

ID 95784

DATE: August 31, 2022

TO: Board of Acquisition & Contract

FROM: Kathleen M. O'Connor
Commissioner, Department of Parks, Recreation and Conservation

RE: Resolution determining that there will be no significant impact on the environment in connection with the Management Agreement with Benjamin Restaurant Group, LLC, for the rehabilitation, management and operation of an existing restaurant building located at Woodlands Lake, formerly known as "The Cantina Restaurant," in V.E. Macy Park, Irvington, as a modern American grill restaurant, including the installation of gravel for a new parking area adjacent to Woodland Lake, north of the Great Hunger Memorial.

There is currently pending before your Honorable Board a resolution to authorize the County, acting by and through the Department of Parks, Recreation and Conservation (the "Department"), to enter into a management agreement ("Agreement" or "Management Agreement") with Benjamin Restaurant Group, LLC ("BRG" or "Manager"), for the rehabilitation, management and operation of a County owned restaurant building ("Restaurant Building"), formerly known as "The Cantina Restaurant," located at Woodlands Lake, in V.E. Macy Park, Irvington, adjacent to the Saw Mill River Parkway, as a modern American grill restaurant, for a ten-year term, which term may be extended for an additional ten-year term, upon mutual agreement.

Some of the rehabilitation work includes, amongst other things, the complete renovation of the Restaurant Building and the purchase and installation of gravel for a new parking area at a newly designated area on County property adjacent to Woodland Lake, north of the Great Hunger Memorial.

With the assistance of the Planning Department, it was determined that the renovations and improvements in connection with the Management Agreement, would constitute an Unlisted Action under the State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617, requiring an assessment of potential environmental impacts prior to any action by this Board to authorize the Management Agreement.

To assist this Board in complying with the requirements of SEQRA, transmitted herewith is a Short Environmental Assessment Form ("EAF") prepared by the Department of Planning. Your Honorable Board should carefully consider the proposed rehabilitation work in connection with the proposed Management Agreement and review the attached EAF and the criteria contained in Section 617.7 of 6 NYCRR Part 617 to identify the relevant areas of environmental concern.

Once you have thoroughly analyzed the relevant areas of concern, you must determine if the proposed action may have a significant impact on the environment. For the reasons set forth in the attached EAF, the Planning Department analysis concludes that the proposed action will not have any significant adverse impact on the environment. The EAF and a resolution in support of this determination of significance are submitted for your review and consideration. Your Honorable Board may utilize the professional advice and assistance of the Planning Department in making your required determination under the applicable SEQRA regulations.

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/08/2022 - RAYMOND S. SUKUT, SECRETARY

RESOLUTION

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

WHEREAS, there is pending before this Board a Resolution to authorize the County of Westchester to enter into a management agreement (“Agreement” or “Management Agreement”) with Benjamin Restaurant Group, LLC (“BRG” or “Manager”), for the rehabilitation, the management and operation of a County owned restaurant building (“Restaurant Building”), formerly known as “The Cantina Restaurant,” located at Woodlands Lake, in V.E. Macy Park, Irvington, adjacent to the Saw Mill River Parkway, as a modern American grill restaurant, for a ten-year term, which term may be extended for an additional ten-year term, upon mutual agreement; and

WHEREAS, some of the rehabilitation work includes, amongst other things, the complete renovation of the Restaurant Building and the purchase and installation of gravel for a new parking area at a newly designated area on County property adjacent to Woodland Lake, north of the Great Hunger Memorial; and

WHEREAS, this Board has determined that the rehabilitation work in connection with the proposed Management Agreement would constitute an action under Article 8 of the Environmental Conservation Law, known as the State Environmental Quality Review Act (“SEQRA”), requiring this Board to comply with the regulations promulgated pursuant to SEQRA; and

WHEREAS, pursuant to SEQRA and its implementing regulations (6 NYCRR Part 617), this project is classified as an “Unlisted action,” which requires this Board to make a determination as to whether the proposed action will have a significant impact on the environment; and

