

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: June 11, 2014

SUBJECT: Suffolk County Sewer Agency Meeting Agenda – June 16, 2014

Attached for your information please find a copy of the Agenda for the above referenced meeting.

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
James Meyers, P.E. SC Department of Health
Kathy Negri, SC Department of Health
Catherine Stark, Aide to Legislator Al Krupski
Ted Klein, SC Planning Department
Tim Laube, Clerk of the SC Legislature
Justin Littell, Aide to Legislator Louis D'Amaro
Karen Klafter, Aide to Legislator Louis D'Amaro
Debbie Colonna, County Executive's Office
William Spitz, 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 Agenda June 16, 2014

- I. Roll Call**
- II. Minutes of Previous Meeting (May 19, 2014)**
- III. Public Portion**
- IV. Old Business**
 - 1. Bayport Meadow Estates (IS-1636)**
 - **Connection to SCSD # 14 – Parkland (45,600 GPD)**
- V. New Business**
 - A. Formal Approval – Connection/Construction Agreement**
 - 1. N/A**
 - B. Formal Approval – Connection/Construction Agreement - Time Extension**
 - 1. Matinecock Court (HU-1398)**
 - **Construction of On-Site STP (34,000 GPD)**
 - 2. 270 South Service Road (HU-1470.1)**
 - **Connection to SCSD # 3 – Southwest (13,920 GPD)**
 - C. Formal Approval – Connection Agreement Renewal**
 - 1. N/A**
 - D. Conceptual Certification**
 - 1. Benchmark at Huntington (HU-1662)**
 - **Construction of On-Site STP (12,000 GPD)**
 - E. Conceptual Certification – Time Extension**
 - 1. N/A**
 - F. Miscellaneous**
 - 1. Greens at Half Hollow (HU-1194)**
 - **Notification of Abandonment of Sewage Treatment Plant**

IV. Old Business

BAYPORT MEADOW ESTATES

IS-1636

This project was tabled at the April 14, 2014, Agency meeting due to an issue with the location of the Affordable Housing (Local Law 20-2007 – attached). Below are excerpts from the Agency meeting;

1. *"... Craig added that another concern was in which phase the Affordable (Housing) units would be constructed and Mr. Bartha stated that the project was Twenty percent (20%) affordable and the affordable units would be spread throughout (the project phases)."*
2. *"Mr. Littell mentioned that the Agency application listed NO as the answer on the affordable housing question (No. 20). At this point, Mr. Tsunis mentioned that the Town of Islip had agreed to have the developer construct the affordable units at a location other than the proposed project site or make a payment in lieu of constructing the affordable units. Discussion ensued as to the County law and Mr. Klein made a motion to table the resolution. Mr. Braun mentioned that he would be more comfortable if the Agency Staff and Department of Law examined the issue further. At this point in the discussion; Mr. Donovan said a motion to table had been made; the motion was seconded by Mr. Littell and the motion to table was approved unanimously."*

Agency Staff has a concern that regardless of the proposed agreement between the developer and the Town of Islip, the proposed project is connecting to a County sewer district and that the local law specifies that the development should contain Twenty percent (20%) Affordable Housing. Additionally, making a payment in lieu of constructing the affordable units is not an option. Mr. Braun met with Mr. Tsunis and Mr. Bartha to discuss the matter further.

Sewer Agency Timeline:

Approval Type	Meeting Date	Resolution #	Capacity (GPD)
Formal Approval	April 14, 2014	Tabled	45,600
Conceptual Certification	June 18, 2012	18-2012	50,000

Project Facts

Type/units: PRC / 148, Clubhouse
Area: (AC) 23.4±
Flow: (GPD) 45,600
Sewer District: SCSD No.14-Parkland
Groundwater Zone: I
SEQRA: Complete
SC Tax Map Various
Legislative District 8th

