastructure at various County locations for the Department of Public Works, the purchase of replacement vehicles, associated equipment and related services for the Department of Transportation, the construction of improvements at the Cerrato bus facility in Valhalla including a new radiant heat system in the bus maintenance area, replacement of the air compressor system and replacement of underground fuel storage tanks for the Department of Transportation, ancillary equipment, design, installation and other related services for the Department of Transportation, the replacement of fuel dispensing equipment for the Department of Transportation, and construction of physical improvements related to bus stops, new bus shelters, bus shelters, signage, design services and other related services for the Department of Transportation; all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof is \$10,426,000. The plan of financing includes the issuance of \$10,426,000 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 the class of objects or purposes for which said \$10,426,000 bonds authorized by this Act are to be issued, within the limitations of Section 11.00 a.89 of the Law, is five (5) 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 total amount of \$10,426,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$10,426,000 as the estimated total cost of the aforesaid class of objects or purposes is hereby approved.

Section 5. 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 6. 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 7. 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 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

Section (B). The amendment of the bond act set forth in Section (A) of this act shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond act, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond act, as so amended.

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

* * *

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: T0046

☒ 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

Reduce BA 220-2021 by \$3,500,000 to a new total \$10,426,000

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 10,426,000 PPU 5 Anticipated Interest Rate 3.12%

Anticipated Annual Cost (Principal and Interest): \$ 2,286,550

Total Debt Service (Annual Cost x Term): \$ 11,432,750

Finance Department: Interest rates from April 9, 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: 113

Prepared by: Michael Swee

Title: Director of Surface Transportation

Department: Public Works & Transportation

Date: 4/11/25

Reviewed By: 

dw 4/11/25
CR

Budget Director

Date: 4/14/25

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 Office of the
County Board of Legislators County of Westchester,
New York

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on December 7, 2021 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 AUTHORIZING THE ISSUANCE OF \$10,426,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS EQUIPMENT AND CONSTRUCTION OF VARIOUS IMPROVEMENTS IN AND FOR THE COUNTY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$10,426,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,426,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on December 7, 2021 and amended on _____, 20____)

object or purpose: to finance the cost of the acquisition of various equipment and the construction of various improvements in and for the County; all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$10,426,000; five (5) 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

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$16,250,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF A CONTACTLESS READER FARE COLLECTION SYSTEM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$16,250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,250,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (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, \$16,250,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the acquisition of a contactless reader fare collection system, as well as a separate box that will accept cash fares, including the installation of the necessary hardware and software on the buses and in the bus garages along with associated work, all as set forth in the County's Current Year Capital Budget, as amended, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such

Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object of purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$16,250,000. The plan of financing includes the issuance of \$16,250,000 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. 32 of the Law, is five (5) 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 \$16,250,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$16,250,000 as the estimated total cost of the aforesaid specific object or purpose is hereby approved.

Section 5. 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 6. 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 7. 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 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: T0046

☒ 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 \$ 16,250,000 PPU 5 Anticipated Interest Rate 3.12%

Anticipated Annual Cost (Principal and Interest): \$ 3,563,825

Total Debt Service (Annual Cost x Term): \$ 17,819,125

Finance Department: Interest rates from April 9, 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: 176

Prepared by: Michael Swee

Title: Director of Surface Transportation

Department: Public Works and Transportation

Date: 4/11/25

Reviewed By: 

du 4/11/25
CR

Budget Director

Date:

4/14/25

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

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

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved 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 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 AUTHORIZING THE ISSUANCE OF \$16,250,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ACQUISITION OF A CONTACTLESS READER FARE COLLECTION SYSTEM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$16,250,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$16,250,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20__)

object or purpose: to finance the cost of the acquisition of a contactless reader fare collection system, as well as a separate box that will accept cash fares, including the installation of the necessary hardware and software on the buses and in the bus garages along with associated work, all as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued:

and period of probable usefulness: \$16,250,000; five (5) 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

Project ID:* T0046	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-03-2025
Fact Sheet Year:* 2025	Project Title:* FAREBOX EQUIPMENT	Legislative District ID: ALL
Category* TRANSPORTATION	Department:* AIRPORT/DOT	CP Unique ID: 2867

Overall Project Description

This project will replace the existing MetroCard fare collection equipment on the entire Bee-Line fleet (excluding Paratransit) in order to be consistent with the new MTA fare system - One Metro New York (OMNY). The technology to be used will include a contactless reader based system. A separate cash farebox system and associated equipment will also be installed on the Bee-Line fleet.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input 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
Gross	16,250	3,500	0	0	0	0	0	12,750
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	16,250	3,500	0	0	0	0	0	12,750

Expended/Obligated Amount (in thousands) as of : 0

Current Bond Description: Purchase and installation of the OMNY fare collection contactless reader system as well as a separate fare box that will accept cash fares. The project will include installation of the necessary hardware/software on the buses and in the bus garages along with associated work.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	12,750,000
Cash:	0
Total:	\$ 12,750,000

SEQR Classification:

TYPE II

Amount Requested:

12,750,000

Expected Design Work Provider:

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

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2022	3,500,000	FUNDS THIS PROJECT

Total Appropriation History:

3,500,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
21	220	3,500,000	0	FAREBOX EQUIPMENT

Total Financing History:

3,500,000

Recommended By:**Department of Planning**

MLLL

Date

03-18-2025

Department of Public Works

RJB4

Date

03-18-2025

Budget Department

DEV9

Date

03-18-2025

Requesting Department

MAS9

Date

03-18-2025

FAREBOX EQUIPMENT (T0046)

User Department : Airport/DOT

Managing Department(s) : Airport/DOT ; Public Works ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project without physical planning aspects of concern to the Westchester County Planning Board.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2025	2026	2027	2028	2029	Under Review
Gross	3,500	3,500							
Non County Share									
Total	3,500	3,500							

Project Description

This project will modify the existing fare collection equipment on the entire Bee-Line fleet (excluding Paratransit) in order to be consistent with the new MTA fare system - One Metro New York (OMNY). The technology to be used will include a contactless system.

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
2022	3,500,000	Funds this project	PENDING
Total	3,500,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,500,000		3,500,000
Total	3,500,000		3,500,000

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
220 21	3,500,000			3,500,000
Total	3,500,000			3,500,000

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 13th 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 14th 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
Councilman Anthony Cirieco
Councilman William Faulkner
Councilman Richard G. Clinchy
Councilman Thomas A. Garrity

AYE
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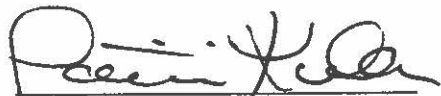
STATE OF NEW YORK

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.

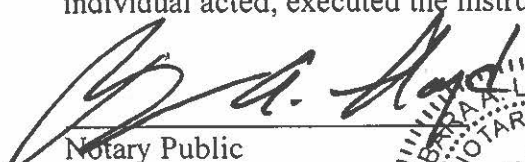
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of February, 2025.



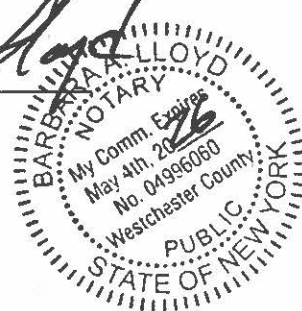
PATRICIA KALBA
Town Clerk

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

On the 19th 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

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 13th 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 14th 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
Councilman Anthony Ciriaco
Councilman William Faulkner
Councilman Richard G. Clinchy
Councilman Thomas A. Garrity

AYE
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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.

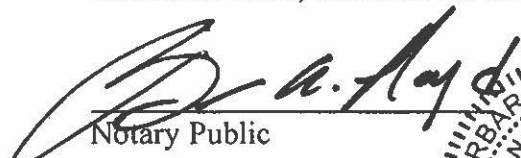
I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

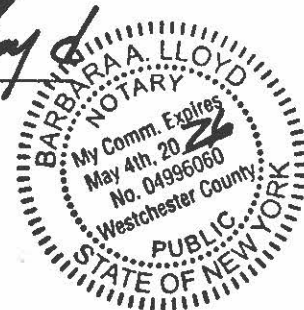
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of February, 2025.


