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, 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
Legislator Louis D'Amaro, SCSA Legislator-at-Large
Michael Cavanagh, representing Presiding Officer Lindsay

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

DATE: July 25, 2008

SUBJECT: **Minutes of the Sewer Agency Meeting of July 21, 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
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, Chief Deputy County Executive
William Spitz, NYSDEC
Adam Santiago, representing Legislator Brian Beedenbender
Justin Littell, representing Legislator Louis D'Amaro
Craig A Platt, Secretary, SC Sewer Agency

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

335 YAPHANK AVENUE ■ YAPHANK, N.Y. 11980 ■ (631) 852-4205
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Minutes of the Suffolk County Sewer Agency
Meeting of July 21, 2008

The meeting was called to order at 11:05 am by Gilbert Anderson, P.E., Commissioner, SCDPW & Chairman, Suffolk County Sewer Agency. In attendance were Jeff Szabo, Deputy County Executive & Chief of Staff, representing County Executive Levy, Justin Littell, representing, Lou D'Amaro the Sewer Agency Legislator-At-Large, Dan Gulizio, representing Tom Isles, the Suffolk County Director of Planning, Vito Minei, P.E., representing the Commissioner of the Department of Health Services, Legislator Brian Beedenbender, Chairman of the Public Works and Transportation Committee, and Michael Cavanagh, Legislative Aide to Presiding Officer Lindsay

Also present were Ben Wright, P.E., Linda Spahr, Esq. of the Department of Law, John Donovan, P.E., and Craig A Platt, Secretary to the Sewer Agency.

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

Welcome by Gilbert Anderson to the July 21st meeting of the Suffolk County Sewer Agency, and introductions by Roll Call.

I. **Roll Call:** All members (or representatives) present.

II. **Minutes of Previous Meeting**

Minutes from SCSA for the June 16, 2008, were discussed.
A motion to accept the minutes was made by Jeff Szabo and seconded by Legislator Beedenbender. Motion passed with Dan Gulizio, Justin Littell abstaining.

III. ***Public Portion:*** *There were no requests to make statements.*

See the attached sign-in sheet for additional attendees

IV. **Old Business**

A. **Formal Approval - None**

B. **Conceptual Certification - None**

V. New Business:

Formal Approval

55 MARCUS DRIVE BUILDING — *HU-1588*

Ben mentioned that this project consists of a single story building containing a total of 51,889 square feet of office and warehouse space, situated on a tax parcel with a total of 3.998 acres. The parcel is located on the north east corner of Marcus Drive and Republic Road in the Town of Huntington. The facility is expected to be converted from an office and warehouse to a medical office and to produce approximately 2,264 GPD. This application is for is a time extension to compete the Connection Agreement to connect to Sewer District No. 3, Southwest. The District's STP has sufficient excess treatment capacity to accommodate this project. Additionally, in October of 2007 the project received Legislative approval.

Staff recommended approval.

John Huber, Esq. represented the property mentioning that three items were recently submitted to the County Attorney's office for review; Property Appraisal, Title policy, and the final survey and technical drawings. Mr. Huber then requested the Agency approve the application for an extension.

A motion to approve the application was made by Jeff Szabo and seconded by Justin Littell and approved unanimously.

Project Facts

Type/units:	Proposed change to medical office for 51,889 sq. ft.
Acreage:	3.998-acres
Flow:	2,264 GPD
Sewer District:	SCSD No. 3-Southwest
Groundwater Zone:	I
SEQRA:	Complete
SC Tax Map	0400-267.00-02.00-018.000
Legislative District	17

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 14 -2008

AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE CONNECTION AGREEMENT TO SCSD #3 – SOUTHWEST FOR 55 MARCUS DRIVE (HU-1588)

WHEREAS, on June 18, 2007, this Agency adopted Resolution No. 12-2007, authorizing the connection to SCDS #3 - Southwest by **55 Marcus Drive**, and

WHEREAS, Resolution 12-2007, 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 has been prepared and is in final form, and

WHEREAS, the developer of **55 Marcus Drive** has requested an extension of the authorization granted in Resolution No. 12-2007,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 12-2007, adopted by this Agency on June 18, 2007 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 7/21/08)

HUB Properties Trust **HU-1554**

Ben mentioned that this project consists of a three story building and a single story building containing a total of 131,357 square feet of office and industrial space, situated on two tax parcels which total 16.175 acres. The parcels are located on the south side of Corporate Center Drive approximately 106 feet east of Maxess Road in the Town of Huntington. The entire facility is expected to produce approximately 20,000 GPD. This application is for is an additional time extension to compete the Connection Agreement to connect to Sewer District No. 3, Southwest. The District's STP has sufficient excess treatment capacity to accommodate this project. Additionally, in March of 2006 the project received Legislative approval.

