

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Hon. William J. Lindsay, Presiding Officer of the SC Legislature
Legislators: Romaine, Schneiderman, Browning, Caracappa, Vilorio-Fisher,
Losquadro, Eddington, Montano, Aiden, Barraga, Kennedy, Nowick, Horsley,
Mystal, Stern, D'Amaro and Cooper.
Jeffrey Szabo, Deputy County Executive / Chief of Staff
Vito Minei, P.E., Director, Environmental Quality, S.C. Health Services
Thomas Isles, Director, Suffolk County Planning Department
Ron Cohen, representing Legislator Louis D'Amaro, SCSA Legislator-at-Large,
Michael Cavanagh, representing Presiding Officer Lindsay
Catherine Stark, representing Legislator Jay Schneiderman, Chairman of the
Public Works and Transportation Committee

FROM: Gilbert Anderson, P.E., Commissioner, SCDPW and Chairman, Suffolk County
Sewer Agency 

DATE: February 20, 2007

SUBJECT: MINUTES OF THE SEWER AGENCY MEETING OF JANUARY 22, 2007

Attached for your information please find a copy of the minutes for the above referenced meeting.

GA/BW/ bc;sg

Attachments

cc: Ben Wright, P.E., Chief Engineer, Division of Sanitation
Bob Carballeira, P.E., Associate Civil Engineer
John Donovan, P.E., Sr. Civil Engineer
Laura Conway, C.P.A., Director of DPW Administrative Services
Patricia Jordan, Esq., Dept. of Law
Walter Hilbert, P.E., S.C. Dept. of Health
Walter Dawydiak, P.E., S.C. Dept. of Health
Tim Laube, Clerk of the Legislature
James Morgo, Commissioner of Economic Development and Workforce Housing
William Spitz, NYSDEC

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

MINUTES OF THE SUFFOLK COUNTY SEWER AGENCY

MEETING OF JANUARY 22, 2007

The meeting was called to order at 11:05 am by Gilbert Anderson, Chief Deputy Commissioner of DPW and Chairman of the Suffolk County Sewer Agency. In attendance were Jeff Szabo, Deputy County Executive representing County Executive Steve Levy; Michael Cavanagh, Legislative Aide to Presiding Officer Lindsay; Vito Minei, P.E., representing the Commissioner of the Department of Health Services, Dr. Ron Harper; Justin Littell, representing Legislator Louis D'Amaro, Sewer Agency Legislator at Large; Catherine Stark representing Legislator Schneiderman and Dan Gulizio, representing Tom Isles, the Suffolk County Director of Planning;

Also present were Patricia Jordan, Esq. of the Department of Law, Ben Wright, PE and Bob Carbaileira, PE, part of the DPW staff.

Project representatives are shown on the copy of the sign-in sheet attached at the end.

Minutes from SCSA for December 18, 2006, were discussed. Michael Cavanagh made a motion to accept the minutes and Jeff Szabo seconded it. Motion passed unanimously with one abstention from Justin Littell, who did not vote as he was not present at that meeting.

Public Participation

There were no requests to make statements.

OLD BUSINESS

CONCEPTUAL CERTIFICATION

ERANTA, LLC SUBDIVISION

BR-1581

Ben mentioned that this project was tabled at the December meeting regarding the issue of this being a subdivision or a development. It is not either one, merely a collection of lots from previously filed subdivision(s).

This project is the proposed connection of 36 residential lots that were a part of previously filed subdivisions that were not connected to the SC Sewer District No. 11- Selden. This application is to request permission to connect to the facilities of SC Sewer District No. 11- Selden. It is expected that, as residential lots at 300 gpd, the 36 lots will generate a sanitary discharge of 10,800 gallons per day of waste. The application was for a formal agreement but capacity is not yet available, so the staff recommended that this be a Conceptual Certification.

The District's STP is expected to have sufficient excess treatment capacity due to an expansion of the facilities that should amount to a 47,000 gallon per day permit increase. However, this additional capacity will not be available until the plant is tested, under the supervision of the NYS DEC, for its present expansion and then for the additional 47,000. It is expected that this will not be completed and permitted until mid-2007, if ever. Also, some other applications have already been submitted for portions of the 47,000 gpd and these were also approved as Conceptual Certifications.

