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: Beedenbender, Romaine, Schneiderman, Browning, Viloria-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
Adam Santiago, representing Legislator Brian Beedenbender, Chairman of the Public Works and Transportation Committee

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

DATE: January 31, 2008

SUBJECT: **Minutes of the Sewer Agency Meeting of January 28, 2008**

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

GA/BW/cp

Attachments
cc: Thomas LaGuardia, P.E., Chief Deputy Commissioner
Louis Calderone, Deputy Commissioner
Ben Wright, P.E., Chief Engineer, Division of Sanitation
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
Craig Platt, Assistant Civil Engineer

Minutes ff the Suffolk County Sewer Agency
Meeting Of January 28, 2008

The meeting was called to order at 11:07 am by Gil Anderson, P.E., Commissioner of DPW and Chairman of the Suffolk County Sewer Agency. In attendance were Jeff Szabo, the Deputy County Executive representing County Executive Steve Levy, 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'Amaro, and Adam Santiago, representing Legislator Beedenbender, Chairman of the Legislative Public Works and Transportation Committee

Also present were Linda Spahr, Esq. of the Department of Law, Ben Wright, P.E., Chief Engineer of the Sanitation Division, and Craig Platt, Secretary to the Sewer Agency.

Project representative is shown on the copy of the sign-in sheet attached at the end.

Welcome by Commissioner Anderson to the January 28th meeting of the Suffolk County Sewer Agency, and introductions by Roll Call.

Roll Call: All members (or representatives) present.

Minutes from SCSA for December 17, 2007, were discussed. A motion to accept the minutes was made by Commissioner Anderson and Ron Cohen seconded it. Motion passed unanimously.

Public Portion: There were no requests to make statements.

Craig Platt was introduced by Ben Wright stating that Craig replaced Bob Carballeira, who retired after the December meeting and that if anyone had any questions that Craig could be reached at the same number Bob used and the transition was working well.

Old Business:

Formal Approval:

TALL GRASS VILLAGE CENTER ***BR 1496***

Ben mentioned that this project is a combined residential/commercial subdivision, golf course; it will have 352 mixed units with attached homes, attached villas and some affordable housing units. It will also have a restaurant, an office and a theatre. And the application is for 120,000 GPD. The county sewer district that is closest to Tall Grass is SD 20 that has two facilities but neither one could accept 120,000 GPD and without any other facilities in the area the application for the onsite system is the only option. The project did receive a positive declaration regarding SEQRA from the Town of Brookhaven which was the lead agency and that positive declaration was back in December 2005. A coordinated SEQRA was performed and the Town accepted the

FEIS in July 2007. The project was tabled in the Sewer Agency during November 2007 meeting because the town had an issue with the findings statement. That findings statement was adopted by the town and reviewed by the agency staff and has been provided as part of the package that went out with the agenda. There were a number of resolved clauses in the agencies findings statement and resolution that have to take place before the formal approval resolution and basically it adopts what the town has indicated in their findings statement relative to various sanitary issues. Staff recommended approval of the findings statement resolution followed by the formal approval resolution, if it is in agreement with the agencies review and acceptance.

Comments:

Commissioner Anderson asked if there was a representative of the applicant present.

Eugene Wishod, the attorney for Tall Grass stated that he read the proposed resolution from the agency and found it acceptable and he had no further comment.

Commissioner Anderson asked if there were any other questions or comments on this from the floor.

Discussion concerning the form of the findings statement resulted.

Vito Minei indicated that he saw the resolution but not the findings statement. He explained that it should follow the form in SEQRA 617 and that the Health Department follows the model and prototype in the SEQRA handbook, that way it is certified by a responsible agent for the agency.

Tom Isles mentioned for the record to make it clear there has been obviously considerable review of this application by the agency staff, by the Town of Brookhaven as the lead agency, there's been a preparation of a draft and final environmental impact statement, the project is located within a special groundwater protection area as well as within the compatible growth area of the pine barrens. The consideration, in this case, that the property is currently used as a golf course and is a sod farm which is untreated nitrogen loading in the ground water and so forth. He noted in the findings statement that is attached from the Town of Brookhaven and made by reference that the project will reduce nitrogen loading through the collection and treatment of the sanitary waste materials, that efforts to combine this disposal with other near by plants was investigated but found not to be feasible due to capacity limitations or distance limitations, that the Sewer Agency had taken all the steps necessary to mitigate the impact to the environment with the review of this project. He further stated that the plant will meet all county standards, obviously, and be state of the art. It will have capacity potential for expansion, if need be in the future."

Vito Minei stated that the Health Department concurs with the Sewer Agency that there is no other existing sewage treatment plant that could accept the sanitary waste materials; that the project is currently under review, and had not been approved yet by the Health Department, but he was comfortable approving this knowing that the Sewer

Agency members were in agreement that a separate facility for this development is necessary.

Tom Isles further stated that he was comfortable based on the record he has seen and participated in as part of the Sewer Agency, that this agency has taken a hard look at this matter and concur with the findings statement that's drafted.

Commissioner Anderson asked if anyone else wished to make a statement. Seeing none, he make a motion to approve, the motion was second by Mike Cavanaugh. Motion passed unanimously.

(SCSA RESO. NO. 01 - 2008)

Conceptual Certification

PATIO GARDENS III **SH-1600**

Ben Wright stated that the Agency received a couple of calls from the project representative and that they wished to table the proposal until next month. The proposal was tabled at prior agency meeting because an application hadn't been made to the Health Department and they submitted the application with the past 2 or 3 days, and they didn't want to come to the Agency under that impression they we were trying to have the Health Department rush through their review. They would appreciate a month delay.