WHEREAS, the County of Westchester is the only involved agency with discretionary authority for this action and, therefore, is assuming the role of Lead Agency; and

WHEREAS, in accordance with SEQRA and its implementing regulations, a Short Environmental Assessment Form (“EAF”) has been prepared to assist this Board in its environmental assessment of this proposed action; and

WHEREAS, this Board has carefully considered the proposed action and has reviewed the attached EAF and the criteria contained in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified the relevant areas of environmental concern as described in the attached EAF to determine if the proposed action will have a significant impact upon the environment; now, therefore, be it

RESOLVED, by the Board of Acquisition and Contract of the County of Westchester, State of New York, that based upon this Board’s review of the EAF and for the reasons set forth therein, it is determined that there will be no significant adverse impact on the environment from the proposed action as described above; and be it further

RESOLVED, that the Secretary of the Board of Acquisition and Contract is authorized and directed to sign the Determination of Significance in the attached EAF, which form is made a part hereof, as responsible officer in Lead Agency to issue this "Negative Declaration" on behalf of this Board pursuant to Article 8 of the Environmental Conservation Law and to immediately transmit same to the Commissioner of Planning to be filed, published and made available pursuant to the requirements of Part 617 of 6 NYCRR; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Account to be
Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars

Budget Funding Year(s): _____ Start Date: End Date: _____
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
Federal Aid _____
(must match resolution) Other _____

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

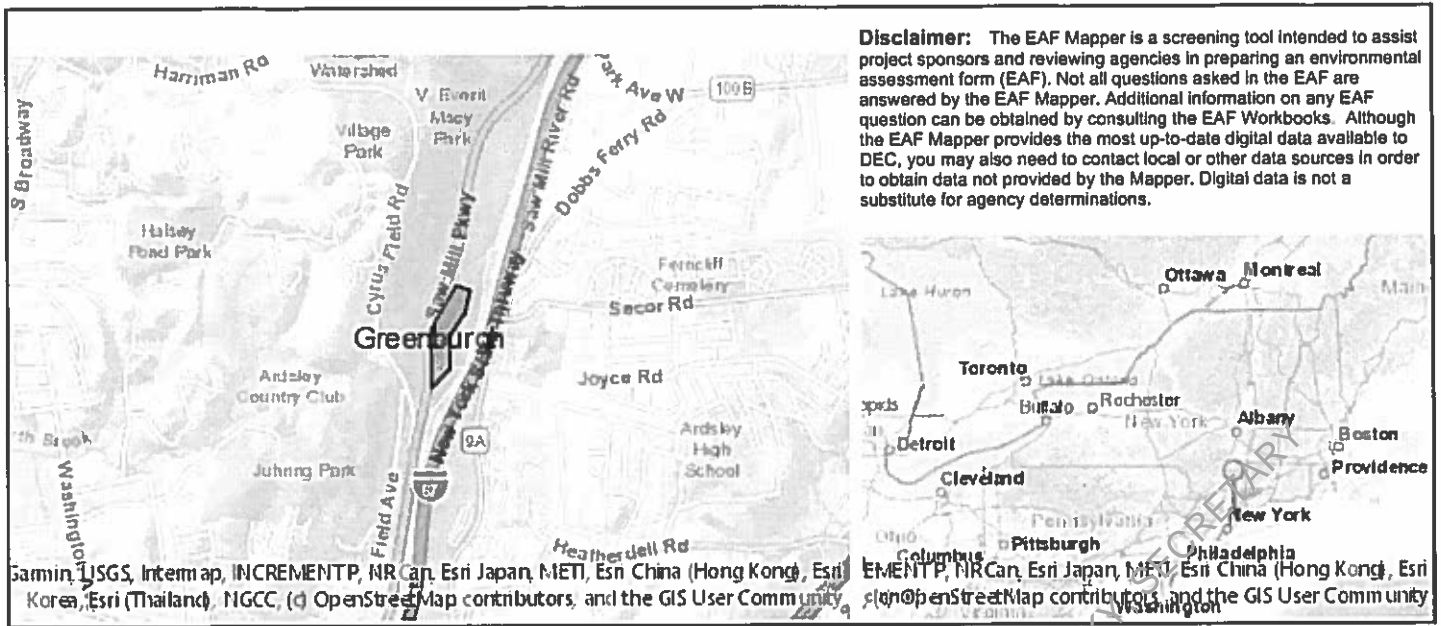
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Name of Action or Project: Macy Park Restaurant Management Agreement							
Project Location (describe, and attach a location map): V.E. Macy Park, between Saw Mill River Parkway and Woodlands Lake, Village of Irvington, Westchester County, NY							
Brief Description of Proposed Action: The County proposes to enter into a management agreement with Benjamin Restaurant Group, LLC, for the rehabilitation, management and operation of an existing restaurant building at the park for a ten-year term with an option to extend for an additional ten-year term upon mutual agreement. The rehabilitation work includes the complete renovation of the existing restaurant building and the installation of a new gravel parking area within the park, just north of the Great Hunger Memorial.							
Name of Applicant or Sponsor: County of Westchester		Telephone: 914-995-4400 E-Mail: dsk2@westchestergov.com					
Address: 148 Martine Avenue							
City/PO: White Plains		State: NY	Zip Code: 10601				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3. a. Total acreage of the site of the proposed action? +/-5 acres b. Total acreage to be physically disturbed? +/-2 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 172 acres							
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Former restaurant and parking <input checked="" type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	N/A <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name: County & State Park Lands, Reason: Exceptional or unique character, Agency: Westchester County, Date: 1-31-90 If Yes, identify: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. 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? b. 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?	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>County of Westchester</u> Date: <u>September 2, 2022</u> Signature: <u></u> Title: <u>Assistant Commissioner</u>		



