

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

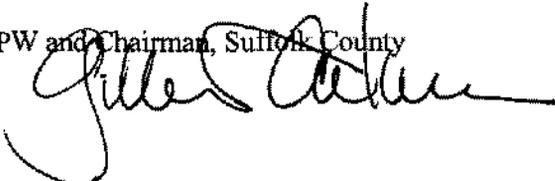
THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

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, Alden, 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: July 20, 2007

SUBJECT: MINUTES OF THE SEWER AGENCY MEETING OF JULY 16, 2007

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

GA/BW/bc: sg

Attachments

cc: Louis Calderone, Deputy Commissioner
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 JULY 16, 2007

The meeting was called to order at 11:04 am by Ben Wright, Representing Gil Anderson, Commissioner of DPW and Chairman of the Suffolk County Sewer Agency. In attendance were Jeff Szabo, Deputy County Executive representing County Executive Steve Levy; Tom Isles, the Suffolk County Director of Planning; Ron Cohen, representing Legislator Louis D'Amaro; Michael Cavanagh, Legislative Aide to Presiding Officer Lindsay; Walter Dawydiak, P.E., representing the Commissioner of the Department of Health Services and Catherine Stark representing Legislator Schneiderman, Chairman of the Legislative Public Works and Transportation Committee

Also present were Patricia Jordan, Esq. of the Department of Law and Bob Carballeira, PE, Secretary to the Sewer Agency.

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

Minutes from SCSA for June 18, 2007, were discussed. A motion to accept the minutes was made by Michael Cavanagh and Ron Cohen seconded it. Motion passed with all in favor.

Public Participation

There were no requests to make statements.

NEW BUSINESS

FORMAL APPROVAL

SOMERSET WOODS

BA-1459

Bob mentioned that this project received Sewer Agency approval for the connection to the SC Sewer District No. 3 – Southwest in August of 2006 (Reso 25-2006). It also received Legislative approval through Resolution No. 116-2007. However, the 1-year time allowance for the completion of the connection agreement will expire on August 21, 2007 and the connection agreement is not yet completed. It is, however, close to completion

The applicant received formal approval for a proposed connection of an existing 271 garden apartment complex and a private home to be connected to the Suffolk County Sewer District No. 3 – Southwest. The project is located on a 16.8-acre parcel located on the east side of August Road, adjacent to Belmont Lake State Park. The existing sewage treatment plant is to be abandoned. Total flow from the complex is expected to be 61,275 GPD based on the SC Department of Health criteria.

This project received Conceptual Certification at the Agency's meeting on May 17, 2004.

The District's STP has sufficient excess treatment capacity to accommodate this project.

Staff recommended granting the formal approval.

Ben asked who represented the project and Michael Chiarelli said that he did and that the information given was correct. He further stated that there were two reasons for the delay in getting the Agreement signed:

- Concerns over the details of the Connection Agreement, but these have been researched by Gene Wishod and everyone is satisfied, and
- The economic issues involved in the crossing under the Southern State Parkway. He said that he was confident that the directional drilling would resolve those concerns.

The Agency members had no further questions and Ron Cohen made a motion to approve and Jeff Szabo seconded the motion. Motion Passed unanimously.

(S. A. Resolution 13-2007)

The Agency members began a discussion on the new law (554-2007) that was recently passed and how it applied to existing developments. The discussion centered on whether the existing development would be required to meet the 20% affordable housing criteria, or if that only applied to new developments.

Ben mentioned that the law only comes into effect after the official notification to the Secretary of State of NY State.

Ron Cohen then questioned what would have happened if Somerset would be coming to the Agency at some time in the future; would they fall under the 20% affordable housing criteria?

Ben suggested that the Agency follow up on this and receive an official reading on this from the Department of Law for future applications.

THE WOODS AT HAMPTON BAYS

SH-1527

Bob mentioned that this project is a proposed 27 single family unit subdivision, situated on 16.3 acres located north of Sunrise Highway, south of Riverhead Canoe Place Road (Old Riverhead Road) and east of Jackson Avenue in Hampton Bays. An HOA will be a part of the subdivision to handle the community expenses, such as the operation of the proposed sewage treatment plant. The estimated flow from this project is 8,100 GPD for which the developer requests Formal Approval to construct an on-site Cromaglass type wastewater treatment facility. Conceptual Certification was given to the project at the Agency's meeting on July 18, 2005 (Resolution 24-2005). Further, this project's application for Formal Approval was tabled in September 18, 2006

due to a the lack of presentation of a SEQRA negative declaration from the Town of Southampton and a concern about the responsibility of operation and maintenance after the developer leaves the site. Both of these concerns have been addressed.