Commissioner Anderson asked for a motion to table, it was made by Ron Cohen and seconded by Vito Minei. Motion passed unanimously.

Vito Minei indicated that If the Agency was going to contact the developer to notify them that they had not submitted an application to the Health Department and to be consistent with the Health Department's "new-found protocol" the he would not be comfortable even approving conceptual certification till at least application is made to the Health Department.

A motion was made to adjourn and it was seconded. Motion passed unanimously at 11:17 am.

SIGN-IN SHEET

Suffolk County Sewer Agency
SCDPW - Sanitation -Engineering

Date - December 17, 2007

	NAME	FIRM	REPRESENTING WHAT PROJECT
1	EUGENE L. WISHAN	HARBURGER, MAYSON, ET AL	TALLGRASS VILLAGE CENTER
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SUFFOLK COUNTY SEWER AGENCY
RESOLUTION NO. _01_2008
AUTHORIZING AN ON-SITE SEWAGE TREATMENT PLANT
FOR TALL GRASS VILLAGE CENTER– BR-1496

WHEREAS, application has been made for Tall Grass Village Center which is a proposed mix of 378 residential units, commercial and office space including a theatre, restaurant and golf clubhouse in Shoreham, New York, situated on property on the east of Randal Road and south of Route 25A (Real Property Tax Map No. 200-126-02-2; 200-127-01-2 & 3; 200-148-02-6), and

WHEREAS, this Agency has determined that the 120,000 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,

NOW, THEREFORE, BE IT

1. 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:

a. 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;

b. The developer 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;

c. 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;

d. 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, and be it further

2 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 Tall Grass Village Center 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
SEQRA RESOLUTION NO. 01F 2008

Adoption of a Findings Statement for the Application of
Tall Grass Village Center (BR-1496)

WHEREAS, the project applicants for Tall Grass Village Center are Tallgrass Properties, LLC and TGC Operating Company, LLC; and

WHEREAS, the proposed Tall Grass Village Center consists of development of 352 residential units and miscellaneous commercial and office space, located west of William Floyd Parkway, east of Randal Road, and south of NYS Route 25A in Shoreham, New York (S. C. Tax Map No's: 0200-126.00-02.00-002.000; 0200-127.00-01.00-002.000 & 003.000; and 0200-148.00-02.00-006.000), as described more fully in the project application; and

WHEREAS, pursuant to the State Environmental Quality Review Act, N.Y. Envtl. Conserv. Law Art. 8 (SEQRA), the Town of Brookhaven, as lead agency, classified the proposed Tall Grass Village Center project as a Type I action and issued a Positive Declaration regarding the proposed project; and

Whereas, a coordinated SEQRA review was performed; and

WHEREAS, a SEQRA Final Environmental Impact Statement (FEIS) was accepted by the Town of Brookhaven Town Board on July 24. 2007; and

WHEREAS, on October 16, 2007, the Town of Brookhaven Town Board adopted Res. No. 1004-07, entitled, *SEQRA – Acceptance and Adoption of Findings Statements for Application of Tallgrass Properties, LLC and TGC Operating Company, LLC for a Change of Zone from a Residence 1 to Planned Development District on Property Located in Shoreham* (attached hereto with a Suffolk County Sewer Agency Cover Sheet and incorporated by reference as Exhibit 1); and

WHEREAS, the Suffolk County Sewer Agency has determined that the estimated 120,000 GPD of sanitary sewage generated by the Tall Grass Village Center should be treated at an on-site Sewage Treatment Plant (STP), to be constructed by the developer; and

WHEREAS, the project applicants have applied to the Suffolk County Sewer Agency for formal approval of an on-site STP, more fully described in the project application (BR-1496) and accompanying documentation; and

WHEREAS, the Suffolk County Sewer Agency is an "involved agency" regarding the disposal of the sanitary wastes emanating from the development; and

WHEREAS, as an involved agency, the Suffolk County Sewer Agency must adopt its own Findings Statement; and

NOW, THEREFORE, BE IT:

1st RESOLVED, that pursuant to SEQRA, 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Charter, the Suffolk County Sewer Agency hereby adopts the document entitled, "*SEQRA – Acceptance and Adoption of Findings Statements for Application of Tallgrass Properties, LLC and TGC Operating Company, LLC for a Change of Zone from a Residence 1 to Planned Development District on property Located in Shoreham*, together with the Suffolk County Sewer Agency Cover Sheet (collectively annexed hereto, incorporated by reference and made a part hereof as Exhibit 1) as the Suffolk County Sewer Agency's Findings Statement (SCSA Findings Statement), in those matters dealing with the disposal of the sanitary wastes; and, be it further

2nd RESOLVED, that the SCSA Findings Statement considers the relevant environmental impacts, facts and conclusions disclosed in the final EIS; weighs and balances relevant environmental impacts with social, economic and other considerations; and provides a rationale for the Suffolk County Sewer Agency's decision; and, be it further

3rd RESOLVED, that the SCSA Findings Statement certifies that the action is consistent with social, economic and other essential considerations from among the reasonable alternatives available, and that the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and, be it further

4th RESOLVED, that SCSA Findings Statement certifies that adverse environmental impacts shall be avoided or minimized to the maximum extent practicable, by incorporating as conditions to the Suffolk County Sewer Agency's decision regarding the on-site Sewage Treatment Plant for the Tall Grass Village Center those mitigative measures that were identified as practicable by the SCSA Findings Statement; and, be it further

5TH RESOLVED, that the SCSA Findings Statement certifies that the requirements of SEQRA have been met.

Approval Date: January 28, 2008