PATRICIA KALBA
Town Clerk

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

On the 19th 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

Town of Somers

WESTCHESTER COUNTY, N.Y.

PATRICIA KALBA
TOWN CLERK



RESOLUTION

WHEREAS, on or about August 7, 2023, a formal petition for proposed zoning map and text amendments to allow for the construction of 76 Market Rate Townhomes along with an approximately 6,000 square foot community center (the “Proposed Project”) was submitted on behalf of Parkview B & G LLC (the “Applicant”) for property with an address of 0 Route 6 also known locally as Tax Map 4:20-1-2 and 15.08-1-4 (the “Subject Site”); and

WHEREAS, in support of the petition the Applicant also submitted a Full Environmental Assessment Form (EAF), conceptual layout plan and plan for the proposed recreation center; and

WHEREAS, the Applicant seeks to rezone the Subject Site from an Existing R-80 Residence District, R-40 Residence District and PH- Planned Hamlet District to Multifamily Residence Baldwin Place MFR-BP District along with proposed zoning text to Section 170-13.A. Multifamily Residence MFR District to Add 18(c) Affordable Housing Dwelling Unit Credits (the “Zoning Amendments” together with the Proposed Project, the “Proposed Action”); and

WHEREAS, on August 10, 2023 the Town Board did review and discuss the Proposed Action and did declare their intent to act as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) and did cause to be circulated a Notice of Intent to Act as Lead Agency to a known list of Interested and Involved Agencies; and

WHEREAS, on or about August 14, 2023, the Applicant did submit a revised petition which provided additional clarity to the proposed zoning text change; and

WHEREAS, on September 6, 2023, the Applicant did submit an updated conceptual plan and petition revising the Proposed Action so as to include an additional five (5) units that are to be marketed as for-sale units at no more than 120 percent of Westchester County average median income; and

WHEREAS, the Town Board in review of the Proposed Action notes that per §92-6.A(5) of the Somers Town Code, the Proposed Action is classified as a Type 1 Action under SEQRA; and
WHEREAS, the Town has received comments from the following regarding the Intent to Act as Lead Agency: NYC DEP, Town of Somers Planning Board and Town of Somers Bureau of Fire Prevention, none of whom objected to the Town Board assuming Lead Agency status to coordinate the environmental review process; and

WHEREAS, at its October 5, 2023 meeting, the Town Board did formally declare themselves as Lead Agency for the Proposed Action, and requested that the Applicant supplement the EAF with a series of technical reports related to traffic, natural resources, fiscal, utilities, cultural resources and stormwater management; and

WHEREAS, on November 29, 2023, the Applicant submitted to the Town an EAF that that included a series of technical reports which was reviewed by the Town Board and its technical staff and it was determined that the Applicant needed to provide additional information to assist the other Interested and Involved Agencies and the public with the better understanding the Proposed Actions, potential impacts and proposed mitigation; and

WHEREAS, on May 10, 2024, the Applicant submitted revised documents which were reviewed and additional comments and supplemental information was requested by the Lead Agency; and WHEREAS, on June 19, 2024 the Applicant met with the Town of Somers Bureau of Fire Prevention to discuss site access and the Applicant modified the plan to adequately respond to the concerns raised by the BFP which was provided in a memo from the BFP to the Town Board dated July 10, 2024; and

WHEREAS, on July 2, 2024 the Applicant submitted revised documents that were reviewed by the Lead Agency and were deemed to be acceptable for circulation to the other Interested and Involved Agencies and the public for their review and comment at the Town Board's August 8, 2024 meeting; and

WHEREAS, at the October 3, 2024 work session the Town Board did review the comments received on the Expanded EAF document from other Interested and Involved Agencies, including:

NYC DEP dated 9/24/24

NYS DEC dated 11/19/24

Westchester County Planning Board dated October 2, 2024 and December 16, 2024; and

WHEREAS, on October 17, 2024, the Applicant did provide responses to the comments raised on the EEAF along with an updated Fiscal Analysis dated October 14, 2024 for the Town Board's consideration; and

WHEREAS, the Town Board did cause to be scheduled a public hearing on the proposed Zoning Amendments for February 13, 2025, in which all members of the public were invited to be heard and were; and

WHEREAS, the Town Board is in receipt of a memo from the Town Planner dated October 29, 2024 which included EAF Parts 1 and drafts of EAF Parts 2 and 3 Narrative for their collective review and consideration including a detailed discussion of the environmental review process and the criteria for determining significance; and

WHEREAS, on February 13, 2025 the Town Board held a duly noticed public hearing on the Proposed Action in which all member of the public were invited to be heard and the public hearing was subsequently closed; and

WHEREAS, the Town Board has reviewed: the plans and materials submitted by the Applicant as listed in Attachment A to this Resolution and comments and correspondence received from the members of the public, Town Staff, Consultants and other related Boards and Committees responsible for the review of such applications; and

WHEREAS, the Town Board, as Lead Agency in the SEQRA review of the Proposed Action has evaluated the potential environmental impacts of the mater under Part 2 of the Full EAF and determined that the Proposed Action does not have the potential to cause any significant adverse impacts to the environment; and

NOW, THEREFOR BE IT RESOLVED, that the Town Board hereby adopts a Negative Declaration under SEQRA for the reasons stated in Parts 2 and 3 of the EAF, which are attached to this resolution as Exhibit A.

I hereby certify that the foregoing copy of the resolution was unanimously adopted by the Town Board of the Town of Somers at a Work Session/Regular Meeting held on February 13, 2025.

Dated: February 19, 2025

Patricia Kalba

Town Clerk

Ec: Supervisor
Director of Finance
Planning

EXHIBIT A TO RESOLUTION
FULL ENVIRONMENTAL ASSESSMENT FORM

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1


C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

_____  Baldwin Place Shopping Center (Now Somers Commons)

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	□ Yes □ No
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b. Is the use permitted or allowed by a special or conditional use permit?	□ Yes □ No
c. Is a zoning change requested as part of the proposed action? If Yes,	□ Yes □ No
i. What is the proposed new zoning for the site? _____	
C.4. Existing community services.	
a. In what school district is the project site located? _____	
b. What police or other public protection forces serve the project site? _____	
c. Which fire protection and emergency medical services serve the project site? _____	
d. What parks serve the project site? _____ _____	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? _____	
b. a. Total acreage of the site of the proposed action?	_____ acres
b. b. Total acreage to be physically disturbed?	_____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	_____ acres
c. Is the proposed action an expansion of an existing project or use? □ Yes □ No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? □ Yes □ No	
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? □ Yes □ No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? □ Yes □ No	
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
<ul style="list-style-type: none"> • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____ 	

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No ☐
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No ☐
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No ☐
 If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No ☐
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐
- Do existing lines serve the project site? ☐ Yes ☐ No ☐

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No ☐
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No ☐
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No ☐
 If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No ☐
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No ☐
- Is the project site in the existing district? *County Boundary Modification, Town District Expansion ☐ Yes ☐ No ☐
- Is expansion of the district needed? *County Boundary Modification, Town District Expansion ☐ Yes ☐ No ☐

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: center;">* Per EAF Workbook, less than 100 peak hour vehicle trips does not constitute as substantial increase in traffic. For townhomes, the Workbook states 190 units of townhomes equals 100 peak hour vehicle trips.</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend</p> <p><input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? Yes No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and covertypes on the project site.			
Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

<p>c. Is the project site presently used by members of the community for public recreation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>i. If Yes: explain: _____</p>	
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p>	

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> If yes, DEC site ID number: _____ Describe the type of institutional control (e.g., deed restriction or easement): _____ Describe any use limitations: _____ Describe any engineering controls: _____ Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain: _____ _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____ _____	
h. Surface water features. <ul style="list-style-type: none"> i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input type="checkbox"/> No ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <ul style="list-style-type: none"> iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> Streams: Name _____ Classification _____ Lakes or Ponds: Name _____ Classification _____ Wetlands: Name _____ Approximate Size _____ Wetland No. (if regulated by DEC) _____ 	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Name of aquifer: _____ 	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>
<p>E.3. Designated Public Resources On or Near Project Site</p>
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