Staff recommended granting the Conceptual Certification with the understanding that none of the capacity will be available until the permit is revised by the NYS DEC to reflect an increased of 47,000 gallons per

day after the present expansion is permitted. The application was submitted as a Formal Application because since the previously filed subdivisions had already been reviewed as to SEQRA, these would not need it again. The Staff concern is about formally authorizing capacity that may or may not come into existence, so the approval was reduced to Conceptual Certification to be used as a planning tool for the sanitary waste disposal aspect of these lots.

Mike Cavanagh asked if the purpose of the Conceptual Certification was to force the SEQRA to be done and Ben replied that we do not request it, we just cannot give formal approval for a project that has not completed the SEQRA. Mike then asked what the Conceptual Certification actually did and Ben replied that it gives an idea of what the Agency wants the project to be or do after all other approvals are in place.

Gene Wishod introduced himself and said that the 36 lots requesting to be connected were from previously filed maps and the request was for formal approval because the SEQRA was completed on the original subdivision but in this case only the Conceptual Certification was presented by the staff because the 47,000 gpd have not yet been assigned to the treatment plant. In his opinion this could have been given Formal Approval with the reservation of the DEC approval. Other gallonage of the 47,000 gpd has already been given Conceptual Certification by the Agency but none of this gallonage has been given Formal Approval. In addition, at the April 17, 2006 meeting a new agreement was made to reimburse the consortium members for the additional construction expenses requested by the County by a percentage of the connection fees transferred to the district and some to the construction fund. Since there is a priority list composed of consortium members and others who have requested capacity, by the assignment of gallonage even if only on a Conceptual Certification basis, they can control the available balance and everyone then knows where the gallonage is assigned.

Vito suggested the formalization of the definition of Conceptual Certification by the use of the next to last "whereas", then add the content of the two resolved clauses and then insert the 3rd resolved as to when to apply "but not limited to the SEQRA completion or other issues outstanding".

Vito Minei made a motion to grant Conceptual Certification to the project and Jeff Szabo seconded it.
The motion passed unanimously (SCSA - RESO 1-2007)

NEW BUSINESS

FORMAL APPROVALS

35 MELVILLE PARK RD.

HU-1583

Ben mentioned that this project is an existing office building that has approximately 100,000 SF of office, industrial and storage space situated on a 6-acre parcel located between Route 110 and Maxess Rd and north of Melville Park Road in the Town of Huntington. Total flow from the building is expected to be 4,309 GPD. The site is presently in operation with the sanitary wastes being handled by a septic system for on-site disposal. Ben mentioned that a request had been made for the actual usage of flow by the facility.

This application is for Formal Approval to connect to the SC Sewer District No. 3 – Southwest.

The District's Bergen Point STP has sufficient treatment capacity in excess of the needs of the District and its contractees to accommodate the additional flow. At present the available extra capacity is 1,350,688 gpd.

Staff recommended granting approval to this project.

Chief Deputy Commissioner Anderson asked who represented the project and no one present said that they did. He then proceeded to mention that it is customary to table an application that has no one to speak for it at the Agency meeting and Vito mentioned that that should apply especially in this case, as it is a requested connection to the Southwest Sewer District

Vito Minei then made a motion to table the application and Mike Cavanagh seconded it. Motion to table was passed unanimously.

CONCEPTUAL CERTIFICATION DISCUSSION

Ben then discussed that at the present time, there is no time period for the Conceptual Certification resolution. So for \$550, anyone can tie up capacity at a Sewer District for a very long time. In his opinion, it would be appropriate to have the resolution limit the time that the Conceptual Certification would last. He suggested that an additional "Resolved" clause, which was sent out with the agenda, should be inserted to state the time period that the capacity would be assigned to a specific project and in his opinion a 2-year period would be adequate.

Mike Cavanagh asked how we would suggest dealing with all those who presently have Conceptual Certification and Ben responded that they would all be sent letters to tell them that they had 6-months from the date of the letter to either re-apply for the Conceptual or to submit the Formal application for the project.

Chief Deputy Commissioner Anderson asked if there was adequate manpower for this task and Ben replied that there was and that the lists could be queried and those with the Conceptual Certification sent letters.

