

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, Vilorio-  
Fisher, Losquadro, Eddington, Montano, Alden, Barraga, Kennedy,  
Nowick, Horsley, Gregory, 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:** December 19, 2008

**SUBJECT:** Minutes of the Sewer Agency Meeting of December 15, 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  
Patrick Heaney, Commissioner Economic Development and Workforce Housing  
Adam Santiago, representing Legislator Brian Beedenbender  
Justin Littell, representing Legislator Louis D'Amaro  
Karen Klafter, representing Legislator Louis D'Amaro  
Craig A Platt, Secretary, SC Sewer Agency

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

## **Minutes of the Suffolk County Sewer Agency**

**December 17, 2008**

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

Also present were Linda Spahr, Esq. of the Department of Law, Lisa Broughton, Suffolk County Office of Economic Development, Justin Littell, Aide to Legislator Lou D'Amaro, Adam Santiago, Aide to Legislator Beedenbender, and Craig 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 Commissioner Anderson, to the December 15, 2008, meeting of the Suffolk County Sewer Agency, and introductions by Roll Call.

I. **Roll Call:** See above for members in attendance

II. **Minutes of Previous Meeting**

Minutes from SCSA for the November 17, 2008, were discussed. A motion to accept the minutes was made by Commissioner Anderson and seconded by Michael Cavanaugh. Motion passed unanimously.

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**

1. Springhill Suites (BR-1608)  
Connection to SCSD #7 – 19,200 GPD
2. SCSD #7 – Twelve Pines STP Expansion  
Request to allocate gallonage

V. **New Business**

A. **Formal Approval**

1. Rubies Office Building (HU-1497)  
Renewal of SA 40-2006 - Request for an extension to complete connection agreement
2. Eastport Meadows (BR-1340)  
Renewal of SA 170-2007 - Request for an extension to complete construction agreement
3. Islandia Village Center (IS-1602)  
Connect to SCSD #13 – 106,247 GPD

B. **Conceptual Certification**

1. Motor Parkway Plaza (IS-180006)  
Connect to SCSD #18 – 2,050 GPD

## Old Business – Formal Approval

### SPRINGHILL SUITES @ BELLPORT

**BR-1608**

Ben mentioned that this project is a proposed 128 room hotel situated on 4.6 acres located on the west side of Horseblock Road, south of Sills Road in Bellport. The developer is requesting Formal Approval for 19,200 GPD. The project received Conceptual Certification at the Agency meeting of November 17, 2008. At that meeting, Ben Wright was to confirm actual flow and loading to Twelve Pines STP, upon review, subject to NYSDEC approval, it has been determined that the District's sewage treatment plant has sufficient capacity to accept the additional sewage which is expected to emanate from Springhill Suites @ Bellport. Ben added that in his discussion with the project representative that he had been assured that connecting the project through the Agency would not have a negative impact on M7A's proposed expansion of SCSD #7 – Twelve Pines. However, M7A has made it clear that this would have a negative impact on the planned expansion of the plant. Ben stated that he should have directly contacted M7A and make the inquiry. Furthermore, Ben mentioned that two resolutions had been prepared for the project, one purchasing the capacity directly from the county (Resolution 23A) and one going through M7A and the proposed expansion of SCSD #7 - Twelve Pines (Resolution 23B). (It was later decided to label the resolutions A&B)

Staff recommended approval.