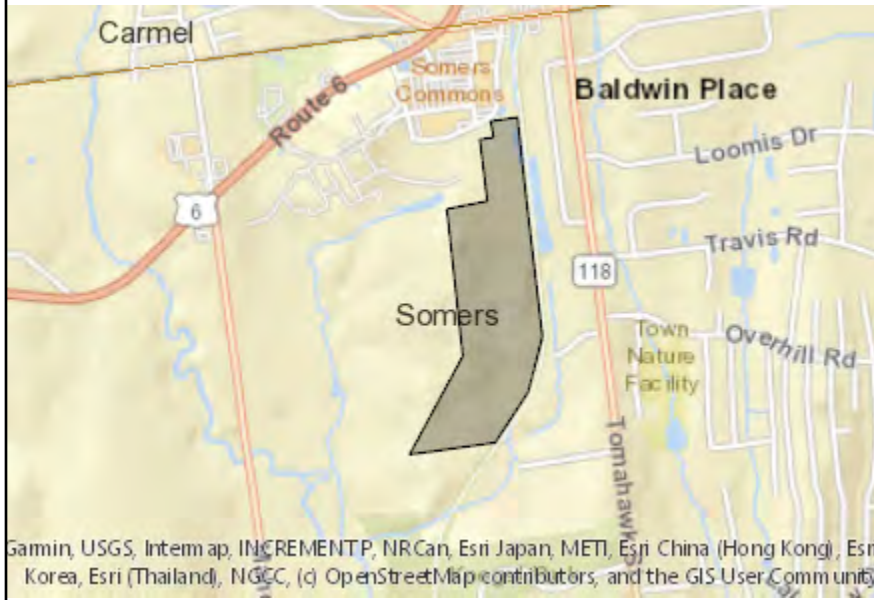
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:360023, NYC Watershed Boundary
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	360023
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	360023
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	Baldwin Place Area
E.3.d.ii [Critical Environmental Area - Reason]	Difficulties w/ portable water source
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Somers, Town of, Date:9-26-90
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Yes”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>				<input type="checkbox"/> NO <input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur	
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>	
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>	
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>	
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>	
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>				<input type="checkbox"/> NO <input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur	
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>	
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>	
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - g. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PROPOSED ACTION

Parkview B & G, LLC (“Applicant”) is the owner of two existing tracts of land comprising in the aggregate 56.8 acres and shown and designated on the Town of Somers Tax Map as tax parcels 4.20-1-12 and 15.08-1-4 with a street address of 0 Route 6 Somers (collectively, the “Project Site”).

Process Summary

The Applicant proposes to develop the Project Site with a total of 81 townhomes units to be sold in fee simple. Five of the total number of townhome units will be sponsored provided units marketed at or below 120% of the Westchester County average median income. In addition, the Applicant is proposing as a community benefit, the construction and dedication to the Town of a 6,000± s.f. community center and a dog park located on a proposed separate 7.5± -acre lot, and the creation of a conservation easement to preserve approximately 20 acres as open space (the “Proposed Project”). Further, the Applicant has petitioned the Town of Somers Town Board (the “Town Board”) to rezone the Project Site from existing R-40, R-80 and PH Planned Hamlet District to Multifamily Residence Baldwin Place (MFR-BP) and requested zoning text amendments to Section 170-13.A to add a new Section 18(c) Affordable Housing Dwelling Unit Credits (the “Proposed Zoning Amendments”). Further the Applicant has petitioned the Town Board along with other Involved Agencies to extend the Amawalk Heights Water District and an extension of the Somers Sewer District #1 and Peekskill Sanitary Sewer District to include the Project Site (together with the Proposed Zoning Amendments and Proposed Project constitutes the “Proposed Action” under the State Environmental Quality Review Act (“SEQRA”).

On October 5, 2023, the Town Board, pursuant to SEQRA, declared themselves Lead Agency for the environmental review of the Proposed Action after circulating a Notice of Intent to Act as Lead Agency to all known Interested and Involved Agencies. On or about November 29, 2023, the Applicant submitted a preliminary Expanded Environmental Assessment Form (“EEAF”) to the Lead Agency. The EEAF was prepared pursuant to SEQRA, to provide the Lead Agency, as well the public and other agencies, with information about the Proposed Action and to analyze the potential environmental impacts and the potential benefits of the Proposed Project. The preliminary EEAF was reviewed by Town staff with a request for additional information. A revised preliminary EEAF was submitted on or about May 10, 2024 which the Town did review in detail. The Applicant met with the Town of Somers Bureau of Fire Prevention (BFP) on June 19, 2024 and did update the proposed layout plan to enhance emergency access. On July 2, 2024 the Applicant did provide to the Town a revised EEAF and updated site plan drawings for review and consideration.

At its August 8, 2024 regular meeting, the Town Board accepted the EEAF with supporting documentation and plans as being adequate for public review and comment on the Proposed Action. The EEAF was circulated to all known Interested and Involved Agencies with a request to provide the Town Board with any comments. A copy of the EEAF materials was subsequently posted on the Town’s Web-site and provided the public with an opportunity to submit comments using the Town’s Web-site. Further, a newsletter detailing the Proposed Project with location of the EEAF on the Town Website was circulated Town-wide on September 27, 2024. The Applicant met with the Town of Somers Planning Board to review the contents of the EEAF and the Planning Board had no substantive comments understanding that the Proposed Action would be coming back to them for subdivision and site plan approval. The Town received written comments from

New York City DEP and Westchester County Planning Board which were reviewed at the Town Board's October 3, 2024 meeting. In addition, the Town Board had some specific questions regarding the information presented in the EEAF. On, October 17, 2024, the Applicant provided to the Town a technical memo which responded to the comments raised by the Town Board and other Interested and Involved Agencies.

FINDING OF NO SIGNIFICANT ADVERSE IMPACT

Following a hard look, the Town Board, acting as Lead Agency, concludes that the Proposed Action will not result in a significant adverse impact to the environment. In reaching this determination, the Lead Agency has considered the relevant areas of environmental concern and the criteria identified in 6 NYCRR §617.7, and has reviewed and considered, *inter alia*, the Petition for Zoning Text and Map amendment and addenda thereto, the Expanded Environmental Assessment Form submitted by the Applicant, supporting studies submitted by the Applicant, review and analyses conducted by the Town Staff and the Town's independent consultants, and public comment. The Lead Agency's rationale with respect to particular areas of relevance for the elements of the Proposed Action follows.

REASONS SUPPORTING THE NEGATIVE DECLARATION

The analysis of potential environmental impacts presented below is based on responses that were identified as potentially resulting in a "small impact" or a "moderate to large impact" in EAF Part 2. In certain cases, a brief explanation was provided despite the Proposed Action having "no impact" on the particular impact category.

1. IMPACT ON LAND

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.

a. The proposed action may involve construction on land where depth to water table is less than 3 feet.

Not applicable

b. The proposed action may involve construction on slopes of 15% or greater.

Impact Level: Small impact.

Description: It is anticipated that the Proposed Project would include construction on slopes greater than 15 percent. Approximately 25 percent of the Project Site is comprised of Town-regulated Steep Slopes, concentrated in the western portions of the Site. The Applicant has designed the Proposed Project to minimize impacts to Town-regulated Steep Slopes to the maximum extent practicable. The Proposed Project would implement a comprehensive Erosion and Sediment Control Plan ("ESCP"), the main components of which were reviewed by the Town Board and staff, to avoid and minimize potential adverse impacts to steep slopes. The Final ESCP would be subject to review and approval by the Planning Board and Town Engineer during Site Plan review.

The Proposed Project would not result in a significant impact on land with steep slopes, due to the limited disturbance (given the constraints of the Project Site), the anticipated construction techniques to limit erosion

(Erosion Sediment Control Plan), and slope stabilization plantings to protect slopes and limit erosion long-term.

c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

Not applicable

d. The proposed action may involve excavation and removal of more than 1,000 tons of natural material.

