

ID68602

March 20, 2019

TO: Honorable Board of Acquisition and Contract

FROM: Kathleen M. O'Connor
Commissioner

RE: Resolution to adopt a findings statement under the New York State Environmental Quality Review Act ("SEQRA") in connection with the a license agreement with the City of New York, acting by and through the Department of Environmental Protection (the "NYCDEP"), pursuant to which the NYCDEP, at its sole cost, will construct an access road over approximately 0.022 acres of real property located in the Village of Pleasantville designated as Section, Block and Lot No. 99.14-1-1 on the Tax Maps for the Village of Pleasantville, to access the Catskill Aqueduct and use 0.030 and 0.012 acres on said real property for construction staging purposes, for a term of one (1) year.

There is currently pending before your Honorable Board a resolution to authorize the County of Westchester (the "County"), acting by and through its Department of Parks, Recreation and Conservation (the "Department"), to enter into a license agreement with the City, acting by and through the NYCDEP, pursuant to which the NYCDEP, at its sole cost, will construct an access road over approximately 0.022 acres of County-owned real property located in the Village of Pleasantville designated as Section, Block and Lot No. 99.14-1-1 on the Tax Maps for the Village of Pleasantville (the "County Parcel") in order to gain to access the Catskill Aqueduct and use approximately 0.030 and 0.012 acres on the County Parcel for construction staging purposes, for a term of one (1) year (the "project").

As your Honorable Board is aware, no action may be taken with regard to the proposed resolution until the requirements of SEQRA have been met. The Department of Planning has advised that, pursuant to SEQRA and its implementing regulations, 6 NYCRR Part 617 (SEQR), the NYCDEP served as Lead Agency and issued a Positive Declaration for the project. Since the project was the subject of a Draft and Final Environmental Impact Statement, all involved agencies are required to prepare a written findings statement. To assist your Honorable Board in complying with SEQRA, the Planning Department has prepared a draft Findings Statement for your consideration, as well as a proposed Resolution that would formalize your Honorable Board's adoption of said statement. The Findings Statement must be adopted prior to the approval of the

Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/21/2019 - LISA MRIJAJ, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, be it hereby

WHEREAS, there is pending before this Board a Resolution to authorize the County of Westchester, acting by and through its Department of Parks, Recreation and Conservation (the "County") to enter into a license agreement with the City of New York, acting by and through the New York City Department of Environmental Protection (the "NYCDEP"), pursuant to which the NYCDEP, at its sole cost, will construct an access road over approximately 0.022 acres of County-owned real property located in the Village of Pleasantville designated as Section, Block and Lot No. 99.14-1-1 on the Tax Maps for the Village of Pleasantville (the "County Parcel") in order to gain to access the Catskill Aqueduct and use approximately 0.030 and 0.012 acres on the County Parcel for construction staging purposes, for a term of one (1) year (the "Project"); and

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

WHEREAS, pursuant to SEQRA and its implementing regulations (6 NYCRR Part 617), no action may be taken with regard to the proposed Resolution until the requirements of the State Environmental Quality Review Act ("SEQRA") have been met; and

WHEREAS, the NYCDEP declared itself as Lead Agency and issued a Positive Declaration for the project on October 10, 2014, requiring the preparation of a Draft Environmental Impact Statement; and

WHEREAS, under the direction of the NYCDEP, public scoping was conducted, a Draft Environmental Impact Statement was prepared and issued on September 19, 2016, several public hearings were held in October of 2016, and a Final Environmental Impact Statement was prepared and issued on December 15, 2017; and

WHEREAS, the County of Westchester, as an involved agency, is required to make a written Findings Statement pursuant to SEQRA, prior to approving the proposed Resolution; and

WHEREAS, this Board has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft and Final EIS, and weighed and balanced the relevant environmental impacts with social, economic and other considerations.

