

# 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:** May 24, 2010

**SUBJECT:** Minutes of the Suffolk County Sewer Agency – May 17, 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

May 17, 2010

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 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, Dan Gulizio, representing 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, Robert Braun, 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 May 17, 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 April 19, 2010 meeting were discussed. A motion to accept the minutes as written was made by Commissioner Anderson and seconded by Ms. Broughton. The motion was approved unanimously.

III. **Public Portion** – There were no requests to address the Agency.

## **V. New Business – A. - Formal Approval**

### **SELDEN PLAZA SHOPPING CENTER**

**BR-1378.1**

Ben mentioned that the Selden Plaza Shopping Center is an existing shopping center situated on 26± Acres, on the N/W corner of the intersection of Patchogue Mt. Sinai Road (CR 83) and NYS Route 25 in Selden. The shopping center connected to the district for 19,489 GPD. Ben added that in conversation with the developer's attorney prior to the meeting, the attorney mentioned that his client wanted to withdraw the item.

Commissioner Anderson asked if a project representative was present and Eugene Wishod, Esq. stated that he was. Commissioner Anderson asked Mr. Wishod if he had anything to add or wanted to make any comments, to which Mr. Wishod responded, that there was ongoing discussion concerning the capacity and the developer was not ready to proceed and requested tabling the item.

Commissioner Anderson asked if there were any questions or comments, seeing none, Commissioner Anderson made a motion to table, the motion was seconded by Mr. Cavanaugh and approved unanimously.

Ben mentioned that this project is a proposal to expand the existing Wastewater Treatment Plant in SCSD #13 - Windwatch. Motor Parkway Associates (MPA) requests a one year time extension to complete the Construction Agreement to expand the WWTP to 555,000 GPD from the exist treatment capacity of 400,000 GPD. Ben added that the last request from the developer for a time extension was in June of 2009.

Staff recommended approval of this project.

Commissioner Anderson asked if a project representative was present and Vincent Pizzulli, Esq. stated that he was and introduced Stephen Hayduk, P.E., the project engineer. Commissioner Anderson asked Mr. Pizzulli if he had anything to add or wanted to make any comments, to which Mr. Pizzulli responded, that he concurred with Ben, that additional time was necessary to complete the Construction Agreement. Mr. Pizzulli added that negotiations concerning the two projects (Town House Villages & South Spring Meadows) approved to connect outside of the capacity were almost complete. Mr. Gulizio asked if there was a limit on the number of extension that may be granted, to which Ben replied, that there had not been a limit on time extension requests in the past and with this project there have been extenuating circumstances.

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

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO: 7 - 2010**

### **AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE CONSTRUCTION AGREEMENT FOR THE EXPANSION OF SCSD NO. 13 - WINDWATCH – WWTP BY MOTOR PARKWAY ASSOCIATES (MPA)**

WHEREAS, on June 15, 2009, this Agency adopted Resolution No. 24-2009, authorizing the expansion of the WWTP in SCSD #13 – Windwatch by MPA to a treatment capacity of Five Hundred Fifty-Five Thousand (555,000) GPD, and

WHEREAS, Resolution No. 24-2009, granted one year for completion of the Construction Agreement, will expire on June 15, 2009, without the completion of the Agreement, and

WHEREAS, the developer of Holiday Mid-Rise Tower has requested an extension of the authorization granted in Resolution No. 24-2009,

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that Resolution No. 24-2009, adopted by this Agency on June 15, 2009 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.

Ben mentioned that this project is a proposed 150 unit condominium complex situated on 5.32 acres located on the north side of the Vanderbilt Motor Parkway in Hauppauge, in the vicinity of the existing Wyndam Windwatch Hotel on the edge of the District. The estimated flow from this project is 54,000 GPD. The developer presently owns 6,500 GPD, so the need is for 47, 500 GPD. This request is for an additional one year extension of time to complete the Connection Agreement. Ben added, that this project is contingent upon the proposed expansion of SCSD #13 – Windwatch by Motor Parkway Associates, the previous agenda item, and the last request for an extension was in 2009

Staff recommended granting the time extension of the Formal Approval to this project.

Commissioner Anderson asked if a project representative was present and Vincent Pizzulli, Esq. stated that he was and that he was representing Herb Balin, and mentioned that Stephen Hayduk was the project engineer. Mr. Pizzulli added that a time extension was necessary to complete the agreement. Legislator D'Amaro asked if this project was going forward, to which Mr. Pizzulli responded, that the approval from the Town of Islip was in place and the plans were almost complete. Legislator D'Amaro mentioned that Mr. Pizzulli was the attorney for this project and the expansion of SD #13 to 555,000 GPD, to which Mr. Pizzulli replied, yes. Legislator D'Amaro asked why the expansion wasn't moving forward, Mr. Pizzulli gave a brief history of the project, the entities involved and changes over the past number of years. Mr. Pizzulli continued that currently there were three projects to utilize the expanded capacity, Motor Parkway Associates, the Holiday Mid-rise Tower, and Islandia Village Center. Mr. Pizzulli added that a variety of factors have been issues, the economy, the housing market, among others, and that the plan was to expand the plant within the next year. When asked by Legislator D'Amaro if the existing capacity in the plant had been allocated, Ben replied, yes.

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

# **SUFFOLK COUNTY SEWER AGENCY**

**RESOLUTION NO: 8 - 2010**

**AUTHORIZING THE EXTENSION OF TIME FOR  
THE CONNECTION OF HOLIDAY MID-RISE TOWER (IS-1451)  
TO SUFFOLK COUNTY SEWER DISTRICT No. 13 - WINDWATCH)**

WHEREAS, on August 20, 2007, this Agency adopted Resolution No. 16-2007, authorizing connection of Holiday Mid-Rise Tower (IS-1451) to Suffolk County Sewer District No. 13 - Windwatch) and on June 15, 2009, granted a one year time extension of that authorization to complete the Agreement, and

WHEREAS, Resolution No. 25-2009, granted a one year time extension for completion of the Agreement, will expire on June 15, 2010, without the completion of the Agreement, and

WHEREAS, this project and resolution are tied to the proposed expansion of the District by Motor Parkway Associates (MPA), said expansion is not at this time underway and negotiations concerning such an agreement are on going, and

WHEREAS, the developer of Holiday Mid-Rise Tower has requested an extension of the authorization granted in Resolution No. 16-2007,

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that Resolution No. 16-2007, 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.

**V. New Business B. - Conceptual Certification**  
**VICTORIAN GARDENS**

**(SM-1448)**

Ben mentioned that this project is a proposed 69 unit condominium/townhouse complex, with a pool and community building to be built on the site of the former Central Hospital of Western Suffolk. The proposal suggests “rehabilitating” the existing sewage treatment plant to a treatment capacity of 50,000 GPD and sharing the STP with a project located on Main Street in Smithtown (Downtown on Main Street SM-1609).

Staff recommended renewing the Conceptual Certification.

Commissioner Anderson asked if a project representative was present and Eugene Wishod, Esq. stated that he was. Commissioner Anderson asked Mr. Wishod if he had anything to add or wanted to make any comments, to which Mr. Wishod responded, that they were on the cusp of getting the SEQRA, and that since there was a two year limit on the Conceptual Certification, had to return to the Agency for a time extension. Mr. Wishod added that the Town of Smithtown supported the project and the forcemain to the former lumber yard. Mr. Dawydiak mentioned that a SPDES permit was issued to the STP site for 80,000 GPD and this request was for a reduction in flow for 50,000 GPD. Mr. Hayduk mentioned that the existing STP was in good shape and would be rehabilitated to a treatment capacity of 50,000 GPD. Mr. Hayduk added that SCDHS and SCDPW were reviewing the proposal.

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

# SUFFOLK COUNTY SEWER AGENCY

## RESOLUTION NO. 9 – 2010

### GRANTING A RENEWAL OF THE CONCEPTUAL CERTIFICATION AND AMENDING THE REQUESTED CAPACITY FOR AN ON-SITE SEWAGE TREATMENT PLANT AT VICTORIAN GARDENS (SM-1448)

WHEREAS, on July 21, 2008, this Agency adopted Resolution No. 18-2008, approving the Conceptual Certification of the construction and operation and maintenance of a sewage treatment system for the Victorian Gardens project.

WHEREAS, Resolution 18-2008, granting two years to complete the SEQRA process, by its terms, will become null and void on July 21, 2010, since the SEQRA process has not been completed, and

WHEREAS, negotiations concerning the SEQRA process are ongoing, and

WHEREAS, the developer of Victorian Gardens has requested a renewal of the authorization granted in Resolution No. 18-2008,

WHEREAS, the developer of Victorian Gardens and Downtown on Main Street had applied to this Agency for permission to rehabilitate the on-site sewage treatment formerly servicing Smithtown General Hospital to a treatment capacity of Forty-One Thousand Five Hundred Fifty-Eight (41,558 GPD). The developer now requests to rehabilitate the on-site sewage treatment plant to a treatment capacity of Fifty Thousand GPD (50,000), to meet the needs of Victorian Gardens (21,610 GPD) and Downtown on Main Street (21,690 GPD), and

NOW, THEREFORE, IT IS

<sup>1st</sup> RESOLVED, that Resolution No. 18-2008, adopted by this Agency on July 21, 2008, is hereby amended for capacity and renewed, and it is further

<sup>2nd</sup> 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.

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 Victorian Gardens, within one (1) year 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

4<sup>th</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 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 May 17, 2010)

Ben mentioned that this project is a proposed complex consisting of 84 apartments, 11,000 sq. ft. of Retail space, and 19,000 sq. ft. of Office space. The project is expected to generate 21,690 GPD of wastewater. The proposal is to connect this project to the proposed rehabilitated On-site sewage treatment plant at Victorian Gardens (SM-1448), the site of the former Central Hospital of Western Suffolk. Ben continued, that it is noted that an RFP has been issued to study the sewerage of the Smithtown Main Street area and this parcel is included. Implementation of the project is at least four years away and when implemented the parcel would be included and any unrelated infrastructure abandoned.

With the stipulation in the 4<sup>th</sup> Resolved clause in the resolution, Staff recommended renewing the Conceptual Certification.

Commissioner Anderson asked if a project representative was present and Eugene Wishod, Esq. stated that he was. Ms. Broughton mentioned the sewer study, and Ben replied that if and when the area was sewerage, the project would be required to connect to the county sewer system and the forcemain abandoned.

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

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO. 10 – 2010**

### **GRANTING A RENEWAL OF THE CONCEPTUAL CERTIFICATION FOR DOWNTOWN ON MAIN STREET (SM-1609) TO CONNECT TO A PROPOSED ON-SITE STP AT VICTORIAN GARDENS (SM-1448)**

WHEREAS, on July 21, 2008, this Agency adopted Resolution No. 19-2008, approving the Conceptual Certification of the Downtown on Main Street project.

WHEREAS, Resolution 19-2008, granting two years to complete the SEQRA process, by its terms, will become null and void on July 21, 2010, since the SEQRA process has not been completed, and

WHEREAS, negotiations concerning the SEQRA process are ongoing, and

WHEREAS, the developer of Downtown on Main Street has requested a renewal of the authorization granted in Resolution No. 19-2008,

WHEREAS, the developer of had applied to this Agency for permission to rehabilitate the on-site sewage treatment formerly servicing Smithtown General Hospital to a treatment capacity of Forty-One Thousand Five Hundred Fifty-Eight (41,558 GPD). The developer now requests to rehabilitate the on-site sewage treatment plant to a treatment capacity of Fifty Thousand GPD (50,000), to service Downtown on Main Street (21,690 GPD) and Victorian Gardens (21,610 GPD) and,

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that Resolution No. 19-2008, adopted by this Agency on July 21, 2008, is hereby amended for capacity and 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 of Downtown on Main Street, within one (1) year 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.

3<sup>rd</sup> RESOLVED, that the developer shall disclose, in the project's Offering Plan/Prospectus, in language to be approved by this Agency's staff, the annual cost of operation and maintenance of the proposed sewage treatment plant, in order to ensure that prospective purchasers of the condominium are apprised of said cost. The developer shall include in said notice the projected annual cost of operation and maintenance of the proposed sewage treatment plant for the ensuing years, based on an inflation factor, in order to ensure that all future owners of the condominium units are apprised of said cost, not only while the plant is privately owned, but also if and when the County, or another municipality, assumes ownership of the plant.

And be it further

4<sup>th</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 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

2. 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. This parcel is included in the Smithtown Main Street area sewerage study. Should the decision be made in the future to install a sewer system in the area, any unrelated sewer infrastructure connected to the project must be abandoned and the project connected to the county sewer system\*.

*\*(As noted in the project narrative on the original Conceptual Certification approval on July 21, 2008;*

*It is noted that an RFP has been issued to study the sewerage of the Smithtown Main Street area and this parcel is included. Implementation of the project is at least four years away and when implemented the parcel would be included and any unrelated infrastructure of that project abandoned.)*

(Suffolk County Sewer Agency meeting May 17, 2010)

Commissioner Anderson seeing no further business, made a motion to adjourn. The motion was seconded by Ms. Stark and approved unanimously at 11:22. .

Respectfully submitted,

Craig A Platt  
Secretary, SC Sewer Agency