Impact Level: Small impact.

Description: Based on preliminary calculations, it is anticipated that construction of the Proposed Project would result in a net import of approximately 4,700 cubic yards of material. The import of material would be spread out over the course of construction which is anticipated to last approximately 36 months. It is not anticipated that construction of the Proposed Project would have a significant adverse impact as a result of the import of natural materials.

e. The proposed action may involve construction that continues for more than one year or in multiple phases.

Impact Level: Small impact.

Description: Construction of the Proposed Project is anticipated to last approximately 36 months. Given the size of the Project Site, all construction activity (staging, storage, parking, etc.) would be contained to the Project Site. The Applicant would coordinate with the Town Engineer, Town of Somers Police Department, Fire Department, Highway Department, and Building Department regarding all aspects of construction. Deliveries to the Project Site, and import of earthen material, would be spread out over the course of construction, limiting temporary traffic impacts to the surrounding area. With these mitigation measures in place, the duration of construction of the Proposed Project would not result in significant adverse impacts. Further, a comprehensive ESCP, as discussed above will be implemented to address construction related impacts to the environment during the construction process.

f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

Impact Level: Small impact.

Description: To address the removal of trees/vegetation and proposed physical disturbance of the ground, a comprehensive Stormwater Pollution Prevention Plan ("SWPPP") would be prepared in accordance with State and local regulations and would be reviewed during the Site Plan review. The primary components of the SWPPP were reviewed by Town staff and the Board during this SEQRA review. Temporary soil erosion and sediment control measures will be instituted and native plantings would be used to permanently restore disturbed areas. The SWPPP is in addition to the comprehensive Erosion and Sediment Control Plan ("ESCP") discussed above.

g. The proposed action is, or may be, located within a Coastal Erosion hazard area.

Not applicable.

2. IMPACT ON GEOLOGICAL FEATURES

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).

Not applicable.

3. IMPACTS ON SURFACE WATER

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).

a. The proposed action may create a new water body.

Not applicable.

b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.

Not applicable.

c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.

Not applicable

d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

Impact Level: Small impact.

Description: The Project Site is an unimproved, 56.8-acre property with forested uplands and a small tributary that is classified as a wetland under the Town Code.

Construction of the Proposed Project would disturb approximately 500 square feet of the approximately 3.6-acre Town-regulated wetlands located on the Project Site. Wetland disturbance is limited to the creation of a fire access road. On-site wetland buffer area disturbance is limited $\pm 22,790$ s.f. related to the grading associated with the fire access road, and a portion of the proposed stormwater management system which would be located within the 100-foot wetland buffer regulated by the Town of Somers and would require a wetland activity permit from the Town. A more detailed plan to mitigate the proposed $0.53 \pm$ acre disturbance, such as additional plantings within or adjacent to the wetland buffer, has been discussed and would be provided during site plan review. The disturbance would be necessary to facilitate the construction of a fire access lane, which would be comprised of Item 4 crushed stone. Off-site wetland buffer disturbance of approximately 6,190 s.f. is associated with off-site sidewalk improvements along Reynolds Drive and the installation of the required water line to serve the Subject Site.

It is noted that the Applicant has prepared a preliminary Erosion and Sediment Control Plan which has been reviewed by the Town. Erosion and sediment control measures (e.g., silt fencing and hay bales) would be implemented during construction to prevent indirect impacts to wetlands and waterbodies. A comprehensive SWPPP would be prepared as well during the site plan approval process, which would be subject to review and approval by the Town. With these protections in place, the Proposed Project would not have a significant adverse impact on wetlands and surface waters, either during construction or operation of the Proposed Project.

e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.

Not applicable.

f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.

Not applicable.

g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).

Not applicable.

h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.

Not applicable.

i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

Not applicable.

j. The proposed action may involve the application of pesticides or herbicides in or around any water body.

Not applicable.

-k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.

Not applicable.

4. IMPACT ON GROUNDWATER

Not applicable.

5. IMPACT ON FLOODING

Not applicable.

6. IMPACTS ON AIR

Not applicable.

7. IMPACT ON PLANTS AND ANIMALS

The proposed action may result in a loss of flora or fauna.

a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.

c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the federal government, that use the site, or are found on, over, or near the site.

d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.

The following analysis addresses sub-questions a, b, c, and d, cited above.

Impact Level: No to Small Impact.

Description: The Applicant performed a natural resources reconnaissance investigation on October of 2023, which confirmed and provided greater specificity as to the types and relative locations of the ecological communities and vegetation on the Project Site that were identified based on desktop research. The survey found that there were no threatened, endangered, and special concern species occurring within the Project Site. The Applicant's on-site evaluation did note that the following species of special concern in New York State might utilize the property: Eastern box turtle, Eastern hognose snake and Worm snake. The Applicant is proposing to create a conservation easement for approximately 20 acres of the 56.8-acre Project Site which would include the wetland/stream corridor and surrounding buffer area and woodlands.

With these mitigation measures in place, the Proposed Project would not have the potential to result in significant adverse impacts to special concern species and would not adversely affect any significant natural communities.

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.

Not Applicable

f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.

Not applicable

g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.

Not applicable

h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.

Not applicable

i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.

Not applicable

8. IMPACT ON AGRICULTURAL RESOURCES

The proposed action may impact agricultural resources.

Not applicable.

9. IMPACT ON AESTHETIC RESOURCES

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.

Not applicable

b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.

Not Applicable

c. The proposed action may be visible from publicly accessible vantage points:

- i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)*
- ii. Year round*

d. The situation or activity in which viewers are engaged while viewing the proposed action is:

- i. Routine travel by residents, including travel to and from work*
- ii. Recreational or tourism based activities*

The following analysis addresses sub-questions c, and d, cited above.

Impact Level: No to Small Impact.

Description: The Proposed Project is located adjacent to the North County Trailway. Portions of the Proposed Project such as visitor parking and the proposed community center may be seen seasonally during the winter with leaf off conditions. The proposed townhome units are located approximately 220 to 640 linear feet from the North County Trailway and are separated by the proposed conservation easement which is heavily vegetated. It is unlikely that the residential units would be visible from the Trailway. It is noted that all along the Trailway are examples of residential and commercial developments which are visible from the Trailway.

e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.

No impact

f. There are similar projects visible within the following distance of the proposed project:

- 0-1/2 mile*
- 1/2 -3 mile*
- 3-5 mile*
- 5+ mile*

No impact

10. IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES

The proposed action may occur in or adjacent to a historic or archaeological

a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.

b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

Impact level - No impact. *While the initial EAF Part 1 identified that the Proposed Action may occur in or adjacent to a historic or archeological resource, the Applicant has prepared a Phase 1A/1B Archeological Survey and submitted it to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). OPRHP has provide correspondence dated March 13, 2024 which indicates that the Proposed Action no properties, including archeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the Proposed Project.*

11. IMPACT ON OPEN SPACE AND RECREATION

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

The Lead Agency contends that the Proposed Action will have a positive impact on the preservation of open space by creating a conservation easement that will preserve approximately 20 acres of the Project Site adjacent to the North County Trailway. In addition, as a community benefit related to the Proposed Action, the Applicant has proposed to create a separate lot to be dedicated to the Town and to construct a 6,000± community center to made available to Town of Somers residents along with a dog park.

12. IMPACT ON CRITICAL ENVIRONMENTAL AREAS

The proposed action may be located within or adjacent to a critical environmental area (CEA).

a.-b. Not applicable

13. IMPACT ON TRANSPORTATION

The proposed action may result in a change to existing transportation systems.

a. Projected traffic increase may exceed capacity of existing road network.

Impact Level: No impact.