Commissioner Anderson asked if a project representative was present, and Ms. Kathleen Dickson responded that she was as was Mr. Stephen Scharf. Ms. Dickson stated that either resolution was acceptable with her client as long as the capacity was available and approved. Mr. Louis Soloway identified himself as the M7A representative. Mr. Soloway mentioned that the loss of Springhill Suites to the M7A deal would negatively impact the planned expansion of the STP. Ms. Dickson stated that time was of the essence and that finalizing the financing by the end of the year was important and could make or break the deal. Commissioner Anderson mentioned that originally Springhill Suites was part of the M7A plan for expansion. Ben mentioned that as instructed at the last meeting, the capacity at Twelve Pines was evaluated and that the capacity was available. Ben added that NYS DEC approval was necessary for any parcel out of the District. Legislator D'Amaro asked if M7A was counting on Springhill Suites to finance the expansion, to which Mr. Soloway replied yes, not having Springhill Suites might delay the proposed expansion. Legislator D'Amaro asked how, to which Mr. Soloway replied that the capacity would be sold to finance the construction project. Legislator D'Amaro asked if M7A was selling the capacity, to which Ben replied, that the Construction Agreement of 1989 gave M7A the right to recoup the cost of expanding the plant. Legislator D'Amaro mentioned that he saw two routes for Springhill Suites, to which Ms. Dickson replied, connecting through the Agency at \$30.00 GPD or through M7A at \$50.00 GPD. Mr. Soloway mentioned that the fee paid by Springhill Suites would help fund the construction project. Commissioner Anderson asked if the expansion covered the entire cost of the construction, to which Mr. Soloway replied yes. Legislator Beedenbender asked if Springhill Suites had a problem with the difference in connection rates to which Mr. Scharf replied that they had planned to participate with M7A and the amount was budgeted. Commissioner Anderson asked if Springhill Suites paid the fee to M7A, and M7A did not expand the plant, how would the county collect the connection fee. Linda Spahr mentioned that the Construction Agreement of 1989 gave M7A the authority to expand the plant in three stages and that guaranteeing the fee could be a condition of the Connection Agreement with Springhill Suites. Ms. Dickson stated that she did not object as long as her client only paid one fee and not both totaling \$80.00 GPD. Legislator D'Amaro asked what security the county would have that either the plant would be expanded and the fee paid to M7A or the plant not expanded and the fee paid to the county. Commissioner Anderson mentioned that

the original agreement was to expand the plant in three stages and that stages 1 & 2 were complete and asked where the project was for stage three to which Ben replied that the project was close to approval by the department. Mr. Cavanaugh mentioned that this project was tabled at the last Agency meeting. Legislator Beedenbender mentioned that the expansion had been approved and this resolution was to allocate the gallonage. Ms. Spahr mentioned that Herb Balin had wanted the language in the originally proposed resolution changed to allow M7A to sell "at market rate" to make a profit from the sale of capacity, and the matter was tabled for a legal opinion. She said that after consulting with the County Attorney, they determined that the entity expanding the plant (M7A) would be allowed to recoup expenses, but could not make a profit on sale of capacity. She said that she subsequently spoke with Mr. Balin, and that he said his clients would proceed under the terms of the original construction agreement and this should not impact the plant expansion. As a result, the words "at market rate" were removed from the original resolution. Tom Isles mentioned that the difference between the county rate and M7A rate was \$20.00 GPD and wondered if there was a method of checking fees and expansion costs, Mr. Isles asked if after the expansion was complete if M7A was finished in the district to which Ben replied, once the capacity has been sold they would be. Commissioner Anderson asked the Agency members whether they would prefer SA Resolution 23A (directly from the county) or SA Resolution 23B (M7A expansion), to which the members replied, SA Resolution 23B. Legislator D'Amaro asked Mr. Soloway if there were other connectees requesting capacity, to which Mr. Soloway replied, he did not know. Legislator D'Amaro asked if other connectees had requested approval from the Agency, to which Ben replied, not to date, but significant interest has been shown. Legislator D'Amaro asked if it was usual to require commitment from connectees prior to beginning the construction, to which Mr. Soloway replied, that he did not know. Ben replied, that the original Construction Agreement was signed in 1989, and that it would not hurt the District if the expansion did not go forward. Legislator D'Amaro asked if the payment made by Springhill Suites would guarantee construction, to which Mr. Soloway replied, probably it would. Commissioner Anderson asked if the physical connection is made for Springhill Suites, what guarantee would the Agency have of collecting the connection fee, to which Ms. Spahr replied, that language guaranteeing payment could be written into the Connection Agreement. Commissioner Anderson asked Mr. Soloway if this was acceptable to which Mr. Soloway replied, that it was. Legislator Beedenbender asked if the language would be in the resolution to which Ms. Spahr replied, that it was up to the Agency. Ms. Dickson mentioned that since Springhill Suites was paying the fee to M7A that the connection fee should come from M7A. After discussion, a 10<sup>th</sup> Resolved clause in Amended Sewer Agency Resolution 23 (B) was added;

*10<sup>th</sup> RESOLVED, that if M7A does not complete construction of the Stage 3 expansion by a date to be determined by the Agency staff, the connection fee of Thirty dollars (\$30.00) per gallon per day (\$576,000.00) shall be paid directly to the District by Springhill Suites @ Bellport, and the interim approval to connect directly to the District shall become final.*

The intent was to ensure the connection was approved, the connection fee paid to either M7A for the expansion or the Agency, and that the construction is completed in a timely fashion.

Mr. Cavanaugh made a motion to approve SA Resolution 23 (B) as amended, seconded by Legislator Beedenbender, the motion passed unanimously.