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:County & State Park Lands, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Project: Macy Park Restaurant

Date: September 2022

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Macy Park Restaurant

Date: September 2022

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

All County and State park lands were designated by the County for the multiple benefits that they provide, including recreational, educational, social, cultural and ecological benefits. The proposed management agreement will support many of these benefits while having a minimal impact on the environment since the restaurant was a pre-existing use and the building and infrastructure are already present. Since the creation of the County park in the 1920s until the mid-1990s, the site has hosted a restaurant that had been operated by various managers. Vehicular access to the restaurant is limited to the northbound Saw Mill River Parkway, which may have been part of the reason for the difficulty in finding a new manager since then. While there will be some increase in traffic in comparison to current conditions, the parkway has sufficient capacity to handle the minor increase in traffic from the proposed restaurant.

The management agreement will benefit the park by providing much needed rehabilitation of existing structures and by returning the site to public use. The proposed gravel lot will supplement the existing parking to accommodate restaurant staff as well as visitors to the County park, which now includes the Great Hunger Memorial. The new lot will be located in an open field that is routinely mowed. This field had previously been developed into a paved parking lot when the restaurant was in active use. The new lot will be smaller than the previous paved lot. Since the site was previously disturbed, there will be no archaeological impacts from the installation of the gravel lot.

The site is proximate to the Saw Mill River and Woodlands Lake, which is currently being reconstructed back into a stream by the decommissioning of the dam. The 100-year and 500-year flood zones align with the current boundaries of the impounded river/lake. The property to be demised is outside of these flood zones.

While there will be no direct impact to the river, due to the site's proximity, proposed site improvements must be designed in accordance with current State and County guidelines and requirements to minimize impacts to water resources. The management agreement will require design plans to be submitted to the County for review and approval to ensure compliance.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Westchester

Name of Lead Agency

Raymond Sculry

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

9/8/2022

Date

Secretary to the Board of Acquisition and Contract

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

PRINT FORM