The sewage treatment plant is proposed to be located in the south west corner of the development. It should be noted that an STP of this size is not one that the DPW would want to assume the responsibility for its operation and maintenance. Consequently, the developer shall disclose, in the project's Offering Plan/Prospectus, in language to be approved by the Sewer Agency's staff, the annual cost of operation and maintenance of the proposed sewage treatment plant, in order to ensure that prospective purchasers of the condominium are apprised of said cost should the Agency and DPW be asked to create a sewer district based on this development and type of plant.

There is no Suffolk County Sewer District in the vicinity of this project or any private STP in reasonable proximity.

Staff recommended granting Formal Approval with the stated stipulation.

Ben asked who represented the project and Tom Lembo said that he did and that the information given was accurate. Further, he said that he and the client will work with the Department of Law on the disclosure statement.

Tom Isles asked for a clarification on what this project was - an HOA or a Condominium. Tom Lembo stated that it was an HOA and Tom Isles then stated that parts of the Resolution refer to a condominium. Tom Isles then asked why DPW needed to be party to the documents of these developments since it is obviously undesirable for the County to take over these types of sewage treatment plants. Bob mentioned that it was a mechanism to transfer a treatment plant to the County's operation if the Department of Health (which is the Department charged by the S. C. Sanitary Code with enforcing environmental regulations) had no other option due to abandonment or bad operation of the facility by the HOA. Bob further stated that with such a small development, should they voluntarily ask to become a District, it would be prohibitively expensive. Since the DPW is the sewage treatment operating branch of the County government, it would be their responsibility to take it over and operate it when all other attempts by the DHS did not resolve the problem. If it were to be taken over by the SCDPW, this would be a future decision by the County Executive's office, the DHS and the DPW and any budgets, etc would need to be resolved at that time.

Tom Lembo said that this was correct, but before that happened there were two other mechanisms in place to insure proper operation of the facility. These are found in the SPDES permit - a fund to allow for the replacement of the most expensive item in the plant and a fund to operate and maintain the plant especially the mandated hiring of a NYSDEC licensed operator for those functions. The Health Department can force the broken plant components to be purchased and replaced and the NYSDEC can put pressure on licensed operators if that is necessary. Consequently, the takeover by the County is really the third possibility when there is

a major problem. When asked by an Agency member, Tom Lembo said that it typically costs between \$40-45,000 per year.

Ben Wright mentioned that during Workforce Housing meetings there was a recommendation made to have all housing developments that produce 15,000 gpd or less stay under the administration of the Health Department and not have Construction Agreements with the Sewer Agency.

Ron Cohen made a motion to approve the application and Walter Dawydiak seconded it. The motion passed unanimously
(S. A. Resolution 14-2007)

BEECHWOOD AT YAPHANK PRC

BR 1351

Bob mentioned that this project was previously approved and received three one-year extension of the original approval. Due to negotiations with the Town of Brookhaven, the Construction and Operation and Maintenance Agreement could not be completed within the last 1-year time period. Consequently, this resolution is to again extend the time to complete the Agreement.

This project is a proposed 475 unit planned retirement community situated on 143 acres located between Moriches-Middle Island Road and NYS Route 27 west of Weeks Avenue in Mastic. The project received Conceptual Certification from the Agency at the July 2002 meeting and Formal Approval to build an on-site STP for the estimated flow of 75,000 GPD at the June 25, 2003 Agency meeting. They have requested and received annual renewals since then. This project has received notoriety with the higher profile of the Forge River since last year when they applied for their renewal from the Agency.

There is no County sewer district in the vicinity of this project.

Staff recommended approval.

Ben mentioned that correspondence had been received from various sources after the last time extension and these dealt with the status of the SEQRA and the Town's moratorium. He further mentioned that the Health Department had researched those topics and that no obstacles presently exist to the Agency's granting an extension of the previous approval.