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. - 2014

AUTHORIZING THE CONNECTION OF BAYPORT MEADOW ESTATES (IS-1636) TO SUFFOLK COUNTY SEWER DISTRICT NO. 14 - PARKLAND

WHEREAS, application has been made for Bayport Meadow Estates which is a proposed 148 unit PRC subdivision, located in Bayport, New York, situated on property identified on the Suffolk County Tax Map as District 0500, Section 239.00, Block 02.00, Lot 010.003, District 05.00 Section 239.00 Block 03.00 Lots 007.000, 008.000, 012.003, 013.002, 013.003, 020.001, 021.001, 022.000, 023.003, 024.000, 025.000, 026.000, 027.000, 028.000, 029.000, 030.001, 036.001, 037.000, 038.000, 039.000, 040.000, 041.000, 042.000, 043.000, 044.000, 045.001, District 05.00 Section 261.00 Block 02.00 Lots 001.000, 002.000, 003.000, 004.000, 005.000, 006.000, 007.000, 008.000, 009.000, 010.000, 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 Bayport Meadow Estates has applied to this Agency for permission to connect Bayport Meadow Estates to the sanitary sewerage facilities of the District, and

WHEREAS, it is anticipated that Bayport Meadow Estates will generate a wastewater flow of Forty-Five Thousand Six Hundred gallons per day (45,600 GPD), and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the sewage which is expected to emanate from Bayport Meadow Estates, and

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

WHEREAS, the project is subject to Local Law 20-2007, A Local Law to Amend the County Policy for Sewer Connections to Promote Affordable Housing, and

WHEREAS, this Agency has determined that the Forty-Five Thousand Six Hundred gallons per day (45,600 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 pursuant to Local Law 20-2007, A Local Law to Amend the County Policy for Sewer Connections to Promote Affordable Housing; said housing will be [fill in the blank], and it is further

3rd 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

4th RESOLVED, that the connection authorized herein is subject to the execution of an agreement (the "Connection Agreement") between the developer of Bayport Meadow Estates, 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

5th RESOLVED, that the connection fee to be paid for the Bayport Meadow Estates shall be paid upon the execution of the Connection Agreement or pursuant to a payment schedule and terms as approved by the Agency Staff for a total of One Million Three Hundred Sixty-Eight Thousand Dollars (\$1,368,000.00), and it is further

6th RESOLVED, that Bayport Meadow Estates shall, at its sole cost, expense and effort, construct a sewage collection facility for the Bayport Meadow Estates and shall offer to dedicate the said facility to this Agency, or to this Agency's nominee, at no charge, and it is further

7th RESOLVED, that the Bayport Meadow Estates 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 Bayport Meadow Estates, as well as for all of the developer's obligations under the Connection Agreement, and it is further

8th 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 Bayport Meadow Estates 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 (June 16, 2014)



Suffolk County Sewer Agency Application

- (Choose One)
- Formal Approval - (Projects Which Have Completed SEQRA)**
 - Conceptual Certification - (Projects Which Have Not Completed SEQRA)**
 - Formal Approval - Time Extension - (Time Extension to complete Agreement)**
 - Conceptual Certification - Time Extension - (Time Extension to complete SEQRA)**

1. SCDPW Project #: IS-1636 2. Application Received: 3/19/14 3. Application Processed: 3/28/14
 4. Applicant Name: Jim Tsunis 5. Corporation Name: Bayport Meadows Estates, LLC
 6. Address: One Rabro Drive 7. City: Hauppauge
 8. Telephone #: 631-582-8300 9. Federal ID #: _____ 10. Email Address: tsunisnorthwind@aol.com
 11. Project Plat Name: Bayport Meadows Estates 12. Project Location: Bayport, Town of Islip
 13. Real Property Tax Map #(s): See attached sheet
 (Note: Use additional Sheets if necessary)

14. Exact address of ALL owners of the land. If individuals, give home address. If corporation, give corporation address, plus name and office in the corporation held by party who will execute Agreement with Agency. In addition, please furnish names of all principals of corporation. **THIS IS NOT OPTIONAL.** (Attach additional sheets if necessary).

