

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

DATE: September 24, 2007

SUBJECT: MINUTES OF THE SEWER AGENCY MEETING OF SEPTEMBER 17, 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 SEPTEMBER 17, 2007

The meeting was called to order at 11:02 am by Ben Wright, PE representing Gil Anderson, PE, 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; Vito Minei, 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 John Donovan, PE 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 August 20, 2007, were discussed. A motion to accept the minutes was made by Ron Cohen and Vito Minei seconded it. Motion passed with all in favor.

Public Participation

There were no requests to make statements.

NEW BUSINESS

FORMAL APPROVAL

TALL GRASS VILLAGE CENTER

BR 1496

Bob mentioned that this project is a proposed combined residential and commercial subdivision with a golf course. It consists of a mix of 129 various sized detached homes, 212 attached villas and 37 affordable housing units. The Commercial uses are for a restaurant, office space, a theatre and golf clubhouse situated on 320-acres located between William Floyd Parkway and Randal Road and south of NYS Route 25A in Shoreham.

The project has received a positive declaration from SEQRA from the Town of Brookhaven in December 2005 and the Town accepted the revised FEIS on July 24, 2007. Consequently, the developers are applying for the **Formal Approval** to build an on-site STP for the estimated flow of 120,000 GPD.

County Sewer District No. 20-William Floyd containing 2 sewage treatment plants, one in Leisure Village and the other at Ridge Haven Estates, is in the vicinity of this project. However,

neither of the plants could accept 120,000 gpd. There are no other sanitary service areas existing within near proximity to this development.

Staff recommended granting Formal Approval for an on-site STP.

Ben asked why the difference in references to the flows and Bob answered that the FEIS showed the required minimum flow from the chart but the description stated that the design of the plant would be for 120,000 because of flow uncertainty in the commercial parcels.

Ben asked who represented the project and Gene Wishod said that he did and apologized for the confusion on the design capacity of the treatment plant. He further stated that this plant was originally thought to be a regional facility with a capacity approaching 200,000 gallons per day but the Town of Brookhaven reduced to its present size.

Tom Isles then asked if the Town had closed the SEQRA discussion and issued a Findings Resolution. Gene said that he did not know if it had. Tom further stated that in a case such as this the Town and all affected agencies, including the SC Sewer Agency, need to issue Findings Resolutions based on the FEIS. The passing of the Findings Resolution is the actual termination of the process.

Ben mentioned that there had been issues with the sanitary and the highway aspects of the statement with DPW but these had been resolved.

Vito then mentioned that there has been no formal application to the Department of Health Services by this project and in his opinion, the application should have gone initially to the DHS for their determination of how to proceed with the sanitary aspects of the project. The Sewer Agency would be where it would be typically referred to.

Jeff Szabo made a motion to table and Vito Minei seconded it. Motion passed unanimously.

ENECON/SILVERI PARCEL

BR-0880.1

Bob mentioned that this project is a 2-acre parcel, the last parcel of a subdivision known as the South Silver Industrial Park. The gallonage originally purchased for the subdivision has a balance of 1,045 gpd and this proposed building requires 1,195 gpd to meet the SC Department of Health standards. The developer is applying for permission to connect to this facility to SC Sewer District No. 7- Medford and wants to acquire an additional 150 gpd from the Districts capacity which was set aside for undeveloped parcels.

This project is situated on Platinum Court and is the original lot number 11 of that subdivision. Since it is part of the subdivision, it can be connected to the subdivision's sewers but requires the additional 150 gpd to meet the DHS requirements for that size building. The District's STP has sufficient excess treatment capacity to process the additional 150 gpd expected from this subdivision.

It is noted that due to County Resolution 38-2007, the connection fee has been raised to \$30.00 per gallon per day. This would amount to a total of \$4,500 for the connection fees.

Staff recommended granting the Formal Approval to this project and it will also need formal approval from the NYS DEC if approved by the Agency.