**SUFFOLK COUNTY SEWER AGENCY**  
**AMENDED RESOLUTION NO. 23(B) - 2008**  
**AUTHORIZING THE CONNECTION OF**  
**SPRINGHILL SUITES @ BELLPORT (BR 1608)**  
**TO SUFFOLK COUNTY SEWER DISTRICT NO. 7 - MEDFORD**

WHEREAS, *Springhill Suites @ Bellport* is a proposed 128 room hotel, in Bellport, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 813.00, Block 01.00, Lot 008.031 (the "Premises"), and

WHEREAS, the sewage flow from the *Springhill Suites @ Bellport* is expected to be nineteen thousand two hundred gallons per day (19,200 GPD), and

WHEREAS, *Springhill Suites @ Bellport* is not located within the boundaries of Suffolk County Sewer District No. 7 - Medford (the "District"), and

WHEREAS, *Springhill Suites @ Bellport* has applied to this Agency for permission to purchase and connect its nineteen thousand two hundred gallons per day (19,200 GPD) of flow to the sanitary sewerage facilities of the District, which volume is required by the SC Department of Health Standards, and

WHEREAS, *Springhill Suites @ Bellport* is willing to participate in Medford 7 Associates (M7A), a consortium of developers who will construct a proposed Stage 3 expansion of SCSD #7 – Twelve Pines, at no cost to the District, and

WHEREAS, that in consideration of the expansion of the District's sewage treatment plant by M7A, *Springhill Suites @ Bellport* shall receive a credit against the connection fee payable to the District for the connection of *Springhill Suites @ Bellport's* property to the sanitary sewerage facilities of the District, and

WHEREAS, the proposed expansion of the District is currently under review and the construction is not expected to begin until early in 2009, and the District's sewage treatment plant has sufficient interim capacity to accept the additional sewage which is expected to emanate from *Springhill Suites @ Bellport*, and

WHEREAS, the connection of *Springhill Suites @ Bellport* to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that *Springhill Suites @ Bellport* 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

2<sup>nd</sup> RESOLVED, that nineteen thousand two hundred gallons per day (19,200 GPD) of interim capacity in the District's sewage treatment plant be allocated to *Springhill Suites @ Bellport*, and it is further

3<sup>rd</sup> 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

4<sup>th</sup> RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the owner of Springhill Suites @ Bellport, 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

5<sup>th</sup> RESOLVED, that the connection fee to be paid for Springhill Suites @ Bellport shall be paid to M7A in consideration of the expansion of the District's sewage treatment plant by M7A, and it is further

6<sup>th</sup> RESOLVED, that Springhill Suites @ Bellport shall, at its sole cost, expense and effort, construct a sewage collection facility for Springhill Suites @ Bellport, and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

7<sup>th</sup> RESOLVED, that no Certificate of Occupancy shall be issued for any portion of Springhill Suites @ Bellport until the sewage collection facility for Springhill Suites @ Bellport has been completed and Springhill Suites @ Bellport has been connected to the sanitary sewerage facilities of the District, all to the satisfaction of DPW, and it is further

8<sup>th</sup> RESOLVED, that the developer of Springhill Suites @ Bellport 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 Springhill Suites @ Bellport, as well as for all of the developer's obligations under the Connection Agreement, and it is further

9<sup>th</sup> 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 Springhill Suites @ Bellport 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.

10<sup>th</sup> RESOLVED, that if M7A does not complete construction of the Stage 3 expansion by a date to be determined by the Agency staff, the connection fee of Thirty dollars (\$30.00) per gallon per day (\$576,000.00) shall be paid directly to the District by Springhill Suites @ Bellport, and the interim approval to connect directly to the District shall become final.

(Amended - Suffolk County Sewer Agency meeting 12/15/08)

Ben mentioned that this project is Stage 3 of the expansion of Suffolk County Sewer District # 7 – Twelve Pines. The consortium expanding Suffolk County Sewer District No. 7 – Twelve Pines, the Medford 7 Associates (“M7A”) requests the allocation of the proposed capacity from the expansion. SA Resolution 31-1989 approved the expansion of the STP and allocated the flow from Stages 1 & 2. The Construction Agreement dated August 7, 1989, authorized the expansion in Stages 1-3, Stage 1 – 475,000 to 670,000, Stage 2 – 670,000 to 850,000, Stage 3 - 850,000 to 1,000,000. However, Stage 2 of the expansion brought the STP capacity to 830,000 GPD, Stage 3 will bring the capacity of the STP to 1,000,000. The design plans currently under review are for 170,000 GPD as well as is the NYS DEC permit for expansion.