Description: A Traffic Impact Study was prepared to assess the potential traffic and transportation impacts of the Proposed Project, and was reviewed by the Town's independent traffic consultant and the Town Board. Potential impacts were analyzed using industry-standard data and methodology to calculate existing and future traffic operating conditions in the study area. Based on this analysis, and the criteria in the SEQRA EAF Workbooks for determining impacts, the Proposed Project is not anticipated to result in a significant adverse impact to traffic on the adjacent roadway network. Specifically, the Level of Service at each study area intersection would remain the same in the future with the Proposed Project, and no modifications to the roadway network are required. In addition, the Proposed Project will contribute to improving the pedestrian

environment by providing sidewalks along the roadway serving the Site and along Reynolds Drive which will enhance connectivity to the Somers Commons retail center.

b – e. Not applicable.

f. Other impacts: beneficial impacts.

Description: The Applicant proposes to construct a sidewalk along the Project's interior roadway and along Reynolds Drive. These community benefits would enhance pedestrian circulation, and align with the Town's 2016 Comprehensive Plan related to Complete Streets connectivity.

14. IMPACT ON ENERGY

The proposed action may cause an increase in the use of any form of energy.

a . The proposed action will require a new, or an upgrade to an existing, substation.

Not applicable

b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.

Impact level – small impact

Description – The Proposed Action contemplates the extension of existing utility lines to the Project Site to serve the proposed 81 townhome units and the proposed Community Center. It is anticipated that the development would be using the latest appliances and fixtures.

c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.

Not applicable

d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.

Not applicable.

15. IMPACT ON NOISE, ODOR, AND LIGHT

The proposed action may result in an increase in noise, odors, or outdoor lighting.

a - e. Not applicable

16. IMPACT ON HUMAN HEALTH

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

a-l Not applicable.

17. CONSISTENCY WITH COMMUNITY PLANS

The proposed action is not consistent with adopted land use plans.

The Board finds that the Proposed Action is compatible with adopted land use plans. Nonetheless, the Board desires to discuss the relevant sub-questions in this part below.

a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).

Not applicable.

b. The proposed action will cause the permanent population of the city, town or Town in which the project is located to grow by more than 5%.

Impact Level: No to small impact.

Description: As detailed in the EEAF, the Proposed Project is conservatively estimated to have a population of approximately 212 residents, which is equal to approximately 1 percent of the Town's 2020 population of 21,541. This assumes that none of the prospective Project residents relocate from within the Town of Somers. The Applicant has indicated that the Proposed Action will help diversify the Town's existing housing stock, providing an opportunity for existing residents to downsize from single family homes. While the Proposed Project would cause the permanent population of the Town to grow by less than one percent, it is anticipated that would be a beneficial impact for the Town, by generating additional property tax revenue and economic benefits to the Town. Upon stabilization, the Proposed Project is anticipated to generate approximately \$1.37 million in property taxes annually, including approximately \$850,000 for the Somers School District and approximately \$100,000 for the Town.

An economic benefit study by the Applicant estimated that discretionary spending by new residents would generate approximately \$5.0 million annually, some portion of which will be spent in the greater Somers community on local goods and services. The residents' direct local spending would have ripple effects in the economy through increased business-to-business spending (indirect impacts) and increased household income (induced effects).

c. The proposed action is inconsistent with local land use plans or zoning regulations.

Not applicable.

d. The proposed action is inconsistent with any County plans, or other regional land use plans.

Not applicable

e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.

The following analysis addresses sub-questions c, d, and e, cited above.

Impact Level: No/small impact.

Description: The Town of Somers Comprehensive Master Plan ("Comprehensive Plan") was adopted February 2016. The Proposed Action, which would require proposed amendments to the Zoning Code, is consistent with, and will advance, many of the goals set out in the Comprehensive Plan. The Proposed Action contemplates the use of the Multifamily Residence Baldwin Place Zoning designation which is consistent with the surrounding development pattern. The Proposed Action speaks directly to the of diversifying the existing housing stock so that Somers aging population looking to sell their single family homes have an option to remain in the community in another form of housing¹. The proposed zoning text amendments are

¹ Town of Somers Comprehensive Plan, 2016, p. 34

a recognition of the efforts of a single development group to produce 226 affordable housing units where only 40 affordable dwelling units were required.

Pedestrian connections will be enhanced especially to nearby commercial uses providing an alternate means of access beside the automobile.

Further, the Town recognizes that the ability to create and foster affordable housing is dependent, in large measure, on the ability of the local infrastructure (water, sewer, roads) to support such development. The Town recognizes that the infrastructure exists in Baldwin Place to support a variety of land use types².

The Proposed Project is also consistent with the Comprehensive Plan's objective that the Town "ensure that additional development occurs at a scale and in a manner that is appropriate to the area and that serves to preserve and enhance the character and diversity of Somers's neighborhoods and commercial areas." The Proposed Project would add necessary housing supply to the Town, diversify the types of housing available to Town residents, and would enhance the area around the Project Site, by improving connectivity to the Somers Commons retail center. The scale and manner of the Proposed Project is also consistent with the Town's design goals including the preservation of approximately 20 acres as open space. Further, the Proposed Project includes a nearly 6,000 square foot community center to be available for all of Somers residents. Landscaping will incorporate appropriate native species; all lighting would be designed to "provide safety and security" on the Project Site and would "prevent light pollution" through the use of LED lighting and directing lighting towards the ground.

For these reasons, the Board of Trustees finds that the Proposed Action is consistent with the Town's adopted land use plans and would therefore not result in a significant adverse impact.

f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.

Not applicable

-g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)

Not applicable

18. CONSISTENCY WITH COMMUNITY CHARACTER

The proposed project is inconsistent with the existing community character.

a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.

Not applicable.

b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)

Impact Level: Small impact.

Description: The Project Site is located within the Somers School District (the "District"). It is anticipated that between 16 and 19 new public school students could live within the Proposed Project. Applying the per pupil programmatic cost attributable to the property tax levy payments currently being made to the District

² Ibid. p. 46, 47, 63 158 and Figure 11

of \$18,599 to the number of new students results in a conservative potential annual cost to the District of \$297,584 (for 16 students) to \$353,381 (for 19 students) per year. These potential costs would be wholly covered by the estimated \$850,000 in annual tax revenue that the District would receive from the Proposed Project, resulting in an annual surplus of tax revenue to the District. Additionally, since 2013/2014, enrollment has generally declined, from a high of 3,315, to a low of 2,649 students enrolled during the 2023-2024 school year. Given the declining enrollment in the District, it is not anticipated that the 16 to 19 students would result in capacity issues at any District school. As such, the Proposed Project would not adversely impact the District.

During the review of the Proposed Action, the Applicant has met with the Somers Bureau of Fire Prevention on several occasions to review the design of the Proposed Project and to coordinate on-Site access by the Fire Department.

The design and construction of the Proposed Project would meet the most modern building and fire codes and allow for sufficient fire truck maneuverability around the Project Site.

Therefore, the Proposed Project would not adversely affect the provision of fire safety services.

c-e. Not applicable.

f. Proposed action is inconsistent with the character of the existing natural landscape.

Impact Level: No/small impact.

Description: The Proposed Action contemplates the preservation of approximately 20 acres as a conservation area to be preserved in perpetuity. The proposed development program is located, primarily in the western portion of the side away from the North County Trailway.