One Rabro Drive Suite 100, Hauppauge, NY 11788

15. Project Attorney Information: Law Office of Eugene L. DeNicola, Esq.
200 Railroad Avenue, Sayville, NY 11782; 631-567-1200

16. Project Engineering Firm Information: Sidney B. Bowne & Son, LLP
235 East Jericho Turnpike, Mineola, NY 11501; 516-746-2350

17. Project Area in Acres: 23.48 # of Plots: 1 # of Units: 148 # Gallons/day: 45,600 gpd

18. Type of Development:
- a. Subdivision - Residential
 - b. Subdivision - Commercial
 - c. Subdivision - Industrial
 - d. HOA Subdivision
 - e. Condominium
 - f. Garden Apartments
 - g. Shopping Center
 - h. Planned Retirement Community
 - i. Combination of above numbers _____ and _____
 - j. Other _____

19. The following must accompany the application

- A. Check in the amount of \$550.00 payable to Suffolk County Treasurer.
- B. Copy of deed in the name of number 4 (above).
- C. Copy of Lead Agency's SEQRA Declaration.

Please return application to:
 Suffolk County Sewer Agency
 335 Yaphank Avenue
 Yaphank, NY 11980
 Attn: Craig A Platt

- D. Date application submitted to the SCDHS: _____ SCDHS Project #: _____
(Note: The application must be submitted prior to the Sewer Agency meeting. It is the applicant's responsibility to submit the application in a timely manner. Please allow sufficient time for the SCDHS to review the application thoroughly. Failure to do so may result in the removal of the application from the Agency agenda or the project may be tabled at the meeting.)
- E. Other pertinent information, such as site plan and/or survey of property, or SCDHS Board of Review Determination.

20. Is the project subject to Suffolk County Local Law 20-2007 - Affordable Housing? No
 The applicant certifies that the applicable zoning and variances have been secured from the Town.

[Signature]
 Applicant's Printed name, Signature, & Title

Date: 2/11/14

Note: Incomplete Applications Will Not Be Processed

MAR 19 2014



NTS 6-2014

Intro. Res. No. 1079-2007

Laid on Table 2/6/2007

Introduced by Legislators Schneiderman and Browning

RESOLUTION NO. 554 -2007, ADOPTING LOCAL LAW NO. 20 - 2007, A LOCAL LAW TO AMEND THE COUNTY POLICY FOR SEWER CONNECTIONS TO PROMOTE AFFORDABLE HOUSING

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 6, 2007, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE COUNTY POLICY FOR SEWER CONNECTIONS TO PROMOTE AFFORDABLE HOUSING**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 20 -2007, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND THE COUNTY POLICY FOR SEWER CONNECTIONS TO PROMOTE AFFORDABLE HOUSING

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that there exists a critical need for affordable housing opportunities in Suffolk County.

This Legislature also finds and determines that the County of Suffolk has shown its commitment to providing affordable housing by crafting an affordable and workforce housing infrastructure improvement fund, by instituting a 72-h property transfer program to promote affordable housing, and by commissioning a study to determine the best methods to generate more affordable and workforce housing in Suffolk County.

This Legislature further finds and determines that the County of Suffolk regularly enters into contracts to permit residential housing developments to connect to County sewer districts, without regard to any public benefit that these developments could provide to the people of Suffolk County.

This Legislature finds that a portion of the excess sewer capacity that is given away to private developers should be reserved for affordable and workforce housing so as to encourage their construction.

Therefore, the purpose of this law is to promote the development of affordable and workforce housing opportunities in Suffolk County by requiring residential housing developments that connect to County sewer districts to contain no less than 20% of affordable housing units.

Section 2. Amendments.

Chapter 424 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 424, SEWERS

* * * *

ARTICLE VIII, General Provisions

* * * *

§ 424-45. Connection by premises outside district.