Note:

*The item was tabled at the SA meeting of November 17, 2008. The Agency requested input from the County Attorney’s office regarding the selling of capacity. The SA resolution has been amended and the term “at market rates” was removed from the 5<sup>th</sup> WHEREAS clause and 1<sup>st</sup> RESOLVED clause as suggest by the County Attorney’s office.*

Commissioner Anderson asked if a project representative was in attendance, and Mr. Soloway stated that he was. Legislator D’Amaro asked why the allocations were being made to which Mr. Soloway replied to divide up the capacity generated by the expansion of the District. Legislator D’Amaro asked why this was necessary since the expansion approved allocated the gallonage to M7A, to which Ms. Spahr replied that the previous Stage 1 & Stage 2 of the expansion of the District allocated the gallonage and the intent was to follow suit.

Mr. Soloway was unable to satisfactorily answer questions from the Agency members concerning the allocations, at this point Legislator D’Amaro made a motion to table the item pending further information, the motion was seconded by Legislator Beedenbender and passed unanimously.

*It was noted that in the proposed SA resolution under the 2<sup>nd</sup> resolved clause the allocation to JARP was to be 113,333 GPD and not the 133,333 GPD listed.*

**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. This application is for a time extension to complete the Connection Agreement. 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 this project.

Commissioner Anderson asked if a project representative was present and Ms. Mea Knapp stated that she was and introduced Tom Cohen. Mr. Isles asked how it was possible that the building was under construction and the Connection Agreement was not yet complete, to which Ben replied, that the technical documents had been approved. Legislator D'Amaro asked if the construction had begun, to which M. Knapp replied, yes. Legislator D'Amaro asked if this was the final request for an extension to complete the Connection Agreement to which Ms. Knapp replied, yes, that they were within a month or so of completing the agreement.

Commissioner Anderson made a motion to approve, the motion was seconded by Vito Minei and passed unanimously.

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO. 24 - 2008**

### **AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE AGREEMENT FOR THE CONNECTION TO THE SCSD NO. 3 – SOUTHWEST - RUBIES OFFICE BUILDING (HU-1497)**

WHEREAS, on December 18, 2006, this Agency adopted Resolution No. 40-2006, authorizing the connection of Rubies Office Building to the Southwest Sewer District, and

WHEREAS, on December 17, 2007, this Agency adopted Resolution No. 26-2007, authorizing an extension of time to complete the connection agreement for Rubies Office Building, and

WHEREAS, Resolution No. 26-2007, by its terms, will 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 almost 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. 26-2007,

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that Resolution No. 40-2006, adopted by this Agency on December 18, 2006, is hereby renewed, and it is further

2<sup>nd</sup> 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 12/15/08)

Ben mentioned that this project is a proposed 50 unit planned retirement community situated on 6.87 acres located on the east side of Seatuck Avenue, ¼ mile south of Montauk Highway in Eastport. The estimated flow from this project is 8,100 GPD, which will be treated by on-site STP. There is no 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. The application is a request for a time extension to complete the construction agreement.

Similar projects have received 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 approval.

Commissioner Anderson asked if a project representative was present and Mr. David Sloane stated that he was. Mr. Sloane mentioned that the finalization of the agreement was close and hoped it would be complete within the next two months or so.

Vito Minei made a motion to approve, the motion was seconded by Legislator D'Amaro and passed unanimously.

*It was noted that in the narrative it was incorrectly listed that there were 62 units, instead it should have read 50 units.*

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO. 25 -2008**

### **AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE AGREEMENT FOR THE CONSTRUCTION OF AN ON-SITE SEWAGE TREATMENT PLANT – EASTPORT MEADOWS (BR-1340)**

WHEREAS, on August 20, 2007, this Agency adopted Resolution No. 17-2007, authorizing the construction and operation and maintenance of a sewage treatment system for Eastport Meadows, and

WHEREAS, Resolution No. 17-2007, by its terms, will 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 nearly complete, and a proposed agreement has been prepared and is in final form, and

WHEREAS, the developer of the Eastport Meadows has requested an extension of the authorization granted in Resolution No. 26-2007,

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that Resolution No. 17-2007, adopted by this Agency on August 20, 2007, is hereby renewed, and it is further

2<sup>nd</sup> 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 12/15/08)

Ben mentioned that this project is a proposed village center consisting of 150 Condominium Units, two Hotels (274 rooms), two restaurants (14,000 sf.), 15,000 sf. Retail space and 16,922 sf. of Office space, located 12.66 acres on the southwest corner of Veterans Memorial Highway and Motor Parkway. The developer is requesting Formal Approval for 106,247 GPD. This capacity will be available once the expansion of SCSD #13 – Windwatch WWTP is complete. Additionally, the Village of Islandia issued a positive declaration for the FEIS submitted by the developer.