ATTACHMENT A

Trailside Estates submission items to the Town Board

Application submission to the Town Board 8/14/24

1. Cover letter from Charles Martabano on behalf of the Applicant dated 8/14/24 with petition for Zoning Map and Text Amendments
2. EAF dated 8/7/24

Application submission to the Town Board 11/29/23

1. Cover letter from Charles Martabano on behalf of the Applicant dated 11/29/23
2. Part 1 Full Environmental Assessment Form, dated 1/29/23
3. SWPPP prepared by Insite Engineering dated 11/20/23
4. Wastewater Engineering Report prepared by Insite Engineering dated 11/20/23
5. Water Engineering Report prepared by Insite Engineering dated 11/20/23
6. Transportation Study prepared by Tim Miller Associates, dated 11/29/23
7. Wildlife Habitat Assessment prepared by Tim Miller Associates, dated 11/29/23
8. Fiscal Analysis Report prepared by Tim Miller Associates, dated 11/29/23
9. Site plan drawing set prepared by Insite Engineering last revised 11/17/23
 - a. OP-1 Overall Plan
 - b. EX-1 Existing Conditions Plan
 - c. SP-1.1 Layout and Landscape Plan (3 sheets)
 - d. SP-2.1 Grading & Utilities Plan (3 sheets)
 - e. SP-3 Phasing Plan
 - f. SP-4.1 Erosion & Sediment Control Plan (3 sheets)
 - g. LP-1.1 Lighting Plan (3 sheets)
 - h. D-1 through 4 Details

Application submission to the Town Board 5/10/24

1. Cover letter from Insite Engineering dated 5/10/24 including responses to Town Engineering Consultant comments
2. SWPPP revised 5/10/24
3. Wastewater Engineering Report prepared by Insite Engineering dated 5/10/24
4. Water Engineering Report prepared by Insite Engineering dated 5/10/24
5. Draft Petition for Expansion of Somers Sewer District #1
6. Draft Petition for Expansion of Amawalk Heights Water District
7. Site plan drawing set prepared by Insite Engineering last revised 5/10/24
 - a. OP-1 Overall Plan
 - b. EX-1 Existing Conditions Plan
 - c. SP-1.1 Layout and Landscape Plan (3 sheets)

- d. SP-2.1 Grading & Utilities Plan (3 sheets)
- e. SP-2.4 Offsite Utilities Plan
- f. SP-3 Phasing Plan
- g. SP-4.1 Erosion & Sediment Control Plan (3 sheets)
- h. LP-1.1 Lighting Plan (3 sheets)
- i. D-1 through 5 Details
- j. EW-1 Earthwork Plan dated 5/10/24

Application submission to the Bureau of Fire Prevention dated 6/21/24

- 1. Cover letter from Insite Engineer dated 6/21/24 revised with response to comments
- 2. VM-1 Vehicle Maneuvering Plan dated 6/21/24 prepared by Insite Engineering
- 3. Site plan drawing set prepared by Insite Engineering last revised 5/10/24
 - a. OP-1 Overall Plan
 - b. EX-1 Existing Conditions Plan
 - c. SP-1.1 Layout and Landscape Plan (3 sheets)
 - d. SP-2.1 Grading & Utilities Plan (3 sheets)
 - e. SP-2.4 Offsite Utilities Plan
 - f. SP-3 Phasing Plan
 - g. SP-4.1 Erosion & Sediment Control Plan (3 sheets)
 - h. LP-1.1 Lighting Plan (3 sheets)
 - i. D-1 through 5 Details
 - j. EW-1 Earthwork Plan dated 5/10/24

Application submission to the Town Board dated 7/2/24

- 1. Cover letter from Insite Engineering dated 7/2/24
- 2. Expanded Environmental Assessment Form
 - a. Full EAF dated 1/9/24
 - b. Updated Traffic Study dated 5/28/24 prepared by Tim miller Associates
 - c. Ecological Assessment prepared by Tim miller Associates
 - d. Fiscal Analysis dated 1/8/24 prepared by Tim miller Associates
 - e. Stormwater and Utilities write up dated 6/11/24 prepared by Insite Engineering
 - f. SWPPP dated 5/10/24 prepared by Insite Engineering
 - g. Wastewater Engineering Report dated 5/10/24 prepared by Insite Engineering
 - h. Water Engineering Report dated 5/10/24 prepared by Insite Engineering
- 3. Site plan drawing set prepared by Insite Engineering last revised 6/21/24
 - a. OP-1 Overall Plan
 - b. EX-1 Existing Conditions Plan
 - c. SP-1.1 Layout and Landscape Plan (3 sheets)
 - d. SP-2.1 Grading & Utilities Plan (3 sheets)
 - e. SP-2.4 Offsite Utilities Plan

- f. SP-3 Phasing Plan
 - g. SP-4.1 Erosion & Sediment Control Plan (3 sheets)
 - h. LP-1.1 Lighting Plan (3 sheets)
 - i. D-1 through 5 Details
 - j. EW-1 Earthwork Plan dated 5/10/24
4. VM-1 Vehicle Maneuvering Plan dated 6/21/24 prepared by Insite Engineering

Correspondence – Consultants and Other Town Affiliated Committees

- 1. Memo dated 10/2/23 from the Town Planner
- 2. Memo from Hardesty & Hanover dated 12/21/23
- 3. Correspondence from the Town Planner dated 1/2/24
- 4. Memo dated 2/15/24 from Woodard & Curran
- 5. Memo from Hardesty & Hanover dated 3/4/24
- 6. Memo from the Bureau of Fire Prevention dated 7/10/24
- 7. Memo dated 8/28/24 from the Town Planner
- 8. Memo from Hardesty & Hanover dated 9/26/24
- 9. Memo from Hardesty & Hanover dated 10/16/24
- 10. Memo dated 10/29/24 from the Town Planner
- 11. Letters from the Supervisor to the Westchester County Planning Board dated 11/5/24 and 12/31/24

SEQRA NOI & Lead Agency Documentation

- 1. Letter from NYSDOT dated 10/3/23
- 2. Letter from NYS OPRHP dated 3/13/24
- 3. Letter from NYS DEP dated 9/24/24
- 4. Letters from Westchester County Planning Board dated 10/2/24 and 12/16/24
- 5. Letter from NYS DEC dated 11/19/24

Correspondence – Residents

Richard and Carol Egloff 2/15/22

Town of Somers

WESTCHESTER COUNTY, N.Y.

PATRICIA KALBA
TOWN CLERK



RESOLUTION

WHEREAS, on or about September 6, 2023, a formal petition for proposed zoning map and text amendments to allow for the construction of 76 Market Rate Townhomes and five (5) units to be sold at below market rates, with sales process of such below market rate units determined to as to be affordable to families with income equals to 120 percent of AMI, along with an approximately 6,000 square foot community center and dog park (the “Proposed Project”) was submitted on behalf of Parkview B & G LLC (the “Applicant”) for property with an address of 0 Route 6 also known locally as Tax Map 4:20-1-2 and 15.08-1-4 (the “Subject Site”); and

WHEREAS, the Applicant seeks to rezone the Subject Site from an Existing R-80 Residence District, R-40 Residence District and PH- Planned Hamlet District to Multifamily Residence Baldwin Place MFR-BP District along with proposed zoning text to Section 170-13.A. Multifamily Residence MFR District to Add 18(c) Affordable Housing Dwelling Unit Credits described as Local Law No. 1 of 2025; and

WHEREAS, the Town Board has reviewed the proposed zoning amendments and finds that they are consistent with, and will advance, many of the goals set out in the Comprehensive Plan, including: diversifying the existing housing stock; ensure that additional development occurs at a scale and in a manner that is appropriate to the area and that serves to preserve and enhance the character and diversity of Somers’s neighborhoods and commercial areas; and, by improving connectivity to the Somers Commons retail center; and

WHEREAS, the Town Board conducted an environmental review and held a duly noticed public hearing; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby adopt Local Law No. 2 of 2025 and amendments to the Town of Somers Zoning Map to rezone 56.8 acres from R/80/R/40 and PH-Planned Hamlet to MFR-BP Multifamily Residence Baldwin Place. The Properties are as follows:

Property Address	Tax Lot Designation	Current Zoning	Proposed Rezoning
0 Route 6	4.20-1-12	R80/R40/PH Planned Hamlet	MFR-BP Multi-family Residence Baldwin Place

Landlocked	15.08-1-4	R-80	MFR-BP Multi- family Residence Baldwin Place
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I hereby certify that the foregoing copy of the resolution was unanimously adopted by the Town Board of the Town of Somers at a Work Session/Regular Meeting held on February 13, 2025.

Dated: February 19, 2025

Patricia Kalba

Town Clerk

Ec: Supervisor
 Director of Finance
 Planning

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town
of Somers

Local Law No. 1 of the year 20 25

A local law See below

Be it enacted by the Town Board
of the (Name of Legislative Body)

Town
of Somers

A local law to amend Chapter 170 entitled Zoning, § 170-13 entitled Multifamily Residence MFR Districts of the Code of the Town of Somers.

