

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

PHILIP A. BERDOLT
DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

DARNELL TYSON, P.E.
DEPUTY COMMISSIONER

MEMORANDUM

TO: Dennis Cohen, Chief Deputy County Executive, Honorable DuWayne Gregory, Presiding Officer of the Suffolk County Legislature, Honorable Legislators; Al Krupski, Chairman of the Public Works, Transportation, & Energy Committee, Louis D'Amaro, the Sewer Agency Legislator-At-Large; Schneiderman, Browning, Muratore, Hahn, Anker, Calarco, Lindsay, Martinez, Cilmi, Barraga, Kennedy, Trotta, McCaffrey, Stern, Spencer; Michael Cavanaugh, representing Presiding Officer Gregory; Walter Hilbert, P.E., Principal Public Health Engineer, representing the Commissioner of the Suffolk County Department of Health Services; Sarah Lansdale, AICP, Director, Suffolk County Planning Department; Lisa Broughton, representing County Executive Steven Bellone

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

DATE: September 30, 2015

SUBJECT: Please see the attached Suffolk County Sewer Agency minutes for the meeting of September 21, 2015.

GA/JD/cap – Attachments

cc: Jon Schneider, Deputy County Executive
Philip A. Berdolt, Deputy Commissioner SCDPW
Darnell Tyson, P.E., Deputy Commissioner SCDPW
John Donovan, P.E., Chief Engineer, Division of Sanitation, SCDPW
Janice McGovern, P.E., Principal Civil Engineer, Division of Sanitation, SCDPW
Robert A. Braun, Esq., SC Department of Law
Walter Dawydiak, P.E., SC Department of Health Services
Catherine Stark, Aide to Legislator Al Krupski
Ted Klein, SC Planning Department
Justin Littell, Aide to Legislator Louis D'Amaro
Tony Leung, NYSDEC
Craig A. Platt, Secretary, SC Sewer Agency

*The Suffolk County Sewer Agency meets at 11:00 AM at the offices of the
Suffolk County Department of Public Works - 335 Yaphank Avenue - Yaphank, NY*

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Suffolk County Sewer Agency Meeting Minutes September 21, 2015

The meeting was called to order at 11:02 AM by John Donovan, P.E. representing Commissioner Gilbert Anderson, P.E. In attendance were Legislator Al Krupski, Chairman of the Public Works, Transportation, & Energy Committee; Justin Littell, representing Legislator Lou D'Amaro, the Sewer Agency Legislator-At-Large; Walter Hilbert, P.E., representing the Commissioner of the Department of Health Services; Lisa Broughton, representing County Executive Steven Bellone; Mike Cavanagh, representing Presiding Officer DuWayne Gregory.

Also present was Craig A. Platt, Secretary, Suffolk County Sewer Agency. Mr. Robert A. Braun, Esq., Suffolk County Department of Law; arrived as the meeting commenced.

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

Note: Sarah Lansdale, AICP, Director, Suffolk County Planning Department telephoned previously that she was unable to be in attendance.

Mr. Donovan welcomed attendees to the meeting of the September 21, 2015, Suffolk County Sewer Agency. A roll call was then taken.

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

II. **Minutes of Previous Meeting**

The minutes from SCSA meeting of July 13, 2015 and August 17, 2015, were discussed. A motion to accept the minutes of July 13, 2015, as written was made by Ms. Broughton; seconded by Legislator Krupski and adopted. A motion to accept the minutes of August 17, 2015, as written was made by Ms. Broughton; seconded by Mr. Cavanagh and adopted with Legislator Krupski abstaining.

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

V. New Business

A. Formal Approval – Connection/Construction Agreement

WENNER PLAZA

IS-1642

Craig mentioned that this project is a proposed shopping center consisting of a supermarket and retail stores situated on Sunrise Highway and Nichols Road in Bayport. The project is expected to generate Twenty-Seven Thousand (27,000 GPD) gallons per day of wastewater, which the developer proposes connection to SCSD No. 14 – Parkland. Capacity is currently available in the District, however, the design professional must determine if the County collection system can accommodate the flow from this project as well as Bayport Meadow Estates (IS-1636).

Staff recommended granting Formal Approval for connection to the facilities of the District providing the report submitted by the design professional confirms that the collection system can accommodate said flow.

