

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'Amato 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'Amato, 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: December 18, 2007

SUBJECT: **MINUTES OF THE SEWER AGENCY MEETING OF DECEMBER 17, 2007**

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

GA/BW/bc: sg

Attachments

cc: Thomas LaGuardia, PE, Chief Deputy Commissioner
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
Linda Spahr, 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 DECEMBER 17, 2007

The meeting was called to order at 11:00 am by Gil Anderson, PE, Commissioner of DPW and Chairman of the Suffolk County Sewer Agency. In attendance were Tom Isles, the Suffolk County Director of Planning; Michael Cavanagh, Legislative Aide to Presiding Officer Lindsay; Vito Minei, P.E., representing the Commissioner of the Department of Health Services; Ron Cohen representing Legislator D'Amato; and Catherine Stark representing Legislator Schneiderman, Chairman of the Legislative Public Works and Transportation Committee

Also present were Patricia Jordan, Esq. and Linda Spahr, Esq. of the Department of Law and Ben Wright, PE, Chief Engineer of the Sanitation Division 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 November 19, 2007, were discussed. A motion to accept the minutes was made by Commissioner Anderson and Tom Isles seconded it. Motion passed with all in favor.

Public Participation

There were no requests to make statements.

OLD BUSINESS

CONCEPTUAL CERTIFICATION

SONS CORAM, LLC

BR-1599

Ben mentioned that this project is a proposed restaurant with 300 seats and is situated near the intersection of Route 112 and County Road 83 in Coram. It was tabled at the Agency's November meeting due to insufficient information. It is now apparent that this facility is a part of the Avalon Pines subdivision that acquired 133,475 gallons per day from the expansion of the SCSD No. 11 - Selden sewage treatment plant. The three thousand gallons requested in this application are in addition to the six thousand already assigned to this site from Avalon Pines.

The District's STP does not have this capacity available at this time but 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 the additional 47,000 gpd. It is not expected that this will be completed and permitted until early 2008, if ever.

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.

Commissioner Anderson asked who represented the project and Eugene Wishod said that he did and said that this project had been tabled the previous meeting because they had failed to file with the Department of Health Services. Gene then asked Vito Minei if the application had been received at DHS and Vito replied that they received it on November 30th. Further, Gene commented that this project is one of five projects that have contracted with the District 11 Consortium for the 47,000 gpd, all of which are conditional on the NYS DEC approval.

Tom Isles asked Ben where the 47,000 gallons came from and he responded that it was due to the expansion of the plant and the design of the existing tanks. Tom then confirmed that this is tankage that already exists and merely needs to be tested and Ben said that he was correct and the gallonage had to be tested in the winter for worst case conditions. It might be possible to determine the amount from a curve, but they would prefer to actually test it and be sure of the plant's performance.

Ron Cohen made a motion to approve the application and Michael Cavanagh seconded it. Motion passed unanimously
(SCSA RESO NO. 25 -2007)

NEW BUSINESS

FORMAL APPROVAL

RUBIES OFFICE BUILDING.

HU-1497

Ben mentioned that this project is a proposed office building that is to be constructed with a total of 103,000 SF of office space with a 200 seat restaurant, situated on a 6-acre parcel located on the southwest corner of Broadhollow Road and the South Service Road of the LIE in the Town of Huntington. Total flow from the building is expected to be 12,000 GPD. The site is presently vacant.

He further stated that the project received formal approval in December 18, 2006 but has not completed the Connection Agreement within the year, as stipulated in the formal approval resolution. This is a request for a one year extension of SC Sewer Agency Resolution 40-2006.

The District's Bergen Point STP has sufficient treatment capacity in excess of the needs of the District and its contractees to accommodate this additional flow.

Staff recommended approval of the one year extension for this project.

Commissioner Anderson asked who represented the project and Michael Cahill, Esq. said that he did and that what was stated was correct and that they were ready to sign the agreement as soon as it was ready.

Tom Isles asked how the fee was to be handled and if this project was "grandfathered" in at the previous connection fee rate and Ben said that it was "grandfathered" at the \$15.00 per gallon per day. Ron Cohen said that the "grandfathering" was correct.

Commissioner Anderson made a motion to approve the application and Ron Cohen seconded it. Motion passed unanimously. (SCSA RESO NO. 26 -2007)

CONCEPTUAL CERTIFICATIONS

PINE GARDENS CONDOMINIUMS AT 2ND AVE.

IS-1598

Ben mentioned that this project is a proposed 30 unit condominium complex 5 acres located in Brentwood. The estimated flow from this project is 9,000 GPD for which the developer requests Conceptual Certification to build an on-site STP (Cromaglass technology), as the SEQRA has not been completed for the site.

