

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
Hon. Legislators: Romaine, Schneiderman, Browning, Muratore,
Viloria-Fisher, Losquadro, Eddington, Montano, Cilmi, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, and Cooper,
Ed Dumas, Chief Deputy County Executive for Policy and
Communications, Walter Dawydiak, P.E., Chief Engineer,
Environmental Quality, S.C. Health Services, Thomas Isles,
Director, Suffolk County Planning Department, Michael Cavanagh,
representing Presiding Officer Lindsay, Lisa Broughton,
representing County Executive Levy

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

DATE: April 26, 2010

SUBJECT: **Minutes of the Suffolk County Sewer Agency – April 19, 2010**

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, SCDPW
Louis Calderone, Deputy Commissioner, SCDPW
Ben Wright, P.E., Chief Engineer, Division of Sanitation, SCDPW
John Donovan, P.E., Principal Civil Engineer, SCDPW
Laura Conway, C.P.A., Administrative Services, SCDPW
Linda Spahr, Esq., SC Department of Law
Robert Braun, Esq. SC Department of Law
Walter Hilbert, P.E., SC Dept. of Health
Tim Laube, Clerk of the Legislature
William Spitz, NYSDEC
Yves R. Michel, Commissioner Economic Dev. and Workforce Housing
Adam Santiago, Aide to Presiding Officer Lindsay
Justin Littell, Aide to Legislator Louis D'Amaro
Karen Klaffer, Aide to Legislator Louis D'Amaro
Catherine Stark, Aide to Legislator Schneiderman
Craig A Platt, Secretary, SC Sewer Agency

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Suffolk County Sewer Agency

Meeting Minutes

April 19, 2010

The meeting was called to order at 11:16 AM by Gilbert Anderson, P.E., Commissioner, SCDPW & Chairman, Suffolk County Sewer Agency. In attendance were Catherine Stark, representing Legislator Jay Schneiderman, Chairman of the Public Works and Transportation Committee, Michael Cavanaugh, representing Presiding Officer Lindsay, Legislator Louis D'Amaro, the Sewer Agency Legislator At Large, Tom Isles, Suffolk County Director of Planning, Walter Dawydiak P.E., representing the Commissioner of the Department of Health Services, and Lisa Broughton, Office of Economic Development, representing County Executive Levy

Also present were Ben Wright, P.E., Chief Engineer of the Suffolk County DPW Sanitation Division, John Donovan, P.E., Suffolk County DPW Sanitation Division, Linda Spahr, Esq. of the Suffolk County Department of Law, Justin Littell, Aide to Legislator D'Amaro and Craig A Platt, Secretary, Suffolk County Sewer Agency.

See the attached sign-in sheet for others in attendance.

Welcome by Commissioner Anderson, to the April 19, 2010, meeting of the Suffolk County Sewer Agency, and introduction by Roll Call.

I. **Roll Call** - (see above)

II **Minutes of Previous Meeting**

Minutes from SCSA for the February 22, 2010 meeting were discussed. A motion to accept the minutes as written was made by Commissioner Anderson and seconded by Legislator D'Amaro. The motion was approved unanimously.

III. **Public Portion** – There was one request to address the Agency. Mr. David Sloane, Esq. representing Coram Estates (BR-1457).

Mr. Sloane mentioned that the project was exempt from Local Law 20-2007 – Affordable Housing, since the construction agreement for expanding the WWTP in SCSD # 11 – Selden predated the local law and the developer was part of the expansion consortium. Ben mentioned that the discussion was actually part of the Old Business on the agenda. Commissioner Anderson suggested that the Agency move to the Old Business.

IV. Old Business –

C. Miscellaneous – 1: Discussion Item: Resolution Expiration Dates

Ben mentioned that at the Agency meeting of February 22, 2010, this was a discussion item and was tabled pending Agency staff submitting a list of the exempt projects with Formal Approval prior to the effective date (August 6, 2007) of Local Law 20-2007, Affordable Housing.

Discussion ensued as to Coram Estates' (and Village Vista's) exemption from LL 20-2007 – Affordable Housing. In the opinion of the County Attorney's office, both projects were exempt, since there were extenuating circumstances (Coram Estates – part of consortium expanding SCSD #11 WWTP (1997) & Village Vistas (2006) – DEC approval necessary for the expanded SCSD #1 WWTP) involving both projects.

It was determined that the projects, as they presently exist, are exempt from LL 20-2007. However, if there are any proposed changes to said projects, the determination to continue the exemption from LL 20-2007, would be made on a case by case basis by the Sewer Agency.

Additionally, staff mentioned that only the two projects fell into the exemption category (Connecting to a county sewer district, Formal Approval prior to August 6, 2007, and without a completed Connection Agreement).

Commissioner Anderson asked if there were any additional questions or comments, seeing none made the motion to close the discussion, the motion was seconded by Legislator D'Amaro and approved unanimously.

V. New Business

LA FITNESS PATCHOGUE

(BR-0919.1)

Ben mentioned that this project is a proposed Fitness Club complex situated on 92.5± acres, with a pool and spa. The project is part of the Gateway Plaza development on the north side of Sunrise Highway (NYS Rt. 27), west of Waverly Avenue in Patchogue, NY. As part of the expansion of SCSD #14 – Parkland, the Gateway Plaza Development has 25,000 GPD of capacity available. The developer requests to discharge 12,194 GPD to SCSD #14.

Staff recommended granting Formal Approval.

Commissioner Anderson asked if a project representative was present and Charles Weidner stated that he was. Commissioner Anderson asked Mr. Weidner if he had anything else to add or wanted to make any comments, to which Mr. Weidner responded, in the interest of moving the meeting along, no.

Mr. Weidner was asked if the building was existing or new, to which Mr. Weidner responded, it would be a new building, just across from Home Depot. Mr. Sloane added that the project had received the approval of the Brookhaven Town Planning Board.

Commissioner Anderson asked if there were any questions or comments, seeing none, made a motion to approve, the motion was seconded by Legislator D'Amato and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: 6 - 2010 AUTHORIZING THE CONNECTION OF LA FITNESS – PATCHOGUE (BR 0919.1) TO SUFFOLK COUNTY SEWER DISTRICT NO. 14 – PARKLAND

WHEREAS, LA Fitness – Patchogue is a proposed Health Club with a Pool and Spa, in Patchogue, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 973.00, Block 01.00, Lot 007.011 (the “Premises”), and

WHEREAS, the sewage flow from the LA Fitness – Patchogue is expected to be Twelve Thousand One Hundred Ninety-Four gallons per day (12,194 GPD) when LA Fitness – Patchogue is connected, and

WHEREAS, LA Fitness – Patchogue is not located within the boundaries of Suffolk County Sewer District No. 14 - Parkland (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, Resolution 42-1989 approved the expansion of the District by a consortium of developers of which the developer of Gateway Plaza was a part. Gateway Plaza’s allocation was 85,000 GPD, and

WHEREAS, as part of the allocation to Gateway Plaza, the District's sewage treatment plant has sufficient capacity to accept the sewage which is expected to emanate from LA Fitness – Patchogue, and

WHEREAS, the connection fee for LA Fitness – Patchogue will be paid to the developer of Gateway Plaza (Patchogue Associates) as part of the expansion of the District, and

WHEREAS, the connection of LA Fitness – Patchogue to the District will be financially beneficial to the District, and environmentally beneficial to Suffolk County,

WHEREAS, pursuant to Section 617.5(c) (11) and (20), of the SEQRA regulations, this project is listed as a Type II Action, and requires no further action, and

NOW, THEREFORE, IT IS

1st RESOLVED, that pursuant to Section 617.5(c) (11) and (20), of the SEQRA regulations, this project is a Type II Action, and requires no further action, now, therefore, be it further

2nd RESOLVED, that LA Fitness – Patchogue 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

3rd RESOLVED, that Twelve Thousand One Hundred Ninety-Four gallons per day (12,194 GPD) of capacity in the District's sewage treatment plant be allocated to LA Fitness – Patchogue, and it is further

4th RESOLVED, that the connection fee for LA Fitness – Patchogue will be paid to the developer of Gateway Plaza (Patchogue Associates) as part of the expansion of the District, and it is further

5th RESOLVED, that the connection authorized herein is subject to the approval of the Suffolk County Legislature and New York State Department of Environmental Conservation, and it is further

6th RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the owner of LA Fitness – Patchogue, the District, the Suffolk County Department of Public Works ("SCDPW"), the Suffolk County Department of Health Services ("SCDHS"), 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

7th RESOLVED, that LA Fitness – Patchogue shall, at its sole cost, expense and effort, construct a sewage collection facility for LA Fitness – Patchogue, and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

8th RESOLVED, that no Certificate of Occupancy shall be issued for any portion of LA Fitness – Patchogue until the sewage collection facility for LA Fitness – Patchogue has been completed and LA Fitness – Patchogue has been connected to the sanitary sewerage facilities of the District, all to the satisfaction of DPW, and it is further

9th RESOLVED, that the developer of LA Fitness – Patchogue 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 LA Fitness – Patchogue, as well as for all of the developer's obligations under the Connection Agreement, and it is further

10th 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 LA Fitness – Patchogue 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, and it is further

(Suffolk County Sewer Agency meeting April 19, 2010)

Commissioner Anderson seeing no further business, made a motion to adjourn. The motion was seconded by Ms. Broughton and approved unanimously at 11:39. .

Respectfully submitted,

Craig A Platt
Secretary, SC Sewer Agency

No.	Name	Firm/Company	Project	Email Address (copy of minutes)
1	Louis Castellano	T+S Builders	Carson Place Estate	louis 100 @ GTHOMES L.I., NY
2	SAL MALAMANDRA	T.S. Sullivan	CARSON PLACE ESTATE	SALJUN 251 O YATTON, NY
3	Charlie Weidner	Norton Brothers Dunn	LA Fitness	cc cweidner@dunn-pe.com
4	DAVID GORAN	Carman Allen	Carson Est	dsgoran@carmanallen.com
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If you are not a project representative but would like to address the Sewer Agency, please fill out an index card.