Mr. Donovan asked if there was a representative present and Stephen Feihel, P.E. replied that he was and that a study had been performed and the sewer manhole (*to which the forcemain would be connected*) was capable to accommodate the additional flow (*from Bayport Meadow Estates and Wenner Plaza*). Mr. Braun mentioned that his office had been in discussion with the project attorney; that both projects would connect to the sewer system from a common pump station which would be constructed on the Wenner Plaza site. Additionally, a 3rd party agreement outlining each connectees responsibility would have to be reviewed and approved by his office. Legislator Krupski asked if the 3rd party agreement had to be executed prior to the Agency approving the project. Mr. Donovan mentioned that each connectee would have a separate agreement with the County and the 3rd party agreement would include the County. Mr. Christopher Kent, Esq. identified himself mentioning that he was the attorney for Bayport Meadows Pump Station, LLC. Mr. Kent added that he was working on the 3rd party agreement. Discussion ensued as to the agreements and responsibilities and it was concluded that project resolution could be approved prior to the execution of the 3rd party agreement and the connection agreements outline the connectee's responsibility to the District. Mr. Braun mentioned that the connection was subject to Agency approval and the 3rd party agreement would be reviewed and approved by Agency Staff.

Mr. Donovan asked if there were any questions or comments and seeing none Ms. Broughton made a motion to approve the project; the motion was seconded by Legislator Krupski and approved unanimously.

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. 35 - 2015 AUTHORIZING THE CONNECTION OF WENNER PLAZA (BR-1642) TO SUFFOLK SEWER DISTRICT NO. 14 – PARKLAND

WHEREAS, Wenner Plaza is a proposed Shopping Center, located in Bayport, New York, on property identified on the Suffolk County Tax Maps as District 05.00, Section 239.00, Block 04.00, Lots 006.009, 006.010, 006.016, 006.019, 009.008, 009.010, 009.011, 009.012, and 009.013, and

WHEREAS, the sewage flow from Wenner Plaza is expected to be Twenty Seven Thousand (27,000 GPD) gallons per day, and

WHEREAS, the Premises are 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, the developer of Wenner Plaza has applied to this Agency for permission to connect Wenner Plaza 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 Wenner Plaza, and

WHEREAS, Wenner Plaza plans to connect to the facilities of the District via the proposed "Bayport Meadows and Wenner Plaza pump station", which purportedly is to be constructed at the Wenner Plaza site, and

WHEREAS, the engineering design professionals for Bayport Meadows and Wenner Plaza must determine if the collection system at the receiving sewer manhole and sewer system downstream can sufficiently accommodate the proposed flow from Bayport Meadows and Wenner Plaza, and

WHEREAS, the connection of Wenner Plaza to Suffolk County Sewer District No. 14 - Parkland will be financially beneficial for the sewer district and environmentally beneficial to Suffolk County, and

WHEREAS, this Agency has determined that the Twenty Seven Thousand gallons per day (27,000 GPD), of sanitary sewage generated by the said project shall be treated at the facilities of the District, and

WHEREAS, pursuant to Title 6 NYCRR Part 617.5(c) (11) and (20), this project involves the extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list; and routine or continuing agency administration and management, not including new programs or major reordering of priorities that may

affect the environment. No further action under SEQRA should be taken by the Sewer Agency, and

NOW, THEREFORE, IT IS

1st RESOLVED, that the SEQRA requirements for this project have been met, and requires no further action, now, therefore, be it further

2nd 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

3rd RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the developer of Wenner 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

4th RESOLVED, that the connection fee to be paid for the Wenner Plaza shall be paid upon the execution of the Connection Agreement for a total of Eight Hundred Ten Thousand Dollars (\$810,000.00), and it is further

5th RESOLVED, that Wenner Plaza shall, at its sole cost, expense and effort, construct a sewage collection facility for Wenner 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 the Wenner 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 the Wenner Plaza, as well as for all of the developer's obligations under the Connection Agreement, and it is further

7th 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 Wenner 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 (September 21, 2015)

Craig mentioned that this project is a proposed Two Hundred Fifty-Six (256) unit condominium subdivision on Elwood Road in Huntington. The project is expected to generate Sixty Thousand (60,000 GPD) gallons per day of wastewater. The developer proposes to construct an on-site sewage treatment plant capable of treating the wastewater. Craig added that the Huntington Town Board was declared the Lead Agency for SEQR purposes with respect to the Seasons at Elwood Condominiums. The Town completed the environmental review process and issued a Findings. The Sewer Agency should issue a Findings as well as regarding the Agency's jurisdiction over the project, stating that the Agency has reviewed the submittals and the project before them in conformance with the Huntington Town Board's Findings.

Staff recommended granting Formal Approval for the construction and operation & maintenance of an on-site STP once the Findings Statement was adopted.