A. The Administrator is hereby authorized and empowered to consider applications for connections to a county sewer district facility by businesses, industries and other users from outside the geographical boundaries of a district and to negotiate contracts and agreements with those businesses, industries and users as he deems appropriate upon such terms and conditions as to him may seem reasonable and proper to protect the best interests and to accrue to the financial benefit of the district, including but not limited to provisions intended to relieve a district of the full burden of maintenance and capital costs, present or future, if any, attributable to and that might result from such contractual connections, and including the filing of a surety bond or the deposit of cash or securities with the County Treasurer or the giving of every guaranty to the district to ensure the performance of said agreements and contracts, and the costs, if any, to a district relating thereto will be offset by payments from the owner and will not constitute an undue burden upon the property within said district, subject to the provisions of § 424-38 of this chapter and the charges imposed thereunder.

B. 1. No contract between the Administrator and an applicant from outside the geographical boundaries of a district may be entered into unless, in the case of a residential housing development or a development that includes a residential component, which consists of 10 or more units only, the housing development or component is comprised of no less than 20% of units that are set aside for homebuyers or renters whose income does not exceed 120% of the HUD established median income limit for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA) adjusted by family size.

2. Prior to the approval of a contract with the Administrator, the Director of Affordable Housing within the Suffolk County Department of Economic Development and Workforce Housing shall be provided with such documentation and certification as he or she deems necessary in order to certify that the requirements outlined in paragraph (B)(1) of this Section are being complied with.

3. Upon approval of a contract with the Administrator, a covenant shall be filed on the deed of those units that are required to be set aside pursuant to paragraph (B)(1) of this Section, which covenant or covenants shall contain the following restrictions:

a. said unit or units shall be restricted for use as affordable housing units, defined for purposes of this Section as meaning units which are set aside for homebuyers or renters whose income does not exceed 120% of the HUD established median income limit for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA) adjusted by family size, for a period of fifteen years from the date of filing of the covenant or covenants;

b. said unit or units shall remain the principal residence of the individual or individuals who occupy the unit or units during the fifteen year restriction described above;

c. all covenants filed pursuant to this Section shall be in a form approved by the Suffolk County Attorney.

[B.]C. Any contracts or agreements negotiated by the administrative head of any Suffolk County Sewer District shall be subject to the final review, approval and ratification of the Suffolk County Legislature.

* * * * *

Section 3. Applicability.

This law shall apply to contracts or agreements entered into on or after the effective date of this law, but shall not apply to contracts or agreements that arise from applications that received formal approval from the Suffolk County Sewer Agency prior to the law's effective date.

Section 4. Enforcement.

The County Attorney may institute any other action or proceeding in any court of competent jurisdiction that may be appropriate or necessary for the enforcement of the provisions of this chapter, including actions to secure permanent injunctions enjoining any acts or practices which constitute a violation of any provision of this law, mandating compliance with the provisions of this chapter, or for such other relief as may be appropriate.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: June 12, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: July 12, 2007

After a public hearing duly held on June 26, 2007
Filed with the Secretary of State on August 6, 2007

V. New Business

B. Formal Approval – Connection/Construction Agreement - Time Extension

1.

MATINECOCK COURT

HU-1398

This project is a proposed 146 unit affordable housing subdivision situated on 14.5± acres located on the northwest corner of Pulaski Road and Elwood Road in East Northport. The developer requests a Time Extension to complete the construction agreement for an On-Site STP.

Staff recommends granting the request to amend resolution 5-2010.

Project Timeline:

Approval Type	Date	SA Reso #	GPD
Formal Approval - Amended	June 17, 2013	17-2013	34,000
Formal Approval Time Extension	May 21, 2012	15-2012	37,500
Formal Approval Time Extension	March 21, 2011	7-2011	37,500
Formal Approval	February 22, 2010	5-2010	37,500
Conceptual Certification	July 19, 2004	22-2004	36,000

Project Facts

Type/units: Condo / 146
Acreage: 14.5± acres
Affordable Housing: Yes
Flow: 34,000 GPD
Sewer District: On-Site STP
Groundwater Zone: I
SEQRA: Complete
Tax Map No. 0400-114.00-04.00-007.000
Legislative District No. 18th

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. - 2014

AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE CONTRACT TO CONSTRUCT, OPERATE, AND MAINTAIN A SEWAGE TREATMENT PLANT FOR MATINECOCK COURT (HU-1398)