Ben mentioned that Catherine Stark had joined the meeting and then asked who represented the project. Steve Cody of DAS Contracting said that he did and he introduced Tom Walsh, his architect. He further stated that all lots except a 10-acre lot, a 3 1/2 -acre lot and this lot were only ones remaining. Gallonage needs to be assigned to all of the parcels and has been out of the capacity originally bought by the firm. All of their gallonage has been assigned and they are 150 gpd short for the requirements of this proposed 25,000 square foot building.

Ben asked if all of the flow had been used or assigned to parcels and Steve said that that was correct.

Vito Minei mentioned that this application is being reviewed by the Department of Health Services and the information given is consistent with what was on the application. Since he thought that this application would be reviewed within a month by the Town and the IDA, he might be willing to approve the application.

Vito then asked if a month's delay would be a hardship and Steve said that it would because it would delay the start of the work until the winter and then it could be a weather problem.

Steve Cody then said that the DAS had originally purchased all the gallonage that they calculated they needed and at this time they have 5,000 gpd not used but assigned and their need for the additional 150 gpd is for a specific site. Ben asked if they had started to clear the site and Steve said that they had not because in Brookhaven developers are not issued building permits without getting the approvals from the Planning Department which needs the Health Department approvals before it grants its approvals.

Tom Walsh then stated that the application for this parcel had been submitted across the street (SCDHS), as well as the re-application for the revised gallonage with the Bergen Point Permit Office.

Vito then said that if the DHS is reviewing it and the DPW has no problems with the application, he would be more open to approving the application.

Vito then asked John Donovan about the status of the project and John said that it was not a problem. Vito further stated that his staff had a similar opinion.

There was discussion among the Agency members about contingency approvals and whether a resolution could be withdrawn by e-mail consensus but no one could say that there was precedence for this type of approval.

Bob mentioned that perhaps the additional 150 gpd needed could be applied to one of the other sites and then this application would not be needed and the development of the site could continue, as they would have the gallonage needed for the building site and Steve Cody said that this specific owner is willing to pay for the additional gallonage so they would prefer to proceed as assigning the gallons to this site.

Vito Minei said that he understood about the possible hardship and then made a motion to approve the application and Ron Cohen seconded it. Motion passed unanimously.

(SC Sewer Agency Reso 20-2007)

CONCEPTUAL CERTIFICATION

EASTPORT MIXED USE DEVELOPMENT

BR 1586

Bob mentioned that the Eastport Mixed Use Development is a proposed development consisting of 200 various residential and commercial units, in Eastport, in an area bounded by Montauk Highway on the south and Eastport Manor Road on the east. The estimated flow from this project is 60,000 GPD for which the developer requested Conceptual Certification to build an on-site STP.

There is no existing Suffolk County Sewer District in the vicinity of this project. In addition, the private treatment plants in the Eastport area do not have excess capacity to accept this amount of flow.

The request is for the Conceptual Certification, because the SEQRA has not been completed for the site.

Staff recommended granting Conceptual Certification for the project. (In accordance with the policy adopted at the February 2007 Sewer Agency meeting, this will have the 2-year provision)

Ben mentioned that this project had been tabled previously and then asked who represented it. Tom Lembo said that he did and then publicly thanked John Donovan for having set up the meetings with the various County and Town Departments to discuss this project pursuant to Tom Isles' request. He went on to say that he had attempted to reach McLean-Katter of the Heritage Square project about expanding the treatment plant by 60,000 gpd from the present design of 105,000 gpd to allow for this flow there and they were not interested.

Vito then commented that the Eastport Meadows was to be a Cromaglass plant at 10-15,000gpd and that this project was considerably further along in planning than the Eastport Mixed-Use project. However, the owner of the other parcel still does not own the land due to back taxes on

the property. He said that he still believes that the present project should give consideration to accept the flow from Eastport Meadows.