Mr. Donovan asked if there was a representative present and Tom Lembo, P.E. replied that he was and introduced Nick Masem, the representative of Engel Burman. Mr. Lembo added that the site contained an existing STP which would be replaced by a state of the art STP. Legislator Krupski asked what the level of treatment the proposed plant would have and Mr. Lembo replied, tertiary. Legislator Krupski mentioned that there had been an issue with the Greens at Half Hollow and ownership of the STP and possibly the resolution before the Agency could be amended to avoid a similar issue. Mr. Lembo added that one of the differences with this project and the Greens at Half Hollow project was that the prospectus stated that the STP would be transferred to the homeowners association. Discussion ensued as to whether or not the project was subject to Local Law 20-2007, Affordable Housing, and Mr. Lembo replied that since the project was not connecting to a County STP, the answer was no. However, the Town of Huntington had a similar requirement and the project would be Twenty (20%) percent affordable. Additionally, since the Town has a buy-out option, the developer plans on buying out Five (5) units. Mr. Donovan asked if there were any questions or comments, seeing none, made a motion to adopt the Findings Statement, the motion was seconded by Ms. Broughton and adopted unanimously. Mr. Donovan asked if there were any questions or comments and seeing none Mr. Cavanagh made a motion to approve the resolution; the motion was seconded by Mr. Littell and approved unanimously.

COUNTY OF SUFFOLK



STEVE BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

PHILIP A BERDOLT
DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

DARNELL TYSON, P.E.
DEPUTY COMMISSIONER

Sewer Agency Memorandum

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

CC: Suffolk County Sewer Agency

From: John Donovan, P.E.

Date: September 20, 2015

Subject: Sewer Agency SEQRA Evaluation – The Seasons at Elwood (HU-1685)

Having reviewed the environmental record for the above-referenced project requiring a SEQRA finding, the Sewer Agency staff after consultation offers the following for consideration:

The Huntington Town Board was declared the Lead Agency with respect to the development of the entire Seasons at Elwood Condominiums project and has completed the environmental review process during which an EAF was prepared and Findings issued. Having received the EAF (May 2014) and the EAAF (August 2014) on the Seasons at Elwood project, the Sewer Agency should issue its own Findings Statement regarding the project, stating that the Agency has reviewed the EAF and the EAAF and the project before them in conformance with the EAF and the Huntington Town Board's Findings. Once the Sewer Agency has adopted its own Findings Statement, the Agency can proceed with final approval of the project.

On August 6, 2014, the Huntington Town Board issued a *Negative SEQR Declaration* and approved the above-referenced project.

This project involves the Construction, Operation and Maintenance of an On-Site Sewage Treatment Plant.

Based on the information presented, The Sewer Agency has reviewed the proposed action as submitted by Seasons at Elwood and determined that it is consistent with the final project as identified within the EAF and the Huntington Town Board SEQR Findings.

JD/cap

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Suffolk County Sewer Agency

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

335 Yaphank Avenue
Yaphank, NY 11980
(631) 852-4010

Date adopted by the SCSA: September 21, 2015

Title 6 NYCRR Part 617.11 –
Decision-making and findings requirements
State Environmental Quality Review
Findings Statement

Pursuant to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Suffolk County Sewer Agency, as involved agency, makes the following findings

Name of Action: The Seasons at Elwood – Construction, Operation, and Maintenance of an On-Site Sewage Treatment Plant (HU-1685)

Description of Action: This project includes the construction, operation, and maintenance of an on-site sewage treatment plant to service the wastewater generated from Two Hundred Fifty-Six (256) condominiums situated on Thirty Seven (37±) acres.

Location: East side of Elwood Road 1,300±' north of Cuba Hill Road in Huntington.
SCTM No. 04.00-170.00-02.00-015.001

Agency Jurisdiction: Construction, Operation, and Maintenance of an On-Site Sewage Treatment Plant

Date EAF filed: May 2014

Facts and conclusions in the environmental review record relied upon to support the decision:

1. The Seasons at Elwood was the subject of a review by the Huntington Town Board. On August 6, 2014, the Huntington Town Board issued a *Negative SEQR Declaration* and approved the project.
2. The EAF and EEAF adequately addressed impacts to the groundwater resources.
3. The impacts relevant to the Sewer Agency identified within the SEQR process have been shown to be insignificant or adequately mitigated.
4. The Sewer Agency has reviewed the proposed action as submitted by The Seasons at Elwood and determined that it is consistent with the final project as identified within the EAF and EEAF and the Huntington Town Board SEQR Findings.