WHEREAS, on February 22, 2010, this Agency adopted Resolution No. 5-2010, authorizing the construction and operation and maintenance of a sewage treatment system for Matinecock Court, and on March 21, 2011, adopted Resolution No. 7-2011 granting a one year time extension to complete the construction agreement, and on May 21, 2012, adopted Resolution 15-2012, granting an additional one year time extension to complete the construction agreement, and

WHEREAS, on June 17, 2013, this Agency adopted Resolution No. 17-2013, granting an amendment to the requested capacity, said Resolution, by its terms, will expire on June 17, 2014, since an agreement in furtherance of the authorization granted therein had not been executed within one year from the adoption thereof, and

WHEREAS, the developer of Matinecock Court has requested an extension of the authorization granted in Resolution No. 17-2013, and

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 17-2013, adopted by this Agency on June 17, 2013, is hereby renewed, and it is further

2nd 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 June 16, 2014)



Suffolk County Sewer Agency Application

(Choose One)

- Formal Approval - (Projects Which Have Completed SEQRA)
- Conceptual Certification - (Projects Which Have Not Completed SEQRA)
- Formal Approval - Time Extension - (Time Extension to complete Agreement)
- Conceptual Certification - Time Extension - (Time Extension to complete SEQRA)

1. SCDPW Project #: HU-1398 2. Application Received: _____ 3. Application Processed: 6/2/14
 4. Applicant Name: Susan R. Lagville 5. Corporation Name: Matinecock Court Housing Development Fund Corp.
 6. Address: 91 Broadway, Suite 10 7. City: Greenlawn, NY 11740
 8. Telephone #: 631-754-0373 9. Federal ID #: 26-0061245 ✓ 10. Email Address: susanlagville@optonline.net
 11. Project Plat Name: Mantinecock Court 12. Project Location: Town of Huntington
 13. Real Property Tax Map #(s): 400-114-04-007
 (Note: Use additional Sheets if necessary) _____

14. Exact address of ALL owners of the land. If individuals, give home address. If corporation, give corporation address, plus name and office in the corporation held by party who will execute Agreement with Agency. In addition, please furnish names of all principals of corporation. **THIS IS NOT OPTIONAL.** (Attach additional sheets if necessary).

SEE ATTACHED

15. Project Attorney Information: Howard Stein of Certilman, Balin, Adler, and Hyman, LLP
90 Merrick Avenue, East Meadow, NY 11559; (516) 296-7013; hstein@cbah.com
 16. Project Engineering Firm Information: Christopher A. Weiss, P.E. of H2M architects + engineers
538 Broad Hollow Rd., 4th Floor East, Melville, NY 11747; (631) 756-8000; cweiss@h2m.com

17. Project Area in Acres: 14.574 # of Plots: 1 # of Units: 146 # Gallons/day: 34,000
 18. Type of Development: a. Subdivision - Residential b. Subdivision - Commercial
 c. Subdivision - Industrial d. HOA Subdivision e. Condominium
 f. Garden Apartments g. Shopping Center h. Planned Retirement Community
 i. Combination of above numbers _____ and _____ j. Other _____

19. The following must accompany the application
 A. Check in the amount of \$550.00 payable to Suffolk County Treasurer.
 B. Copy of deed in the name of number 7 (above).
 C. Copy of Lead Agency's SEQRA Declaration.
 D. Date application submitted to the SCDHS: 06/02/2004 SCDHS Project #: C04-04-0035 ✓
 Note: Applications without the SCDHS submittal date will be rejected.
 E. Other pertinent information, such as site plan and/or survey of property, or SCDHS Board of Review Determination.

20. Is the project subject to Suffolk County Local Law 20-2007 - Affordable Housing? Not Applicable

The applicant certifies that the applicable zoning and variances have been secured from the Town.

Susan R. Lagville
 Applicant's Printed Name, Signature & Title

5/28/14
 Date:

MAY 30 2014

Note: Incomplete Applications Will Not Be Processed



2014 NTS

2.

