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DATE: November 4, 2024

TO: Board of Acquisition & Contract

FROM: Marguerite Beirne
Chief Information Officer

RE: Resolution determining that there will be no significant impact on the environment in connection the approval of an amendment to the license agreement (IT-724) with the Bedford Central School District, which will authorize the County to modify its antennas and related equipment at the property owned by the School District located in Mount Kisco, New York, permit the Bedford Police department to install radio equipment in the County facilities at the site, and authorize the County to trim trees at the site.

There is currently pending before your Honorable Board a resolution to authorize the County, acting by and through the Department of Information Technology (the "Department"), to further amend its license agreement (IT-724) dated September 7, 2005, as amended by the First Amendment, dated April 6, 2011, the Second Amendment, dated March 25, 2016, and the Third Amendment dated March 23, 2022, with the Bedford Central School District (the "School District") for use of property owned by the School District located in Mount Kisco, New York, for the placement of County owned radio antennas and related equipment at the site in order to modify the County equipment at the site, permit the Bedford Police department to install radio equipment in the County facilities at the site, and authorize the County to trim trees at the site.

In particular, the amendment will authorize the County as follows:

- (i) to modify the designated space and Facilities at the Site to be utilized by the County for the installation, modification, operation and maintenance of equipment at the Site, including but not limited to (i) the installation of two (2) additional microwave dishes, (ii) the removal of two (2) antennas, and (iii) the replacement of one (1) antenna,

(ii) to permit the installation of radio equipment utilized by the Bedford Police Department in the County facilities at the Site, and

(iii) to grant to the County the right to trim the trees within the designated tree trimming areas upon the County providing at least 10 days' notice written notice to the School District prior to each trimming; and

With the assistance of the Planning Department, it was determined that the aforementioned modifications associated with the license amendment 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 amendment to license agreement (IT-724) between the County and the School District.

The Planning Department has advised that, pursuant to Section 617.6(b)(3) of the implementing regulations, coordinated review was initiated on behalf of the Board of Acquisition and Contract. A notice of intent for the County to serve as Lead Agency was sent to the School District, which is the only other involved agency for this project. In a response dated October 30, 2024, the School District concurred with the County assuming the role of Lead Agency.

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 equipment modifications and tree trimming work in connection with the proposed amendment to license agreement IT-724 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.

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RESOLUTION

WHEREAS, there is pending before this Honorable Board a Resolution to authorize the County of Westchester to further amend a license agreement (IT-724) with the Bedford Central School District (the “School District”), dated September 7, 2005, as amended by the First Amendment, dated April 6, 2011, the Second Amendment, dated March 25, 2016, and the Third Amendment dated March 23, 2022, for the use of property owned by the School District and located at Fox Lane Road and South Bedford Road in Mount Kisco, New York (the “Site”) for the placement of County owned radio antennas and related equipment, as follows:

- (i) to modify the designated space and facilities at the Site to be utilized by the County for the installation, modification, operation and maintenance of equipment at the Site, including but not limited to (i) the installation of two (2) additional microwave dishes, (ii) the removal of two (2) antennas, and (iii) the replacement of one (1) antenna,
- (ii) to permit the installation of radio equipment utilized by the Bedford Police Department in the County facilities at the Site, and
- (iii) to grant to the County the right to trim the trees within the designated tree trimming areas upon the County providing at least 10 days’ notice written notice to the School District prior to each trimming; and

WHEREAS, this Honorable Board has determined that the proposed amendment 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), this project is classified as an “Unlisted action,” which requires this Honorable 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 conducting coordinated review as permitted for Unlisted actions pursuant to Section 617.6(b)(3) of the implementing regulations and, having received no objections, is assuming the role of Lead Agency for the environmental review of this project; and

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

WHEREAS, this Honorable Board has carefully considered the proposed action and has reviewed the attached Short Environmental Assessment Form and the criteria set forth in Section 617.7 of the implementing regulations and has identified the relevant areas of environmental concern, as described in the attached Short Environmental Assessment Form, to determine if this proposed action will have a significant impact on the environment.

NOW, THEREFORE, be it resolved by the County Board of Legislators of the County of Westchester, State of New York, as follows:

RESOLVED, that based upon the Honorable Board's review of the Short Environmental Assessment Form and for the reasons set forth therein, this Board finds that there will be no significant adverse impact on the environment from the proposed amendment to license agreement IT-724, dated September 7, 2005, as amended by the First Amendment, dated April 6, 2011, the Second Amendment, dated March 25, 2016, and the Third Amendment dated March 23, 2022, for use of property owned by the Bedford Central School District (the "School District") and located at Fox Lane Road and South Bedford Road in Mount Kisco, New York (the "Site") for the placement of County owned radio antennas and related equipment, as follows:

- (i) to modify the designated space and facilities at the Site to be utilized by the County for the installation, modification, operation and maintenance of equipment at the Site, including but not limited to (i) the installation of two (2) additional microwave dishes, (ii) the removal of two (2) antennas, and (iii) the replacement of one (1) antenna,
- (ii) to permit the installation of radio equipment utilized by the Bedford Police Department in the County facilities at the Site, and
- (iii) to grant to the County the right to trim the trees within the designated tree trimming areas upon the County providing at least 10 days' notice written notice to the School District prior to each trimming; 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 Short Environmental Assessment Form, which is attached hereto and made a part hereof, as the “Responsible Officer in Lead Agency”; to issue this “Negative Declaration” on behalf of this Board in satisfaction of SEQRA and its implementing regulations; 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 the Resolution shall take effect immediately.

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/07/2024 - RAYMOND SCUKY, SECRETARY