Staff recommended approval.

John Armentano, Esq. of Farrell Fritz represented the project. Mr Armentano stated that the paperwork had been submitted and requested the time extension application be approved.

A motion to approve the application was made by Commissioner Anderson and seconded by Justin Littell and approved unanimously.

Project Facts

Type/units:	Office / Industrial Building 131,357 sq. ft.
Acreage:	16.175-acres
Flow:	20,000 GPD
Sewer District:	SCSD No. 3-Southwest
Groundwater Zone:	I
SEQRA:	Complete
SC Tax Map	0400-268.00-02.00-017.019
Legislative District	17

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 15 -2008

AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE CONNECTION AGREEMENT BY HUB PROPERTIES (HU-1554) TO THE SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, on May 15, 2006, this Agency adopted Resolution No. 13-2006, authorizing the connection of **HUB Properties** to the SC Sewer District No. 3 - Southwest, and

WHEREAS, Resolution 11-2007, 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 **HUB Properties** has requested an extension of the authorization granted in Resolution No. 13-2006,

NOW, THEREFORE, IT IS

RESOLVED, that Resolution No. 13-2006, adopted by this Agency on May 15, 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 7/21/08)

Ben mentioned that this project is an existing 271 unit garden apartment complex and a single house. The project is situated on a 16.8-acre parcel located on the east side of August Road, adjacent to Belmont Lake State Park. This application is for an additional one year extension to complete the Connection Agreement to connect to Sewer District No. 3, Southwest which has the available capacity.

Additionally, Ben mentioned that the language in the standard Connection Agreement had been an issue with this project and others. The CA states that when the STP expands, the contractees are responsible to contribute toward the expansion project. When the existing STP is improved, all users contribute toward the project. DPW has not in the past requested funds from the contractees when expanding.

Staff recommended granting the application for the extension of time to complete the Connection Agreement.

Eugene Wishod, Esq. represented the project and introduced the project engineer, Michael P Chiarelli, P.E. and Len Abrams, a principal of the rental community.

Mr. Abrams mentioned that two issues were of concern; the cost of directional drilling as opposed to jacking and the language in the standard CA. In the past when requesting information on the language in the CA, the answers received were unsatisfactory and vague. What would it actually cost if the county requested funds to help pay for STP expansion?

Michael P Chiarelli spoke in agreement with Mr. Abrams, stating that language in the CA was ambiguous at best and normally the company that signs the CA is a developer passing the cost or responsibility on to the buyer. Additionally, the cost of connecting to the sewer system would be around $1,400,000.00, comparable to rehabilitating the existing on-site STP. Directional drilling would add approximately $600,000.00 to $800,000.00 to the cost of the project. Mr. Chiarelli further mentioned that unlike another project in the vicinity, the directional drilling could not be verified since there was no highway median in the area and that he was working to resolve the matter.

Vito Minei mentioned that to his knowledge no application had been submitted to the SCDHS. Mr. Chiarelli responded with there was no application but an order on consent. Vito asked Mr. Chiarelli to contact his office to check on the order on consent.

Mr. Chiarelli responded to the question from Vito on the cost per gallon per day of $50.00, that if the house was removed from the project SCDPW would not be involved and the existing on-site STP could be fitted with a BESST system rather nicely.

Vito asked Ben if SCDPW considered all costs when reviewing applications and Ben's response was yes.

Vito continued with the SCDHS supports the application since it will protect the Carll's River.

In response to a question from Mike Cavanaugh, Commissioner Anderson responded that with directional drilling the ability to control both horizontally and vertically are necessary for sewers unlike other utilities.

Linda Spahr, Esq. mentioned that the CA was a standard CA used for all connections. In order to change the language in the CA, the Agency, staff and counsel must meet to work out the details.

Commissioner Anderson mentioned that the issue before the Agency was the request for an extension of time to complete the CA.

A motion to approve the application was made by Justin Littell and seconded by Commissioner Anderson and approved unanimously.