Be it enacted by the Town Board of the Town of Somers as follows:

1. § 170-13 of Chapter 170 of the Code of the Town of Somers entitled “Multifamily Residence MFR Districts” is hereby amended by adding a new subsection (c) to § 170-13 A (18) entitled "Affordable dwelling units", such new subsection reading as follows:
Affordable Housing Dwelling Unit Credits

In those instances where an applicant can demonstrate to the satisfaction of the Town Board that such applicant, or an affiliate or affiliates of such applicant, has previously constructed residential housing communities in the Town of Somers which contain affordable housing dwelling units as defined by the Somers Town Code in an amount which exceeds the minimum requirements specified by the Somers Town Code in the zoning districts in which such residential housing communities are constructed, such applicant shall be entitled to an affordable housing dwelling unit credit to be applied to the development of future residential housing communities. The credit shall be equal to 50% of the number of affordable dwelling units previously constructed by the applicant or an affiliate or affiliates of the applicant, in excess of the minimum requirements specified by the Somers Town

Code in the zoning districts in which such residential housing communities are constructed.

For purposes of the foregoing, the term “affiliate” shall be deemed to mean an entity in which one or more of the principals of the applicant owns or owned a majority interest in such entity.

2. This Local Law shall be effective upon filing of same with the Secretary of State of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout that which is not applicable).

1. (Final adoption by local legislative body only).

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2025 of the ~~(County)~~ (City) (Town) ~~(Village)~~ of Somers was duly passed by the Town Board on February 13, 2025, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2025 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2025, and was (approved) (not approved) (repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 2025,
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

3. (Final adoption by referendum).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2025 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2025, and was (approved) (not approved) (repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 2025. Such local law was submitted
(Elective Chief Executive Officer*)
to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 2025, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2025 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2025, and was (approved) (not approved) (repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 2025. Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 2025, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2025 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 2025, became operative.

6. (County local law concerning adoption of Charter).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2025 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2025, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

If any other authorized form of final adoption has been followed, please provide an appropriate certification).

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 1 _____, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality).

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Town Attorney
Title

~~County~~
~~City~~ of Somers
~~Town~~
~~Village~~
Date: _____

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town
of Somers

Local Law No. 2 of the year 2025

A local law See below

Be it enacted by the Town Board
of the (Name of Legislative Body)

Town
of Somers

A LOCAL LAW to approve the establishment of the Multifamily Residence Baldwin Place MFR-BP District on the properties as hereinafter described and to amend Chapter 170 entitled Zoning §170-5 entitled Zoning Map to reflect the establishment of such district with respect to such properties.

Be it enacted by the Town Board of the Town of Somers as follows:

1. In accordance with the provisions of § 170-13 of Chapter 170 of the Code of the Town of Somers entitled “Multifamily Residence MFR Districts”, the Town Board hereby approves the establishment of the Multifamily Residence Baldwin Place MFR-BP District on the properties hereinafter described:

Tax parcels 4.20-1-12 and 15.08-1-4, consisting in the aggregate of approximately 56.8 acres, shall be rezoned from their current zoning designations to Multifamily Residence Baldwin Place MFR-BP District.

2. The Zoning Map of the Town of Somers shall be amended accordingly.

3. This Local Law shall be effective upon filing of same with the Secretary of State of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout that which is not applicable).

1. (Final adoption by local legislative body only).

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2025 of the ~~(County)~~ (City) (Town) ~~(Village)~~ of Somers was duly passed by the Town Board on February 13, 2025, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2025 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2025, and was (approved) (not approved) (repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____ 2025,
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

3. (Final adoption by referendum).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2025 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2025, and was (approved) (not approved) (repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 2025. Such local law was submitted
(Elective Chief Executive Officer*)
to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 2025, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2025 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2025, and was (approved) (not approved) (repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 2025. Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 2025, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2025 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 2025, became operative.

6. (County local law concerning adoption of Charter).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2025 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2025, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

If any other authorized form of final adoption has been followed, please provide an appropriate certification).

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 1 _____, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality).

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Town Attorney
Title

~~County~~
~~City~~ of Somers
~~Town~~
~~Village~~
Date: _____

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 21st 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

IN THE MATTER OF THE PETITION OF

PARKVIEW B & G LLC

PETITION

FOR AN EXTENSION OF SOMERS SEWER DISTRICT #1

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 District¹. This Petition therefore also seeks to expand the Westchester County Peekskill

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

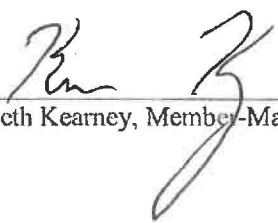
Sanitary Sewer District to include the entirety of the Property. Expansion of the Westchester County Peekskill Sanitary Sewer District is required to be authorized by the Westchester County Board of Legislators upon petition being made therefor by the municipal agency having jurisdiction over SSD1, the 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.

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

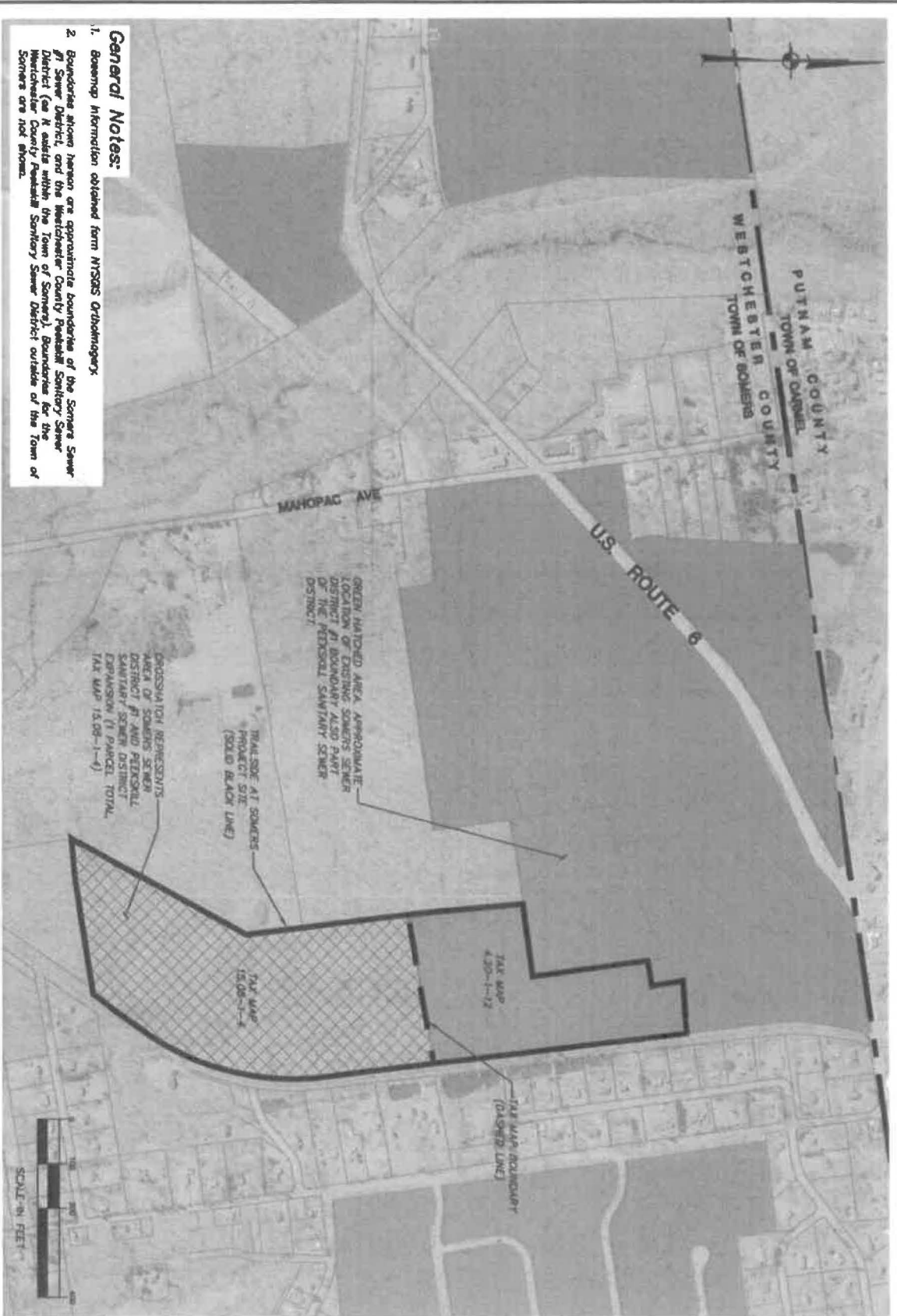
On the ^{April} 12 day of February, 2024 before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth Kearney, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged 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, Peekskill Sanitary Sewer District, and the Westchester County Peekskill Sanitary Sewer District (as it exists within the Town of Somers). Boundaries for the Westchester County Peekskill Sanitary Sewer District outside of the Town of Somers are not shown.