NOW, THEREFORE, BE IT

RESOLVED, by the Board of Acquisition and Contract of the County of Westchester, State of New York, that the annexed Findings Statement, which sets forth the rationale for this Board's decision to authorize entering into the license agreement with the City, acting by and through the NYCDEP, pursuant to which the NYCDEP, at its sole cost, will construct an access road over approximately 0.022 acres of County-owned

real property located in the Village of Pleasantville designated as Section, Block and Lot No. 99.14-1-1 on the Tax Maps for the Village of Pleasantville (the "County Parcel") in order to gain to access the Catskill Aqueduct and use approximately 0.030 and 0.012 acres on the County Parcel for construction staging purposes, for a term of one (1) year, hereby is adopted by this Board; and be it further

RESOLVED, that the Secretary of the Board of Acquisition and Contract is authorized and directed to sign the annexed Findings Statement on behalf of this Board, in satisfaction of SEQRA and its implementing regulations; and to immediately transmit same to the Commissioner of Planning to facilitate it being filed, published and made available as required by 6 NYCRR Part 617; and be it further

RESOLVED, that the Resolution shall take effect immediately.

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/21/2019 - ISA MURRAY, SECRETARY

State Environmental Quality Review

Findings Statement

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

Name of Action: NYCDEP License/Easement at Washington Avenue in Pleasantville

Description of Action: The New York City Department of Environmental Protection is requesting expansion of an easement over 0.022 acre of County property in order to construct an access road from Washington Avenue to the City's property containing the Catskill Aqueduct. The project is a component of the City's Water for the Future: Upstate Water Supply Resiliency Project, which consists of the rehabilitation of the Catskill Aqueduct, Shutdown System Operations, Inspection and Repair of the Roundout West Branch Tunnel and the New Paltz Temporary Transmission Water Main. A temporary license is needed to initiate work as soon as possible, to be followed by the granting of a non-exclusive permanent easement to keep and maintain the access road. The license agreement will include an additional 0.042 acre of the County's property for construction staging purposes. In return, the City will grant the County a reciprocal non-exclusive permanent easement to utilize the access road, once built, on the City-owned parcel fronting Washington Avenue to allow the County to access the County trunk sewer and manholes on the County's landlocked property.

Location: Washington Avenue, Pleasantville, Town of Mount Pleasant Westchester County, New York

Agency Jurisdiction: Approval of the County of Westchester is required to grant a temporary license and permanent easement over the portions of County land located in Pleasantville.

Date Final Environmental Impact Statement Filed: December 15, 2017

Facts and Conclusions Relied on to Support the Decision:

Based on the Draft and Final Environmental Impact Statements, available on the NYC DEP website, no potential significant adverse impacts are anticipated from the Catskill Aqueduct repair and rehabilitation, of which this component is a part and is described as Access Alternative 2, included in Section 9.17.2 of the Environmental Impact Statement.

The subject property was acquired by the County in 1928 for parkway purposes, but was never utilized for this purpose. The property, which is landlocked in this vicinity and is vacant with the exception of an underground County trunk sewer with manholes. It also

contains a bridge over the Saw Mill River. The extension of the access road over County land will allow the City to access its land on the other side of the river without having to create another crossing of the river, thereby minimizing impacts to the river, streambank and floodplain.

Construction impacts will be temporary and will be mitigated by implementation of appropriate erosion and sediment controls.

The mutual easements will be beneficial to the environment by ensuring critical water and sewer infrastructure is maintained.

Some tree removal may be required, as noted in the EIS, but will be done between November 1 and March 31 as required to avoid impacts on roosting bats.

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/21/2015 - LISA MIJAJ, SECRETARY

Certification to Approve/Fund/Undertake:

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

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

Westchester County Board of Acquisition and Contract

Name of Agency

Signature of Responsible Official

Lisa Mrjaj
Name of Responsible Official

Secretary to the Board of Acquisition and Contract

Title of Responsible Official

Date

Address of Agency: Michaelian Office Building
148 Martine Avenue, 5th Floor
White Plains, New York 10601

- cc: Westchester County Board of Legislators
New York City Department of Environmental Protection
New York City Office of Environmental Coordination
New York State Department of Environmental Conservation
New York State Department of State
New York State Department of Transportation
New York State Department of Health
New York State Office of Parks, Recreation and Historic Preservation
U.S. Army Corps of Engineers