Project Facts

Type/units:	271 Garden Apt. Complex w/ a single house
Acreage:	16.8 acres
Flow:	61,275 GPD
Sewer District:	SCSD No. 3-Southwest
Groundwater Zone:	I
SEQRA:	Complete
SC Tax Map	0100-114.00-03.00-001.000 & 065.000 0100-108.00-04.00-003.000 & 004.000
Legislative District	17th

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 16 -2008

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 Suffolk County Sewer District No. 3 - Southwest, and on July 17, 2007, Resolution No. 13-2007, extending the time a year for the completion of the required documents, and

WHEREAS, Resolution 13-2007, 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

1st RESOLVED, that Resolution No. 25-2006, adopted by this Agency on August 21, 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 7/21/08)

PROPOSED SEWER DISTRICT NO. 4 **GALLERIA**

Ben mentioned that the staff was advising the Agency members of the status of IR No. 1023-2008, which according to the 1st Resolve clause, the Agency was directed to consummate the creation of Sewer District No. 4, at cost of $600 per year. The resolution was tabled at the last legislative meeting. It was modified the same day as the last Agency meeting, so Agency members did not have an opportunity for to review the resolution at the last Agency meeting.

If the resolution is adopted and the Agency is directed to create the district at a cost that is different than what Public Works has estimated the cost would be, then public hearing would have to include all the information. Ben mentioned that the public hearing report is submitted by the DPW Commissioner/Agency Chairman, as a professional engineer he must consider the context of such a report being ethically and professionally accurate and therefore the report would state all pertinent information, i.e. the deviation of the $600.00 and $1070.00 per year rate. It is a matter of advising the agency. Furthermore Ben mentioned that the legislature would review the resolution.

Commissioner Anderson stated that the item was informational and that no action was required.

Legislator John Kennedy mentioned that as the sponsor of the resolution, he was serving the residents of his district and that he had addressed the issue with members of the Agency and staff for a year and a half. Mr. Kennedy stated that in light of the recent retirement incentive by the county, additional funds would be available to offset the cost of running the district. Yet, the DPW estimated cost of running the proposed district has not been reduced. Additionally, to help the residents of the area, he had supported in the past the connection of the two restaurants in the vicinity of the project.

Eugene Wishod, Esq. mentioned that on fifteen to twenty occasions he had addressed Public Works committee concerning the issue of the proposed sewer district and the matter was always tabled. There were two competing resolutions, one to call for a public hearing to form the district at a rate of $1070.00 per year and whether to dissolve the district. The concept of dissolution originated with the County Executive's office not the Legislature. The Public Works committee approved the resolution to compel the formation of the district at the rate of $600.00 instead of the Budget office's amount of $1070.00. Mr. Wishod questioned where the Public Works committee had the jurisdiction to fix sewer rates or compel the County Executive's office to consummate a district at a rate contrary to the Budget office's estimate. Speaking on behalf of DiCanio residential community, the plant is half owned by DiCanio and the other half by the Avalon Bay Community. The Avalon Bay rental community might be upset if the sewer bills were to go from $200.00 per year to $600.00.

In response Legislator Beedenbender stated that the entire Public Works committee did not vote to approve the resolution and that ultimately the entire legislature would make the decision.

Legislator Kennedy mentioned that he disagreed with Mr. Wishod, that the legislature had the responsibility to setting sewer rates, relying on the Budget office's estimate. With the incentives and added districts the figures should be lower. Commissioner Anderson stated that the reduction of the staff is minimal when considering maintaining the district. Commissioner Anderson mentioned that matter would be addressed by the Legislature and that further discussion was not necessary.

NORTH COUNTRY PLAZA **BR-0920**

Ben mentioned that this project is an existing 62,778 square feet shopping center consisting of retail stores, a day care center, restaurants, and office space. The flow from this complex is expected to be 18,000 GPD. This Formal application is to connect to the recently formed SCSD #2 as a contractee. Capacity is available in the district (18,599 GPD), and is owned by Tallmadge Woods STP Associates, LLC. As part of the contractual agreement regarding this facility, the developer has the right to sell capacity, even after the District was created. If this sale of capacity is approved, there will be a balance of 599 gallons per day.

Staff recommended approval.

Eugene Wishod mentioned that he (Tallmadge Woods STP Associates) and David Sloane (North Country Plaza) represented the projects. Mr. Wishod stated that he had nothing to add and wouldn't want to burden the record with anything else.

Legislator Beedenbender, referring to the project description asked if the balance of 599 gallons per day of capacity was sufficient. Ben noted that a 5% safety factor is also available.

A motion to approve the application was made by Mike Cavanaugh and seconded by Commissioner Anderson and approved unanimously.