PROJECT: **TRAILSIDE ESTATES AT SOMERS**
REYNOLDS DR., TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

DRAWING: **ENLARGED SOMERS SEWER #1 AND PEEKSKILL
SANITARY SEWER DISTRICTS EXPANSION MAP**

PREPARED BY: **INSITE**
ENGINEERING, SURVEYING &
LANDSCAPE ARCHITECTURE, P.C.
3 Garrett Place • Carmel, New York 10512
Phone (845) 225-9650 • Fax (845) 225-9717
www.insite-eng.com

DATE: 1-12-2024
SCALE: 1" = 500'
PROJECT NO.: 21241.100
EXHIBIT: A

EXHIBIT B

REDUCED SCALE PLAN

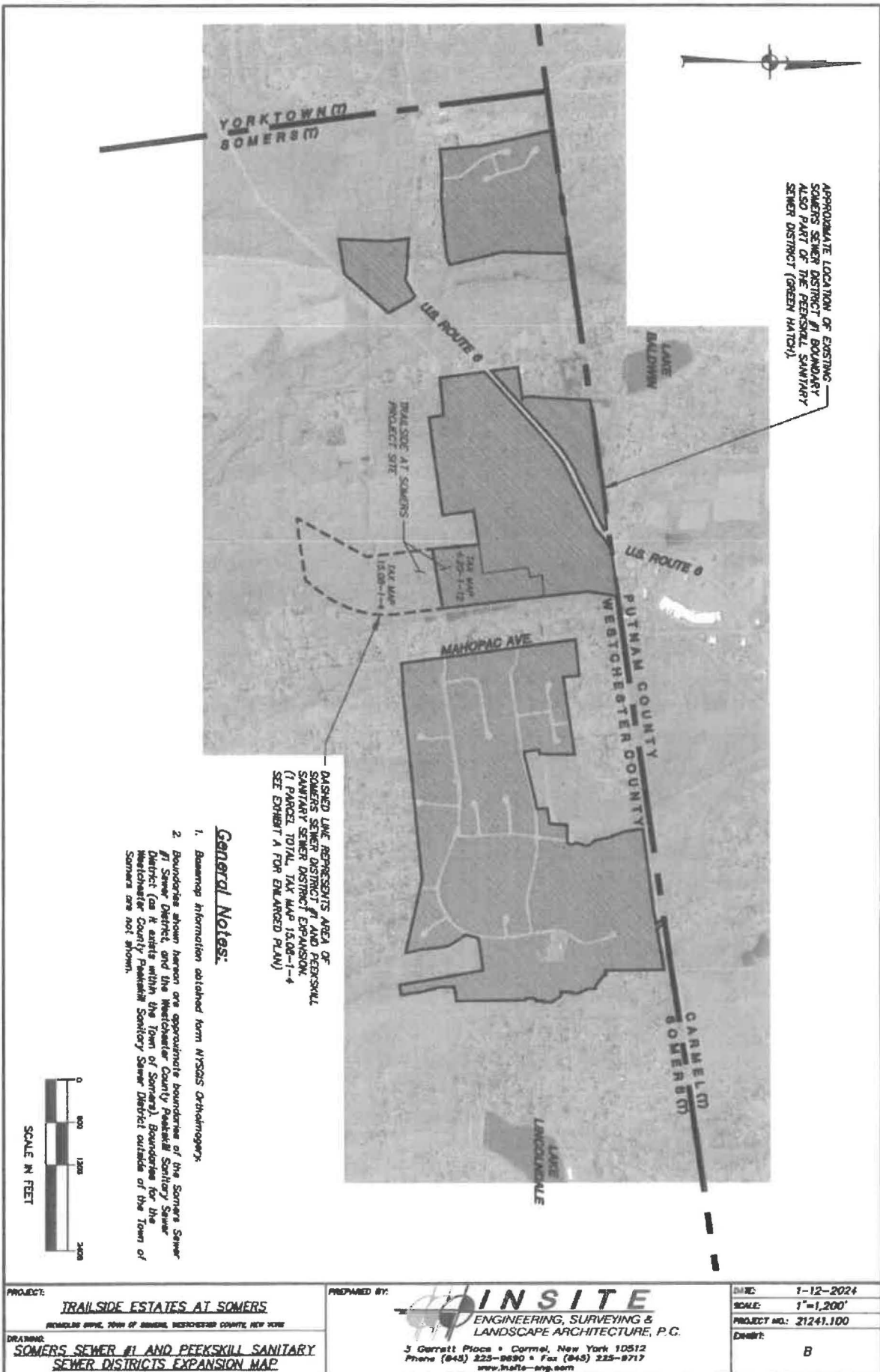


EXHIBIT C

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
Total		25,200

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
Total Anticipated Water Use (gpd)				11,305

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 13th 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 14th 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.

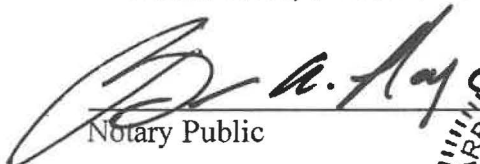
I further certify that all members of the Town Board had due notice of the meeting at which said resolution was adopted.

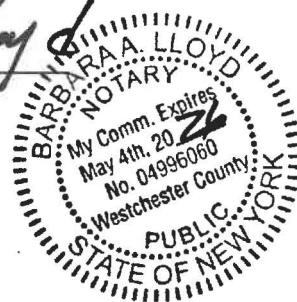
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of February, 2025.


PATRICIA KALBA
Town Clerk

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

On the 19th 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 13th 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 14th 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.

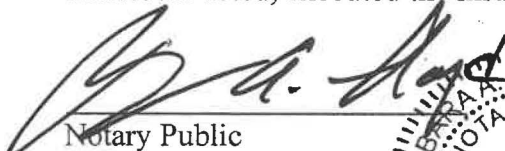
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of February, 2025.




PATRICIA KALBA
Town Clerk

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

On the 19th 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

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 13th 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 14th 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
 Councilman Anthony Ciriaco
 Councilman William Faulkner
 Councilman Richard G. Clinchy
 Councilman Thomas A. Garrity

AYE
 AYE
 AYE
 AYE
 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.

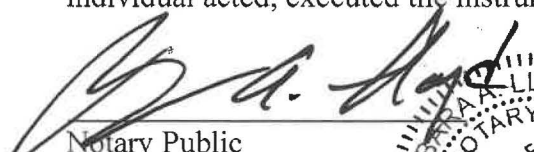
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of February, 2025.




PATRICIA KALBA
Town Clerk

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

On the 19th 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

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 13th 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 14th 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
Councilman Anthony Ciriaco
Councilman William Faulkner
Councilman Richard G. Clinchy
Councilman Thomas A. Garrity

AYE
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STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF SOMERS

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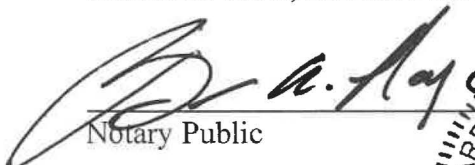
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Town Clerk

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) ss.:
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Notary Public



SCHEDULE A

Tax Parcels

1. 4.20-1-12

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