There is no existing Suffolk County Sewer District in the vicinity of this project. 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.

Additionally, similar projects in the past have received formal approval with the requirement to include what DPW feels would be the present cost of operation with an inflation factor in the project's offering plan/prospectus. This would ensure that all purchasers, present and future, would be aware of what annual sewer fees might be should DPW operate the facility before they purchase a unit.

Staff recommended granting Conceptual Certification for the project and Ben further pointed out that with the recent Legislative Resolution 554-2007* the project will need to provide 20% affordable housing and this will need to be certified by appropriate County Departments. This is for information but will apply when the application for formal approval is to be considered.

Commissioner Anderson asked who represented the project and Jack Naylor said that he did and what Ben had mentioned was correct and they were presently in negotiation with the Town of Islip with reference to affordable housing.

Tom Isles asked about the other housing complexes in the vicinity that had treatment plants and whether these had been approached for connection to one of them. Jack responded that of the three facilities that were located within a ¾ mile radius, two had Cromaglass plants that were at capacity and the third had a conventional type plant but it was at its design capacity of 54,000 gpd, so there was nothing available.

Tom Isles asked about the 20% affordable housing component as required by Legislative Resolution 554-2007* which applies to all residential developments with 10 or more units and

the developer, Mr. Renzon Concepcion, said that what Jack Naylor had just mentioned was correct and he agreed with the 20% affordable housing component..

Mike Cavanagh made a motion to approve and Catherine Stark seconded the motion. Motion passed unanimously. **(SCSA RESO NO. 27 -2007)**

PATIO GARDENS III

SH-1600

Ben mentioned that this project is a proposed condominium complex with 48 units, a clubhouse and a pool with an expected flow of 15,000 gpd, which is situated on 8 acres on the north side of Montauk Highway and east of Depot Road in the incorporated village of Westhampton Beach.

The project is requesting CONCEPTUAL CERTIFICATION for the construction of a small sewage treatment plant to process the wastes from this development because SEQRA is not complete.

Additionally, similar projects in the past have received formal approval with the requirement to include what DPW feels would be the present cost of operation with an inflation factor in the project's offering plan/prospectus. This would ensure that all purchasers, present and future, would be aware of what annual sewer fees might be should DPW operate the facility before they purchase a unit.

Staff recommended granting the Conceptual Certification to this project because there is no Suffolk County Sewer District in the vicinity of this project. Ben mentioned that from previous minutes, there was a development approved for a Cromaglass very near to this one. There is also a treatment plant at the Suffolk County Gabreski airport, but this facility has not become a Sewer District and has no excess capacity to treat the 15,000 gpd expected to be discharged from this development. In addition, to construct a module of the existing plant to cover this need would be an unreasonable cost to the developer. Ben then suggested that the consultant representing the project be allowed to discuss the associated costs of the various alternatives for the treatment of the wastes for the two projects.

Commissioner Anderson asked who represented the project and Thomas Lembo said that he did and he introduced Ron Horowitz. Tom proceeded to say that the developers are committed to an expense of between \$750,000 and \$900,000 for a Cromaglass type of facility that this size project would require. If two projects were to combine and build a 30,000 gpd full scale treatment plant, the cost would be between \$2.5 and \$3.5 million without the costs for the means of conveyance to the final treatment plant site. This would cost the developers each an additional ½ to a million dollars each, plus the loss of additional units due to the larger size of the footprint and the additional setback distances required for the full scale plants. Obviously, this is not a viable alternative. Both developers would have preferred to build pumping stations and send the sewage to the Gabreski plant but since that was not available they are forced into the installation of Cromaglass type plants.

Vito mentioned that there had been no application for this project to the Department of Health Services and Tom Lembo agreed saying that the Engineering Report is being completed and forwarded to DHS with two weeks. Tom further stated that he wanted these issues resolved, so that he would know how to proceed with this project.

Vito proceeded to say that the protocol for this situation is to table the project until the application is submitted. Vito then made a motion to table the application and Mike Cavanagh seconded the motion. Motion to table passed unanimously.

Vito asked if a written report on the documented costs had been received and Ben said that it had and that he thought that he had e-mailed it to Vito.

Tom then mentioned that they accepted the Legislative resolution 554* and were in discussions with the Village on the affordable housing. He then asked Vito for confirmation that the only issue for the tabling of the application was the lack of the application to the DHS and Vito confirmed that fact and that the analysis provided is sufficient for them to proceed with the application. Vito said he was satisfied with the cost discussion, especially since Ben mentioned that these were documented. Tom Isles confirmed that it was necessary that the costs were documented.