270 SOUTH SERVICE ROAD

HU-1470.1

This project is an existing building consisting of office and warehouse space, situated on a 10.2± acre parcel located on the southeast corner of Walt Whitman Road and the LIE South Service Road in the Town of Huntington. The developer proposes to demolish the existing building and construct a 6 story commercial office building with a restaurant. The new construction proposes to discharge an additional 13,920 GPD to the facilities of the district. This request is for an additional time extension to complete the amended connection agreement.

The District's STP continues to have sufficient excess treatment capacity to accommodate this project.

Staff recommends approval.

Sewer Agency Project Time line:

Application Type	SA Date	SA Reso #	GPD
Formal Approval Time Extension	July 15, 2013	22-2013	13,920
Formal Approval	July 16, 2012	20-2012	13,920
Conceptual Certification	October 18, 2010	24-2010	32,920
Time Extension	September 19, 2005	30-2005	6,210
Formal Approval	August 19, 2004	31-2004	6,210

Project Facts

Type/units: 6 Story Office Building & 218 seat restaurant
Acreage: 10.2±
Flow: (GPD) 20,130 (6,210 existing & 13,920 additional)
Sewer District: SCSD No.3-Southwest
Groundwater Zone: I
SEQRA: Complete
SC Tax Map 0400-255.00-01.00-037.000
Legislative District 17th

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO: - 2014 AUTHORIZING A TIME EXTENSION TO COMPLETE THE CONNECTION AGREEMENT FOR ADDITIONAL CAPACITY FOR 270 SOUTH SERVICE ROAD (HU-1470.1) TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST

WHEREAS, on July 16, 2012, this Agency adopted Resolution No. 20-2012, authorizing additional capacity for the connection of 270 South Service Road to the Suffolk County Sewer District No. 3 - Southwest, and on July 15, 2013, adopted Resolution No. 22-2013, granting an additional one year term to complete the amended connection agreement, and

WHEREAS, Resolution No. 22-2013, granted a one year time extension for completion of the Agreement, but the approval will expire on July 16, 2013, without the completion of the Agreement, and

WHEREAS, negotiations concerning such an agreement are under way, and a proposed agreement is being prepared, and

WHEREAS, the developer of 270 South Service Road has requested an extension of the authorization granted in Resolution No. 20-2012,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 20-2012, adopted by this Agency on July 16, 2012, is hereby renewed, and it is further

2nd 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 June 16, 2014)



Suffolk County Sewer Agency Application

(Choose One)

- Formal Approval - (Projects Which Have Completed SEQRA)
- Conceptual Certification - (Projects Which Have Not Completed SEQRA)
- Formal Approval - Time Extension - (Time Extension to complete Agreement)
- Conceptual Certification - Time Extension - (Time Extension to complete SEQRA)

(Note: Items #1, #2, #3 will be entered by Agency Staff)

1. SCDPW Project #: HU-1470.1 2. Application Received: _____ 3. Application Processed: 6/3/14
 4. Applicant Name: Peter Cavallaro 5. Corporation Name: LBA MELVILLE ASSOCIATES
 6. Address: 270 South Service Road, Suite 45 7. City: Melville
 8. Telephone #: 631-622-9478 9. Federal ID #: 11-3024271 10. Email Address: CavallaroP@duckpondcorp.com
 11. Project Plat Name: 270 South Service Road 12. Project Location: 270 South Service Road, Melville, NY
 13. Real Property Tax Map #(s): Dist. 0400, Sec. 255, Block 1, Lot 37
 (Note: Use additional Sheets if necessary) _____

14. Exact address of ALL owners of the land. If individuals, give home address. If corporation, give corporation address, plus name and office in the corporation held by party who will execute Agreement with Agency. In addition, please furnish names of all principals of corporation. **THIS IS NOT OPTIONAL.** (Attach additional sheets if necessary).