Staff recommended approval.

Ms. Spahr stated that by law since the Village had issued the positive declaration, the Agency has to issue a Finding statement, and recommended tabling the item until the Agency staff did so.

Commissioner Anderson asked if a project representative was present and Eugene Wishod stated that he was. Mr. Wishod mentioned that in the Tallgrass project the Agency adopted the Findings statement and passed the resolution, and asked if the Agency would consider passing the resolution subject to the completion of the Findings statement. Mr. Wishod continued in that passing the resolution was important in obtaining financing. Commissioner Anderson mentioned that even if the Agency passed the resolution the Legislature would not approve it at the earliest until February of 2009. Legislator Beedenbender mentioned that if the item was on the agenda for the Agency meeting of January 26, 2009, then it may make the Legislative meeting in February 2009. Legislator D'Amaro mentioned that the Agency could not approve the resolution without the Findings statement. Ms. Spahr stated that the SEQRA regulations required the Agency to make a Findings, either it's own or adopt the one issued by the town of Brookhaven

Legislator Beedenbender made a motion to table the item until the Findings statement was issued by the Agency staff, the motion was seconded by Vito Minei and passed unanimously.

**Conceptual Certification****MOTOR PARKWAY PLAZA****SM-18006**

Ben mentioned that this project is a proposed 2 story retail/office/restaurant building that is to be constructed with a total of 34,390 SF of space, situated on a 3.418-acre parcel located between the north service road of the Long Island Expressway and Motor Parkway, west of Old Willets Path in the Town of Islip. Total flow from the building is expected to be 2,050 GPD. The site is presently vacant. Once the District has been expanded and the expansion of the WWTP completed, capacity may be available. The project to expand the wastewater treatment capacity for existing users and the district boundary to the remainder of the Hauppauge Industrial Park was for the purpose of those industrial parcels, all within the town of Smithtown. With the exception of Bennisans, the only contractee and being located in the Town of Islip, the capacity available was to be available to the parcels identified in the public hearing report. Capacity may not be available until late 2011.

The site is not within the boundary of the proposed SCSD #18 expansion; which is the southerly border of Motor Parkway to the north of the parcel.

Commissioner Anderson asked if a project representative was present and Garrett Weber stated that he was. Mr. Isles asked if Ben said while reading the narrative that Ben was not certain the capacity would be available, to which Ben replied, that the department had received many calls regarding the expanded district and that the Town of Smithtown was looking into changing the zoning in the area to allow for taller buildings. Mr. Isles asked if the Agency would approve Conceptual Certification and not give Formal Approval, to which Ben replied, yes, but 2,050 GPD was not a lot. Ben continued, that the district expansion was for 1,000,000 GPD the two plants would go from 650,000 GPD to 1,650,000 GPD. Legislator D'Amaro asked if capacity was currently available, to which Ben replied, no. Mr. Kulka mentioned that he understood that the approval was for Conceptual Certification and not Formal Approval. Mr. Minei stated that he hoped so since the SCDHS was not prepared to waive density requirements for the project. Legislator Beedenbender asked if 2,050 GPD was available to which Ben replied, no it was not. Ben continued that the Agency staff recommended approval of the resolution, that the expansion had been approved and \$70,000,000.00 was available for the expansion of the District. Furthermore Ben mentioned that the design phase for the expansion was a few months away, the bids would probably be advertised in the late summer, and the construction would probably not begin until the fall of 2009. Ms. Spahr mentioned that the resolution had an expiration date in two years and the expansion would not be complete, to which Commissioner Anderson replied that they will have to return to the Agency for a renewal.

Legislator Beedenbender made a motion to approve, the motion was seconded by Legislator D'Amaro and passed unanimously.