Project Facts

Type/units:	Retail Stores & Services / Restaurants / Office space
Acreage:	7.284-acres
Flow:	18,000 GPD
Sewer District:	SCSD No. 2-Tallmadge Woods
Groundwater Zone:	III
SEQRA:	NA
SC Tax Map	0200-097.00-02.00-009.000
Legislative District	6th

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 17 -2008

AUTHORIZING THE CONNECTION OF NORTH COUNTRY PLAZA (BR-0920) TO SUFFOLK COUNTY SEWER DISTRICT NO. 2 – TALLMADGE WOODS

WHEREAS, **North Country Plaza** is an existing 62,778 square feet shopping center, located in Miller Place, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 097.00, Block 02.00, Lot 009.000, and

WHEREAS, the sewage flow from the **North Country Plaza** is expected to be eighteen thousand gallons per day (18,000 GPD), and

WHEREAS, **North Country Plaza** is not located within the boundaries of Suffolk County Sewer District No. 2 –Tallmadge Woods (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, **North Country Plaza** has applied to this Agency for permission to connect its eighteen thousand gallons per day (18,000 GPD) of flow to the sanitary sewerage facilities of the District, and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the sewage which is expected to emanate from **North Country Plaza**, and

WHEREAS, the connection of **North Country Plaza** to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1st RESOLVED, that **North Country Plaza** 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 eighteen thousand gallons per day (18,000 GPD) of capacity in the District's sewage treatment plant be allocated to **North Country Plaza**, 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 **North Country Plaza**, 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 **North Country Plaza** shall, at its sole cost, expense and effort, construct a sewage collection facility for **North Country Plaza**, and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

6th RESOLVED, that this approval is subject to **North Country Plaza** obtaining, at its sole cost, expense, and effort, but not limited to, any 3rd party agreements or easements necessary to effect the connection, including a contract to purchase the capacity from Tallmadge Woods STP Associates, LLC, and it is further

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

8 7h RESOLVED, that the developer of **North Country Plaza** 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 **North Country Plaza** 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 **North Country Plaza** 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 7/21/08)

V. New Business:

Conceptual Certification

VICTORIAN GARDENS **SM-1448**

Ben mentioned that this project is a proposed 32 unit condominium, 38 unit townhouse, and community building complex to be built on the site of the former Central Hospital of Western Suffolk (CHOWS). The original proposal was to connect to SCSD #22 through the PS at Stonebridge, but was found too costly. The application was tabled the at the March 15, 2004, meeting because the Department needed time to develop costs to improve the SD 22- Hauppauge Municipal STP to accept the additional 21,600 GPD. On April 19, 2004, the Agency approved the Conceptual Certification application for the connection to the Hauppauge Municipal STP, due to the DPW improvement cost estimate being too significant for a connection and improvement project. In addition the SD 22 facility is experiencing effluent disposal problems. A capital project is in its initial phase to resolve the problem and available or expanded capacity will not be possible for some time, therefore connection is not possible for the foreseeable future. The present proposal suggests "rehabilitating" the existing CHOWS sewage treatment plant. Additionally, along with this proposal is another proposed development by the same applicant for a project called Downtown Main Street (see SM-1609 attached).

Staff recommended granting Conceptual Certification of this proposal.

Eugene Wishod represented the project introducing Mr. Sal DiCarlo, the developer of the project. According to Mr. Wishod, the SPDES permit was transferred to the Victorian Gardens project. The Board of Review is currently reviewing the project and approves the connection of Downtown on Main Street to the rehabilitated plant.

Commissioner Anderson asked Ms. Spahr if this project fell under the new Conceptual Certification policy, whereby after two years the approval expires. Ms. Spahr stated that it did so.

Vito Minei asked if by granting Conceptual Certification to this project the Agency was redefining Conceptual Certification. In the past CC was used for projects lacking the SEQRA, this project is still under the Board of Review and has a long way to go. Vito further stated that he favored the proposal. Furthermore, Vito stated that he would like the Agency to revisit the definition of Conceptual Certification.

Commissioner Anderson mentioned that the Conceptual Certification approval gave the project a method of disposing of the sewage.

A motion to approve the application was made by Legislator Beedenbender and seconded by Mike Cavanaugh and approved unanimously.