LBA Melville Associates, 270 South Service Road, Suite 45, Melville, NY 11747

Peter Cavallaro, General Counsel

15. Project Attorney Information: Kathleen Deegan Dickson, Forchelli Curto Deegan Schwartz Mineo & Terrana, LLP.
333 Earle Ovington Blvd., Suite 1010, Uniondale, NY 11553 516-248-1700

16. Project Engineering Firm Information: Barrett, Bonacci & VanWeele, PC
175A Commerce Drive, Hauppauge, NY 11788 631-435-1111

17. Project Area in Acres: 10.19 # of Plots: 1 # of Units: 1 # Gallons/day: 13,920

18. Type of Development:
- a. Subdivision - Residential
 - b. Subdivision - Commercial
 - c. Subdivision - Industrial
 - d. HOA Subdivision
 - e. Condominium
 - f. Garden Apartments
 - g. Shopping Center
 - h. Planned Retirement Community
 - i. Combination of above numbers _____ and _____
 - j. Other Commercial

19. The following must accompany the application

- A. Check in the amount of \$550.00 payable to Suffolk County Treasurer.
- B. Copy of deed in the name of number 4 (above).
- C. Copy of Lead Agency's SEQRA Declaration.

Please return application to:
Suffolk County Sewer Agency
335 Yaphank Avenue
Yaphank, NY 11980
Attn: Craig A Platt

D. Date application submitted to the SCDHS: Nov. 2009 SCDHS Project #: C04-09-0031

(Note: The application must be submitted prior to the Sewer Agency meeting. It is the applicant's responsibility to submit the application in a timely manner. Please allow sufficient time for the SCDHS to review the application thoroughly. Failure to do so may result in the removal of the application from the Agency agenda or the project may be tabled at the meeting)

E. Other pertinent information, such as site plan and/or survey of property, or SCDHS Board of Review Determination.

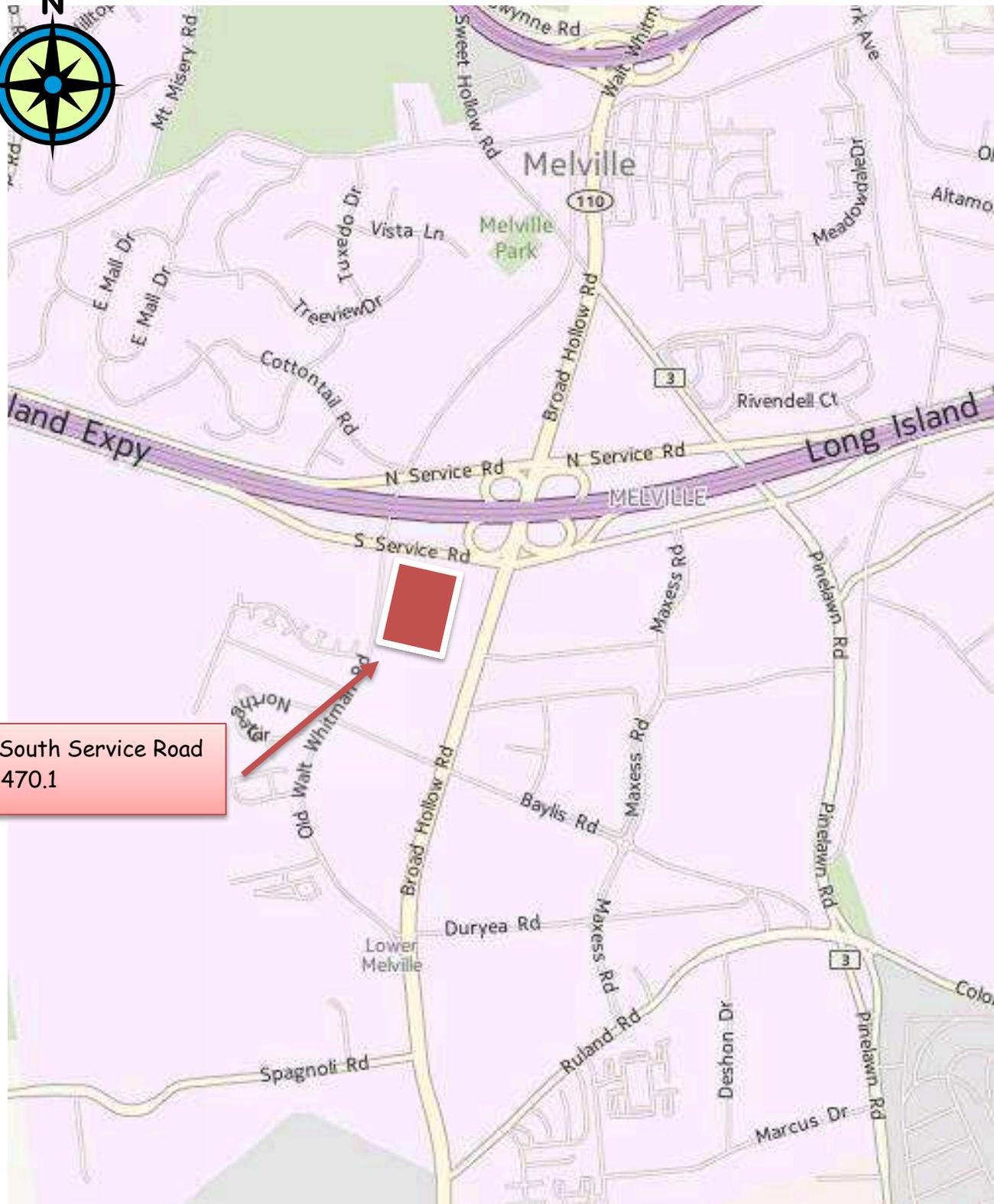
20. Is the project subject to Suffolk County Local Law 20-2007 - Affordable Housing? No