Ben then mentioned that the question about forcing private developers to connect to a private treatment plants had been asked of the County Attorney in the past. He said that the response had been that if the Agency worked on facts that were reasonable and applied uniformly to all, we could suggest methods of handling the sewage treatment but then had to look to other alternatives if this was unreasonable to the developer.

Vito then said that we should learn from Seatuck Creek complex and the practical matter of having less sewage treatment plants. All of the sites are very close and we need to be concerned about the County Road 51 corridor. He said he would like to look into the timing issues, especially since the back taxes are due on the Meadows and this will delay the start of the project.

It was mentioned that the increase from the 60,000 to the 75,000gpd is fairly easy and the application and approval from the Sewer Agency is the first step in the SEQRA process. Tom Lembo responded that his client is up against "due diligence" timing problems.

Vito then instructed the secretary to add language to the Conceptual Certification resolution to encourage the 75,000 gpd plant since the Conceptual Certification resolution is to provide direction even though it is not binding.

Tom Isles then thanked Tom Lembo for all of his cooperation on the meetings and for working with John Donovan to get these projects moving. Tom Isles said that at the last meeting it was mentioned that the Town had over 200 applications for development in that area.

Vito Minei then discussed with Tom Lembo the sizes of the various treatment plants and then asked the secretary to insert language into the resolution of "increasing the size of the plant to 75,000 gpd and the possibility of creating a larger Eastport Hamlet sub-regional plant". Tom Lembo mentioned that this site is small for that large a flow.

John Donovan said that it had been over 3 years since the initial Heritage Square approval, so they must re-apply for approval of the construction plans. The plant could go from the 100 to 200,000 gpd and incorporate these two projects.

Ron Cohen said that that sounded reasonable

Vito then said that this issue would be the reconsidered when reviewing the Heritage Square STP plans and made a motion to approve this application. Tom Isles seconded the motion and it passed unanimously.
(SC Sewer Agency Reso 21-2007)

A motion was made to adjourn and it was seconded. Motion passed unanimously at 11:36 am.

SIGN-IN SHEET

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

Date - September 17, 2007

	NAME	FIRM	REPRESENTING WHAT PROJECT
1	KELLYNE L. WISHEA	HANCOCK, MARSON, et. al.	Talgham Village Center
2	THOMAS LEMBA	N/A	EASTPORT MU
3	TOM WALSH	JOSEPH T. MATTHEWS	ENECON / D.A.S.
4	STEVE CODY	DAS	ENECON / DAS
5	MATT SCHEINER	HENDERSON & BODWELL	TALLGRASS STP
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SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO: 20-2007
AUTHORIZING THE CONNECTION OF
ENECON/SILVERI PARCEL (BR-0880.1) TO
SUFFOLK COUNTY SEWER DISTRICT NO. 7 – MEDFORD

WHEREAS, Enecon/Silveri Parcel is a 2-acre parcel which is part of the South Silver Industrial Park subdivision located in Medford, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 812.00, Block 03.00, Lots 002.004, and

WHEREAS, the sewage flow from the Enecon/Silveri Parcel is expected to be one thousand one hundred ninety-five gallons per day (1,195 gpd), and

WHEREAS, Enecon/Silveri Parcel is not located within the boundaries of Suffolk County Sewer District No. 7 - Medford (the "District"), but is within the boundaries of the South Silver Industrial Park and already has an allocation of one thousand forty-five gallons per day (1,045 gpd), and

WHEREAS, Enecon/Silveri Parcel has applied to this Agency for permission to purchase and connect an additional one hundred fifty gallons per day (150 gpd) flow to the sanitary sewerage facilities of the District, which volume is required by the SC Department of health Standards, and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the additional sewage which is expected to emanate from Enecon/Silveri Parcel, and

WHEREAS, the connection of Enecon/Silveri Parcel to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that Enecon/Silveri Parcel be permitted to connect to the sanitary sewerage facilities of the District, upon such terms and conditions as the Administrative Head of the District may impose, subject to the terms and conditions hereof, and it is further