Walter Dawydiak indicated that the Town's SEQRA negative declaration determination is still in effect for the project, as recently confirmed with Town representatives. It is the Health Department's understanding that only the lead agency can reopen SEQRA on a Type I action. In this case, that lead agency is the Town. Since SEQRA is complete, and the applicant has already exhausted review of reasonable wastewater treatment and disposal alternatives, there appears to be no basis to withhold approval of the proposed extension of time.

Richard Rosenberg, the representative for Beechwood at Mastic further confirmed that the SEQRA was complete and added the following:

- No moratorium ever went into effect
- There are no other facilities in the area

- Originally, the Town asked that they connect to a facility to be built at Calabro Airport but approximately 18 months later this project was dropped by the Town of Brookhaven
- There was a lawsuit by a local resident at the time of last year's renewal, but this has been dismissed
- Early on in the project, the Town had agreed to help Beechwood acquire the dozen out-parcels to the project area. Beechwood was only able to purchase 4 of the twelve and now they are asking the Town to proceed with condemnation to get the balance of the parcels.
- There has been some discussion of the Town, County and State possibly acquiring the whole project site. The Town has begun the appraisal process of the property and it is expected that this will take some 2 months to complete.

Mr. Rosenberg proceeded to say that unfortunately, until the Town completes the condemnation proceedings on the last 8 parcels, Beechwood cannot sign the Agreement with the County.

Tom Isles then asked what was going to be happening to the northern portion of the land that is shaped like a reverse "L" and Mr. Rosenberg stated that it had already been dedicated to the Town.

Walter Dawydiak then updated Agency members on the Total Daily Maximum Load (TDML) process for the Forge River. The NYSDEC has recognized the Forge River as an impaired water body due to low dissolved oxygen. Eventually, it's likely that a TMDL will be developed, which may limit nitrogen inputs to the Forge River. Preliminary planning for a TMDL is beginning, but the TMDL has not even begun to be developed. A TMDL may eventually affect this project, as well as other parcels which occur in the groundwater-contributing area to the Forge River. However, at this time, to the Health Department's knowledge, the NYSDEC has not imposed any TMDL-related restrictions on nitrogen loading within the Forge River watershed.

Richard Rosenberg stated that that was correct but that it was years away from being implemented.

Michael Cavanagh made a motion to approve the application and Walter Dawydiak seconded it. Motion passed unanimously. **(S. A. Resolution 15-2007)**

A motion adjourn the meeting was made and seconded. Motion passed unanimously at 11:24 AM.

SIGN-IN SHEET

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

Date - July 16, 2007

	NAME	FIRM	REPRESENTING WHAT PROJECT
1	MIKE CAIARDI	CAIARDI ENG	SOMMERSET
2	TOM LEMISO	NELSON & POPE	WOODS @ HAMPTON BAYS BEECHWOOD @ MASTIFF
3	Rich Robinson	Beechwood	Beechwood & MASTIFF
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SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 13-2007 AUTHORIZING AN EXTENSION OF TIME
FOR THE COMPLETION OF THE CONNECTION AGREEMENT BY
SOMERSET WOODS, LLC (BA-1459)
TO THE SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, on August 21, 2006, this Agency adopted Resolution No. 25-2006, authorizing the connection of **Somerset Woods, LLC** to the S. C. Sewer District No. 3 - Southwest, and

WHEREAS, Resolution 26-2006, granted a one year time for completion of the Agreement, but the year has passed without the completion of the Agreement, and

WHEREAS, negotiations concerning such an agreement are complete, and a proposed agreement is being prepared, and

WHEREAS, the developer of **Somerset Woods, LLC** has requested an extension of the authorization granted in Resolution No. 26-2006,

NOW, THEREFORE, IT IS

RESOLVED, that Resolution No. 26-2006, adopted by this Agency on August 21, 2006 is hereby renewed, and it is further

RESOLVED, that this resolution shall become null and void, and of no further force or effect, without any further action by this Agency or notice to the developer, if, within one (1) year from the date of the adoption hereof, an agreement in furtherance of the authorization granted herein, in form and content satisfactory to the Chairman of this Agency, has not been negotiated and fully executed by all parties thereto.

(Suffolk County Sewer Agency Meeting 07/16/07)

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 14-2006
AUTHORIZING AN ON-SITE SEWAGE TREATMENT PLANT
FOR THE WOODS AT HAMPTON BAYS-(SH-1527)

WHEREAS, application has been made for The Woods At Hampton Bays which is a proposed 27 single family unit subdivision with an HOA management system to handle the communal properties, including the sewage treatment plant, located in Hampton Bays, New York, situated on property identified on the Suffolk County Tax Map as District 0900, Section 205.00, Block 03.00, Lot 012.001, and

WHEREAS, this Agency has determined that the eight thousand one hundred gallons per day (8,100 gpd) of sanitary sewage generated by the said project shall be treated at an on-site sewage treatment plant to be constructed by the developer, and

WHEREAS, this Agency believes that prospective purchasers of the units should be apprised of the annual cost of the operation and maintenance of the proposed sewage treatment plant, not only while the plant is privately owned, but also if and when the County, or another municipality, assumes ownership of the plant,

NOW, THEREFORE, BE IT

1st RESOLVED, that the said application be approved subject to the execution of an agreement between the developer, the Suffolk County Department of Public Works, the Suffolk County Department of Health Services, the County of Suffolk and this Agency, on such terms as the Chairman of this Agency shall determine, including, but not limited to, the following:

1. The developer shall, at its sole cost, expense and effort, construct a complete sewage collection, treatment and disposal facility for the project in accordance with Agency standards and shall offer to dedicate the said facility to the Agency at no charge;

2. The developer and/or the Home Owners Association (HOA) shall operate and maintain the said facility until such time, if ever, as a Suffolk County, or other municipal, sewer district is formed encompassing the premises within its boundaries;

3. No Certificate of Occupancy shall be issued for any of the units in the project until the sewage treatment plant has been completed, and is operating, to the satisfaction of this Agency's staff;

4. The developer shall post a Letter of Credit, in form, wording and amount as determined by this Agency's staff, as security for the performance of all of the developer's obligations under the said agreement;

5. The developer shall disclose, in the project's Offering Plan/Prospectus, in language to be approved by this Agency's staff, the annual cost of operation and maintenance of the proposed sewage treatment plant, in order to ensure that prospective purchasers of the condominium are apprised of said cost. The developer shall include in said notice the projected annual cost of operation and maintenance of the proposed sewage treatment plant for the ensuing years, based on an inflation factor, in order to ensure that all future owners of the condominium units are apprised of said cost, not only while the plant is privately owned, but also if and when the County, or another municipality, assumes ownership of the plant.

And be it further

2nd RESOLVED, that this resolution shall become null and void, and of no further force or effect, without any further action by this Agency or notice to the developer of THE WOODS AT HAMPTON BAYS if, within one (1) year from the date of the adoption hereof, an agreement in furtherance of the authorization granted herein, in form and content satisfactory to the Chairman of this Agency, has not been negotiated and fully executed by all parties thereto.

Suffolk County Sewer Agency Meeting (07/16/07)

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. **15-2007** AUTHORIZING AN EXTENSION OF TIME
FOR THE COMPLETION OF THE CONTRACT TO CONSTRUCT AND
OPERATE AND MAINTAIN A SEWAGE TREATMENT PLANT FOR
BEECHWOOD AT YAPHANK PRC (BR-1351)

WHEREAS, on June 25, 2003, this Agency adopted Resolution No. 17-2003, authorizing the construction and operation and maintenance of a sewage treatment system for the Beechwood at Yaphank PRC and Resolutions No. 25-2004, 23-2005 and 22-2006 extending the time a year each for the completion of the required documents, and

WHEREAS, Resolution 22-2006, granting a one year time extension, by its terms, has become null and void since an agreement in furtherance of the authorization granted therein was not executed within one year from the adoption thereof, and

WHEREAS, negotiations concerning such an agreement are complete, and a proposed agreement is being prepared and is in final form, and

WHEREAS, the developer of Beechwood at Yaphank PRC has requested an extension of the authorization granted in Resolution No. 17-2003, 25-2004, 23-2005 and 22-2006.

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 17-2003, adopted by this Agency on June 25, 2003, is hereby renewed, and it is further

2nd RESOLVED, that this resolution shall become null and void, and of no further force or effect, without any further action by this Agency or notice to the developer, if, within one (1) year from the date of the adoption hereof, an agreement in furtherance of the authorization granted herein, in form and content satisfactory to the Chairman of this Agency, has not been negotiated and fully executed by all parties thereto.

(Suffolk County Sewer Agency Meeting 07/16/07)