Ben proceeded to say that this was Bob Carballeira's last Sewer Agency meeting as the secretary and, virtually, the staff of the agency. Ben went on to say that he has a preliminary meeting schedule but he needs to discuss with the Chairman how to implement the Sewer Agency process for next year.

A motion was made to adjourn and it was seconded. Motion passed unanimously at 11:15 am.

* Legislative Resolution 554-2007 does not technically apply here as these two projects are not connecting to a SC Sewer District, which is one of the components of the resolution but it is to be noted that both developers did state that they are looking to that type of affordable housing component – 20%.

SIGN-IN SHEET

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

Date - December 17, 2007

	NAME	FIRM	REPRESENTING WHAT PROJECT
1	Michael Cahill	Germano + Cahill PC	Rubies Office Bldg
2	Jack Naylor, P.E.	Naylor Engineering PC	Pine Gardens
3	Eric J. Pelletier AVP	ERIC J. PELLETIER	PINE GARDENS.
4	EUGENE LI WISCHA	HAMBURGER, MAXSON, ETAL	SONS CORAM, LLC
5	TOM LEMRO	NELSON'S POSE	PATIO GARDENS
6	RON HOROWITZ	PATIO GARDENS III, LLC	PATIO GARDENS
7	RENZON CONCEPCION	ALUXI CORP. -	PINE GARDENS -
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 25 - 2007
GRANTING CONCEPTUAL CERTIFICATION
FOR THE CONNECTION OF SONS CORAM, LLC (BR-1599) TO
SUFFOLK COUNTY SEWER DISTRICT NO. 11 – SELDEN

WHEREAS, Sons Coram, LLC is a proposed restaurant complex in Coram, New York, on property identified on the Suffolk County Tax Map as District 0200, Section 371.00, Block 08.00, Lots 002.001 & 002.002, and

WHEREAS, the Sons Coram, 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 **Sons Coram, LLC** will generate a sewage flow of nine thousand gallons per day (9,000 gpd), of which six thousand gallons per day have already been assigned to this facility from the gallonage assigned from SD 11- Selden to Avalon Pines (Park Shaw) BR-1130, and

WHEREAS, the owner of **Sons Coram, LLC** has applied to this Agency for permission to connect the balance of 3,000 gallons per day from **Sons Coram, LLC** 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 **Sons Coram, 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 early 2008, 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 **Sons Coram, 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 **Sons Coram, 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 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 Sons Coram, LLC, 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, and

3rd RESOLVED, that at such time as **Sons Coram, 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

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 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 12/17/07)

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO 26-2007 AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE AGREEMENT FOR THE CONNECTION TO THE SC SEWER DISTRICT NO. 3 – SOUTHWEST BY RUBIES OFFICE BUILDING (HU-1497)

WHEREAS, on December 18, 2006, this Agency adopted Resolution No. 40-2006, authorizing the construction and operation and maintenance of a sewage treatment system for the Landing Avenue Development Corp., and

WHEREAS, Resolution No. 40-2006, 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 has been prepared and is in final form, and

WHEREAS, the developer of the Rubies Office Building has requested an extension of the authorization granted in Resolution No. 40-2006,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 40-2006, adopted by this Agency on December 18, 2006, 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 12/17/07)

SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. 27 - 2007 GRANTING CONCEPTUAL CERTIFICATION
FOR AN ON-SITE SEWAGE TREATMENT PLANT AT
PINE GARDEN CONDOMINIUMS AT 2ND AVENUE – IS-1598

WHEREAS, Pine Garden Condominiums at 2nd Avenue is a proposed condominium project consisting of 30 units in Brentwood, New York, situated on property identified on the Suffolk County Tax Map as District 0500, Section 138.00, Block 01.00 and Lot 016.000, and

WHEREAS, the sewage flow from Pine Gardens at 2nd Avenue is expected to be nine thousand gallons per day (9,000 gpd) when fully developed, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of Pine Garden Condominiums at 2nd Avenue with available capacity to serve Pine Garden Condominiums at 2nd Avenue , and

WHEREAS, Pine Garden Condominiums at 2nd Avenue has applied to this Agency for permission to construct an on-site sewage treatment plant for Pine Garden Condominiums at 2nd Avenue , and

WHEREAS, inasmuch as the SEQRA process for Pine Garden Condominiums at 2nd Avenue 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 Pine Garden Condominiums at 2nd Avenue 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 Pine Garden Condominiums at 2nd Avenue in Middle Island, 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 Pine Garden Condominiums at 2nd Avenue, 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, and

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 12/17/07)