Gene Wishod asked to speak and gave background information on the issue which was based on discussions regarding Legislator Horsley's resolution to increase the connection fees to \$30.00 per gallon per day. Projects that had already been given Formal Approval or Conceptual Certification were to be "grandfathered" into keeping the old connection fee of \$15.00 per gpd. The discussion then proceeded to the length of time that some of the projects could keep the approvals of capacity and that led to the questions of why the Conceptual Certification had no time limits.

Ben was then asked approximately how many projects had Conceptual Certification standing and he said that he thought the number was somewhere between 30 and 40, with some of them having the Certification for over 5 years.

A motion was then made to adjourn the meeting at 11:20 am and it was seconded. Motion passed unanimously.

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 1 - 2007
GRANTING CONCEPTUAL CERTIFICATION
FOR THE CONNECTION OF ERANTA LLC (BR-1581) TO
SUFFOLK COUNTY SEWER DISTRICT NO. 11 – SELDEN

WHEREAS, **Eranta, LLC** is a request to connect 36 residential lots from previously filed subdivision(s) in Coram, New York, , on property identified on various Suffolk County Tax Maps as assorted lots of the Norton Park subdivision, and

WHEREAS, the **Eranta LLC** is not located within the boundaries of Suffolk County Sewer District No. 11-Selden, or within the boundaries of any other municipal sewer district, and

WHEREAS, it is anticipated that **Eranta, LLC** will generate a sewage flow of ten thousand eight hundred gallons per day (10,800 gpd), and

WHEREAS, the developers of **Eranta LLC** have applied to this Agency for permission to connect the **Eranta LLC** lots to the sanitary sewerage facilities of the District, and

WHEREAS, the District's sewage treatment plant does not have sufficient capacity to accept the sewage which is expected to emanate from **Eranta, LLC**, but is underway with a treatment plant expansion to increase the plant's capacity by 47,000 gallon per day, and

WHEREAS, the above referenced expansion will not be completed or permitted by the NYSDEC until mid-2007, if ever, this Agency could not, at this time, approve the said application, and

WHEREAS, in the interest of good planning, and in order to minimize potential hardship on applicants, it is the policy of this Agency, based on a technical expectation, to give applicants an indication of what method of wastewater disposal this Agency would like to see for a particular project, thereby giving applicants an indication of the action that this Agency might take if it were to pass upon the application at the time of such review, and

WHEREAS, in furtherance of such policy, this Agency is desirous of giving **Eranta LLC** an indication of the action that this Agency might take regarding the proposed sewage treatment plant if the plant expansion were completed and permitted and this Agency were to pass upon the matter at this time,

WHEREAS, the connection of **Eranta LLC** to the District will be financially beneficial to the District, once the plant expansion is complete, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that this Agency hereby grants "Conceptual Certification" for a connection to the expanded District Sewage treatment plant once expanded and approved by the NYSDEC, and it is further,

2nd RESOLVED, that at such time as **Eranta LLC** should apply to this Agency for formal approval to connect to the District after the sewage treatment plant's permit has been increased by 47,000 gpd, if approved, in addition to the usual requirements of the Connection Agreement, approvals by the SC Legislature and NYSDEC, which will only be granted after such time as the District's sewage treatment plant is expanded and confirmation of existing capacity is given by the NYS Department of Environmental Conservation.

And be it further

3rd RESOLVED, that

1. Such conceptual certification is not, and is not to be construed as, final approval, which can only be granted by this Agency after the treatment plant's capacity increase of 47,000 gpd has been completed and permitted;
2. The applicant shall return to this Agency for such final approval;
3. The granting of conceptual certification as set forth herein shall not be binding upon this Agency when final approval is sought; and
4. The granting of conceptual certification does not constitute a position by this Agency, favorable or otherwise, with respect to local land use, zoning and/or subdivision requirements.

(Suffolk County Sewer Agency meeting 1/22/07)

SIGN-IN SHEET

**Suffolk County Sewer Agency
SCDPW - Sanitation -Engineering**

Date - January 22, 2007

| | NAME | FIRM | REPRESENTING WHAT PROJECT |
|----|------------------|-------------------------|---------------------------|
| 1 | EUGENE L. WISHER | HANAUER, MAYSON, ET AL. | ERAND, LLC (WAST II) |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| 12 | | | |
| 13 | | | |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |