

COUNTY OF SUFFOLK



STEVEN BELLONE  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

JAMES L. TOMARKEN, MD, MPH, MBA, MSW  
COMMISSIONER

November 22, 2005

**SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES  
GENERAL GUIDANCE MEMORANDUM # 20  
PROCEDURE FOR GRANDFATHERING SEWAGE FLOWS  
FOR OTHER THAN SINGLE FAMILY RESIDENCES**

**Authority**

The Suffolk County Sanitary Code sets forth requirements for approval of water supply and sewage disposal systems. The statutory authority for these guidelines can be found in Article 6, Section 760-602, 603 and 609 of the Suffolk County Sanitary Code.

**Purpose**

Typically, applications submitted to this office must meet the density requirements set forth in Article 6 of the Suffolk County Sanitary Code. Situations arise when applicants wish to propose new projects on properties that are, or have been, previously developed and which presently exceed the density limits of Article 6. The purpose of this guideline is to assist staff in determining when sewage flows, attributed to developed properties, may be grandfathered for density purposes.

**Guidance**

This procedure may be divided into two main categories: Projects that have a record of a Health Department approval, and projects that do not.

1. *Projects on Properties with a Health Department Approval*

Sewage flows may be grandfathered for projects that are located on properties that have received the benefit of a Department approval, either by Wastewater Management or through the Department's housing or food control unit. This includes seating listed on old applications where the food service was accepted by the Department whether or not previous wastewater review was completed. In order to qualify for grandfathering, the original structure and /or structures must be in a condition that can be occupied at the time of submission of the proposed application to this office. The volume of sewage flow grandfathered for a given site may be computed by applying the current flow rate factor(s) to the previously approved use or uses. For buildings that have been totally or partially demolished, grandfathering claims must be referred to the Board of Review.

General Guidance Memorandum #20, Page 1 of 2

## 2. *Projects on Properties without a Health Department Approval*

For these situations, sewage flows may **not** be grandfathered for properties that are developed unless a variance is obtained from the Department's Board of Review. An exception to this procedure may include situations involving a change-in-use in buildings that were constructed prior to 1984 and where the proposed use will utilize, for density purposes, a flow rate factor of 0.03 gpd/sq.ft. Staff may process such applications without requiring a variance from the Board.

Examples of some projects that may be grandfathered without a variance include the following:

- Change-in-use from a dry retail store to a take-out food establishment or a hair/nail salon.
- Change-in-use from an office (medical or non-medical), or other use, to a dry retail store, or other type of facility that will utilize a design flow rate factor of 0.03 gpd/sq.ft of gross floor area.

Please note, however, that a building on a parcel that is separately assessed, as shown on the 1981 tax maps, and which is allowed a maximum combined flow (sanitary & kitchen) of 300 gpd, may not automatically be grandfathered if the project total design flow (sanitary & kitchen) exceeds this value.

### **Sewage Disposal Facilities**

In all situations, existing sewage disposal facilities must be evaluated and, if necessary, be upgraded in accordance with the Department's construction standards in effect at the time. Alternately, if an applicant wishes to utilize the existing disposal system(s), then he must demonstrate that all components conform to current standards and function properly by submitting a certification (form WWM-084).

### **Effective**

This document is for guidance purposes only and becomes effective for applications received after the date of this memorandum. This document should apply in most cases, but it is not a standard and is not meant to substitute for the discretion and common sense of the reviewing engineer.

Issued by: \_\_\_\_\_

Walter J. Hilbert, P.E.  
Office of Wastewater Management

Date: \_\_\_\_\_