2nd RESOLVED, that one hundred fifty gallons per day (150 gpd) of capacity in the District's sewage treatment plant be allocated to Enecon/Silveri Parcel, and it is further

3rd RESOLVED, that the connection authorized herein is subject to the approval of the Suffolk County Legislature and the New York State Department of Environmental Conservation, and it is further

4th RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the owner of Enecon/Silveri Parcel, the District, the Suffolk County Department of Public Works ("DPW"), the Suffolk County Department of Health Services, the County of Suffolk and this Agency, which agreement shall contain such terms and conditions as the Administrative Head of the District shall determine, and it is further

5th RESOLVED, that the connection fee to be paid for Enecon/Silveri Parcel shall be paid upon the execution of the Connection Agreement at the rate of \$30.00 per gallon of sewage per day for a total of \$4,500.00 and it is further

6th RESOLVED, that Enecon/Silveri Parcel shall, at its sole cost, expense and effort, construct a sewage collection facility for Enecon/Silveri Parcel, and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

7th RESOLVED, that no Certificate of Occupancy shall be issued for any portion of Enecon/Silveri Parcel until the sewage collection facility for Enecon/Silveri Parcel has been completed and Enecon/Silveri Parcel has been connected to the sanitary sewerage facilities of the District, all to the satisfaction of DPW, and it is further

8th RESOLVED, that the developer of Enecon/Silveri Parcel shall furnish a Letter of Credit, in form, wording and amount, and on such terms and conditions, as determined by this Agency's staff, as security for the construction of the sewage collection facility for Enecon/Silveri Parcel, as well as for all of the developer's obligations under the Connection Agreement, and it is further

9th 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 Enecon/Silveri Parcel if, within one (1) year from the date of the adoption hereof, an agreement in furtherance of the authorization granted herein (the Connection Agreement), 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 09/17/07)

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 21- 2007, GRANTING CONCEPTUAL CERTIFICATION
FOR AN ON-SITE SEWAGE TREATMENT PLANT AT
EASTPORT MIXED USE DEVELOPMENT- BR-1586

WHEREAS, Eastport Mixed Use Development is a proposed development consisting of 200 various type residential and commercial units, in Eastport, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 686.00, Block 01.00 and Lot 025.004 in an area bounded by Montauk Highway on the south and Eastport Manor Road on the on the east, and

WHEREAS, the sewage flow from Eastport Mixed Use Development is expected to be sixty thousand gallons per day with the recommendation by the Suffolk County Sewer Agency of increasing the size of the plant to 75,000 gpd and including the possibility of creating a larger Eastport Hamlet sub-regional plant (60,000 - 75,000+ gpd) when fully developed, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of Eastport Mixed Use Development with available capacity to serve the development's sanitary needs, and

WHEREAS, Eastport Mixed Use Development has applied to this Agency for permission to construct an on-site sewage treatment plant for Eastport Mixed Use Development, and

WHEREAS, inasmuch as the SEQRA process for Eastport Mixed Use Development has not been completed, this Agency cannot, 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, upon review of an application prior to the completion of the SEQRA process, 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 Eastport Mixed Use Development an indication of the action that this Agency might take regarding the proposed sewage treatment plant if the SEQRA process had been completed and this Agency were to pass upon the matter at this time,

NOW, THEREFORE, IT IS

1st **RESOLVED**, that this Agency hereby grants "Conceptual Certification" for an on-site sewage treatment plant for Eastport Mixed Use Development in Eastport, New York as aforesaid, 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 of Eastport Mixed Use Development, within two (2) years from the date of the adoption hereof if an application for Formal Approval in form and content satisfactory to the Chairman of this Agency, has not been submitted for consideration.

3rd **RESOLVED**, that 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

4th **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 SEQRA process for the proposed project has been completed;
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 09/17/07)