Project Facts

Type/units:	32 Condominiums and 38 Townhouses & Community Building
Acreage:	11.58
Flow:	21,049 GPD (Incorrectly stated as 11, 400 GPD on project facts on 7/21/08 agenda)
Sewer District:	NA – Onsite Sewage Treatment Plant
Groundwater Zone:	VIII
SEQRA:	Not Complete
SC Tax Map	0800-157.00-02.00-lots 13, 46.1, 46.2, 47, 51 & 53
Legislative District	12th

SUFFOLK COUNTY SEWER AGENCY

Resolution No. 18 - 2008

GRANTING CONCEPTUAL CERTIFICATION FOR AN ON-SITE SEWAGE TREATMENT PLANT AT VICTORIAN GARDENS (SM-1448)

WHEREAS, **Victorian Gardens** is a proposed Condominium and Townhouse project consisting of 70 units with a community building, in Smithtown New York, situated on property identified on the Suffolk County Tax Maps as District 0800-157.00-02.00-lots 13, 46.1, 46.2, 47, 51 & 53 in an area on the north side of NYS Route 347 approximately 200 west of NYS Route 111, and

WHEREAS, the sewage flow from **Victorian Gardens** is expected to be twenty-one thousand forty-nine gallons per day (21,049 GPD) when fully developed, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of **Victorian Gardens** with available capacity to serve **Victorian Gardens**, and

WHEREAS, **South Fork Management and Maintenance, Inc.** has applied to this Agency for permission to rehabilitate the on-site sewage treatment plant (41,558 GPD) formerly servicing Smithtown General Hospital for **Victorian Gardens** (21,049 GPD) and the proposed **Downtown on Main Street** (20,509 GPD), and

WHEREAS, inasmuch as the SEQRA process for **Victorian Gardens** 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 **Victorian Gardens** 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 **Victorian Gardens** in Smithtown, as aforesaid, and it is further

2nd **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.

3rd **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 **Victorian Gardens**, 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 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 7/21/08)

DOWNTOWN ON MAIN STREET SM-1609

Ben mentioned that this project is a proposed complex consisting of 70 apartments, 14,155 square feet of Retail space, and 26,356 square feet of Office space. The project is expected to generate 20,509 GPD. The proposal is to connect to the proposed rehabilitated on-site sewage treatment plant at Victorian Gardens (SM-1448), the site of the former Central Hospital of Western Suffolk (CHOWS). Additionally, an RFP has been issued to study the sewering of the Smithtown Main Street area and this parcel is included. Implementation of the project is at least four years away so based on that Staff recommended granting Conceptual Certification of this proposal.

Eugene Wishod represented the project. Mr. Wishod stated that the projects were submitted separately as they make take different paths to approval.

A motion to approve the application was made by Commissioner Anderson and seconded by Legislator Beedenbender and approved unanimously.

Project Facts

Type/units:	70 Apartments, 14,155 sq. ft. Retail Space, & 26,356 sq. ft. Office Space
Acreage:	3.48
Flow:	20,509 GPD
Sewer District:	NA – Onsite Sewage Treatment Plant at Victorian Gardens
Groundwater Zone:	VIII
SEQRA:	Not Complete
SC Tax Map	0800-104.00-01.00-lots 4, 5, 51 & 52
Legislative District	12th

A motion to adjourn was made by Commissioner Anderson and seconded by Legislator Beedenbender and approved unanimously.

11:54 Meeting adjourned

Respectfully submitted

Craig A Platt

SUFFOLK COUNTY SEWER AGENCY

Resolution No. 19 - 2008

GRANTING CONCEPTUAL CERTIFICATION FOR CONNECTION OF DOWNTOWN ON MAIN STREET (SM-1609) TO THE PROPOSED ON-SITE SEWAGE TREATMENT PLANT AT VICTORIAN GARDENS (SM-1488)

WHEREAS, **Downtown on Main Street** is a proposed Apartment, Retail, and Office space project consisting of 70 apartments with 14,155 sq. ft of Retail space and 23,356 sq. ft. of Office space, in Smithtown New York, situated on property identified on the Suffolk County Tax Maps as District 0800-104.00-01.00-lots 4, 5, 51 & 52 in an area on the south side of NYS Route 25, between New York Avenue and Maple Avenue, and

WHEREAS, the sewage flow from **Downtown on Main Street** is expected to be twenty thousand five hundred and nine gallons per day (20,509 GPD) when fully developed, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of **Downtown on Main Street** with available capacity to serve **Downtown on Main Street**, and

WHEREAS, **South Fork Management and Maintenance, Inc.** has applied to this Agency for permission to rehabilitate the on-site sewage treatment plant (41,558 GPD) formerly servicing Smithtown General Hospital for **Downtown on Main Street** (20,509 GPD) and the proposed **Victorian Gardens** (21,049 GPD), and

WHEREAS, inasmuch as the SEQRA process for **Downtown on Main Street** 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 **Downtown on Main Street** 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 **Downtown on Main Street** in Smithtown, as aforesaid, and it is further

2nd **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.

3rd **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 **Victorian Gardens**, 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 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;

1. The granting of conceptual certification as set forth herein shall not be binding upon this Agency when final approval is sought; and

5. 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 7/21/08)