**SUFFOLK COUNTY SEWER AGENCY**  
**RESOLUTION NO. 26 - 2005,**  
**GRANTING CONCEPTUAL CERTIFICATION TO**  
**THE CONNECTION OF MOTOR PARKWAY PLAZA (HU-1497)**  
**TO SUFFOLK SEWER DISTRICT NO. 18 – HAUPPAUGE INDUSTRIAL**

WHEREAS, **Motor Parkway Plaza** is a proposed office building that is to be constructed to a total of 34,390.50 square feet, located in Brentwood, New York, situated on property identified on the Suffolk County Tax Map as District 0500, Section 037.00, Block 01.00, Lot 025.004, and

WHEREAS, the sewage flow from the **Motor Parkway Plaza** is expected to be two thousand fifty gallons per day (2,050 GPD) when **Motor Parkway Plaza** is fully developed, and

WHEREAS, **Motor Parkway Plaza** is not located within the boundaries of Suffolk County Sewer District No. 18 – Hauppauge Industrial (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, **Motor Parkway Plaza** has applied to this Agency for permission to connect its two thousand fifty gallons per day (2,050 GPD) flow to the sanitary sewerage facilities of the District, and

WHEREAS, the planned expansion of SCSD # 18 - Hauppauge is expected to be completed late in 2011, the sewage treatment plant of the District may have sufficient capacity in excess of its own needs to accept the sewage which is expected to emanate from the **Motor Parkway Plaza** when fully developed, and

WHEREAS, inasmuch as the SEQRA process for the aforesaid connection has not been completed, this Agency cannot, at this time, approve the said connection, 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 the **Motor Parkway Plaza** an indication of the action that this Agency might take regarding the proposed connection if the SEQRA process had been completed and this Agency were to pass upon the matter at this time,

NOW, THEREFORE, IT IS

**1<sup>st</sup>**         **RESOLVED**, that this Agency hereby grants "conceptual certification" to the proposed connection of the **Motor Parkway Plaza** to Suffolk County Sewer District No. 18 – Hauppauge Industrial, as aforesaid, and it is further

**2<sup>nd</sup>**         **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 connection 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.

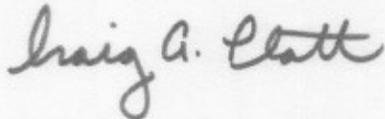
**3<sup>rd</sup>**         **RESOLVED**, that this resolution shall become null and void, and of no further force or effect, without any further action by this Agency or notice to the developer of **Motor Parkway Plaza** if, within two (2) years from the date of the adoption hereof, an agreement in furtherance 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 12/15/08)

Agency with the assistance of DPW to prepare a report on sewerage the Mastic Shirley area is due by January 15, 2009. Ben mentioned that the report was not yet finished, it may be by the next Agency meeting on January 26, 2009. Ben continued with that as always it makes sense to sewer the area for the environmental and economic benefits, but funding would be a problem. Legislator Beedenbender mentioned that Ben should contact Legislator Browning with this information and let the legislator know the report will be ready later than expected. Mr. Minei mentioned that a lot of data had been gathered in the Mastic area and an RFP is forthcoming for critical areas in need of sewerage, which includes the Mastic area.

At 12:56 a motion to adjourn was made by Commissioner Anderson and seconded by Legislator Beedenbender, motion was approved unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Craig A. Platt". The signature is written in dark ink and is positioned above the printed name.

Craig A Platt



Attendance Sheet

Suffolk County Sewer Agency  
SCDPW - Sanitation -Engineering

December 15, 2008

	Name	Firm	Project Representing
1	EUGENE LIWITKA	HAMBURGER, MAXSON, ET AL	Islandia Village Center
2	STEPHEN HANDUK	HANDUK ENGINEG.	MOTOR PKY ASSOC. ISLANDIA VILLAGE CENTER
3	MEGA KNAPP	GERMANO & CAHILL	RUBIES Office Bldg
4	Louis Soloway	Centilman Baliv	SCSD #7 Expansion
5	Jim TSUNU	The Northwind Group	EASTPORT Meadows
6	Kathleen Dickson	Forchelli Curto Crowe Degen	Springhill Suites
7	Garrett Gray	Weber Law Group	Motor Parkway Plaza
8	Tom Kierwin	DESIGN + DEVELOPMENT <sup>CONSIST</sup>	RUBIE'S
9	David Sloan	Centilman Baliv	Everquest
10	MICHAEL MARINIS	BARRIST, BONACC.	SPRINGHILL SUITES
11	Nick Paulos	Northwind Group	EASTPORT Meadows
12	TRACIE ACKERMAN	RULKA LLC	Motor Parkway Plaza
13	JACK RULKA	RULKA LLC	Motor Parkway Plaza
14	Sol Niego	Niego Associates RULKA LLC	Motor Parkway PLAZA
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16			
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