Certification to Approve:

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Suffolk County Sewer Agency



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

9/30/15

Date

Address of Agency:
Suffolk County Sewer Agency
335 Yaphank Avenue
Yaphank, NY 11980

cc: Other Involved Agencies
Applicant

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. **36-2015**

AUTHORIZING AN ON-SITE SEWAGE TREATMENT PLANT FOR THE SEASONS AT ELWOOD (HU-1685)

WHEREAS, application has been made for the Seasons at Elwood which is a proposed Two Hundred Fifty-Six (256) unit condominium subdivision, located in Huntington, New York, situated on property identified on the Suffolk County Tax Maps as District 0400, Section 170.00, Block 02.00, Lot 015.001, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of the Seasons at Elwood with available capacity to treat the proposed Sixty Thousand (60,000) gallons per day of wastewater, and

WHEREAS, the developer, BK Elwood has applied to this Agency for permission to construct, operate, and maintain an on-site sewage treatment plant to treat such wastewater for the Seasons at Elwood, and

WHEREAS, this Agency has determined that the Sixty Thousand (60,000) gallons per day of sanitary sewage generated by the said project shall be treated at an on-site sewage treatment plant to be constructed by the developer, and

WHEREAS, pursuant to Section 617.5(c) (11) and (20), of the SEQRA regulations, the Suffolk County Sewer Agency has issued a Findings Statement, and requires no further action, and

WHEREAS, this Agency believes that prospective purchasers of the units should be apprised of the annual cost of the operation and maintenance of the proposed sewage treatment plant, not only while the plant is privately owned, but also if and when the County, or another municipality, assumes ownership of the plant,

NOW, THEREFORE, BE IT

1st RESOLVED, by the Suffolk County Sewer Agency as follows:

The Issuer hereby finds and determines:

(a) The Agency's jurisdiction over the project is the Construction, Operation, and Maintenance of an On-Site Sewage Treatment Plant.

(b) Based upon an independent review by the Issuer of the EAF and the Huntington Town Board's Negative SEQR Declaration, the Issuer hereby concurs in the Huntington Town Board's declaration and decisions contained in the Statement and hereby adopts the Statement of Findings attached hereto as Exhibit A as its own Statement of Findings under SEQRA.

(c) Having considered the EAF, the Huntington Town Board's Negative SEQR Declaration and such other documents as may be necessary or appropriate, the Sewer Agency finds that:

- (i) The requirements of 6 NYCRR Part 617 have been met;
- (ii) Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the Action is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including effects disclosed in the environmental impact statement; and
- (iii) Consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement will be minimized or avoided by incorporating as conditions those mitigative measures which were identified as practicable.
- (d) The basis for this decision is set forth in the Statement of Findings attached as Exhibit A hereto and incorporated by reference herein, thus all of the provisions of SEQRA have been complied with.

2nd RESOLVED, that the said application be approved subject to the execution of an agreement between the developer, the Suffolk County Department of Public Works, the Suffolk County Department of Health Services, the County of Suffolk and this Agency, on such terms as the Chairman of this Agency shall determine, including, but not limited to, the following:

1. The developer shall, at its sole cost, expense and effort, construct a complete sewage collection, treatment and disposal facility for the project in accordance with Agency standards and shall offer to dedicate the said facility to the Agency at no charge;

2. The developer and/or the Home Owners Association (HOA) shall operate and maintain the said facility until such time, if ever, as a Suffolk County, or other municipal, sewer district is formed encompassing the premises within its boundaries;

3. No Certificate of Occupancy shall be issued for any of the units in the project until the sewage treatment plant has been completed, and is operating, to the satisfaction of this Agency's staff;

4. The developer shall post a Letter of Credit, in form, wording and amount as determined by this Agency's staff, as security for the performance of all of the developer's obligations under the said agreement;

5. 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 condominiums 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

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 the Seasons at Elwood 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 (September 21, 2015)

Seeing no further business, Mr. Donovan made a motion to adjourn the meeting. The motion was seconded by Legislator Krupski and approved unanimously at 11:18 AM.

Respectfully submitted,



Craig A Platt
Secretary, SCSA

Note: These minutes represent the recorder's understanding of the issues discussed. Please report any discrepancies to the recorder within seven days of distribution for discussion at the next available Agency meeting or move to amend the meeting's minutes at the next meeting.

Sign-in

September 21, 2015

Suffolk County Sewer Agency
SCDPW - Sanitation - Engineering

No.	Name	Firm/Company	Project	Email Address (copy of minutes)
1	Steven Feibel	Sidney B. Borne	Wentzen Plaza	sfeibel@bornegroup.com
2	Tom Lembo	NIP	The Seasons @ ELWOOD	TLEMB@NEISANPOPE.COM
3	Aeck Masem	Engel Borman	The Seasons @ Elwa	vmasem@EngelBorman.com
4	MARRICE OSAMUN	Clea FL.		daisted02@aol.com
5	CHRISTOPHER KENT	Farnell Fritz	Wentzen Plaza + Seasons @ Elwood	cfent@farnellfritz.com
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If you are not a project representative but would like to address the Sewer Agency, you must fill out an index card.