The applicant certifies that the applicable zoning and variances have been secured from the Town.

LBA MELVILLE ASSOCIATES
Peter I. Cavallaro, Auth. 5-21-14
Peter I. Cavallaro Applicant's Printed name, Signature, & Title Signature & Attorney Date:

Note: Incomplete Applications Will Not Be Processed





270 South Service Road
HU 1470.1

NTS 2014

D. Conceptual Certification

BENCHMARK AT HUNTINGTON

HU-1662

Benchmark at Huntington is a proposed One Hundred Four (104) bed assisted living facility situated on 6.4± acres on Route 25 in Huntington. The developer proposed to construct an on-site wastewater treatment plant (12,000 GPD) to service the facility and a number of adjacent parcels. There is no County Sewer District in the vicinity and Staff recommends granting Conceptual Certification to the construction of the on-site STP.

Project Facts:

Type/units:	Assisted Living / 104 Beds
Sewer District:	N/A Proposed On-Site STP
Proposed Flow:	12,000 GPD
Groundwater Zone:	III
SEQR:	Incomplete
RPTM:	0400-07700-0100-015007, 0400-07700-0100-015009
Legislative District:	18 th

SUFFOLK COUNTY SEWER AGENCY

RESOLUTION NO. - 2014

AUTHORIZING THE CONCEPTUAL CERTIFICATION FOR THE CONSTRUCTION OF A NEW SEWAGE TREATMENT PLANT (STP) FOR BENCHMARK AT HUNTINGTON (HU-1662)

WHEREAS, application has been made for the construction of a new STP at Benchmark at Huntington which is a proposed One Hundred Four (104) bed assisted living facility located in Huntington, New York, situated on property identified on the Suffolk County Tax Maps as District 0400, Section 077.00, Block 01.00, Lots 015.007 and 015.009, and

WHEREAS, there is no Suffolk County Sewer District, or other municipal sewer district in the vicinity of Benchmark at Huntington to serve the proposed facility's sanitary needs, and

WHEREAS, the developer proposes to construct a STP to service the assisted living facility and a number of homes in the vicinity, 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

NOW, THEREFORE, IT IS

1st RESOLVED, that this Agency hereby grants "Conceptual Certification" to the proposed construction of a new sewage treatment plant to service Benchmark At Huntington, and it is further

2nd 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 Benchmark at Huntington, within two (2) years 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 it is further

3rd 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.

Suffolk County Sewer Agency Meeting (June 16, 2014)



Suffolk County Sewer Agency Application

(Choose One)

- Formal Approval - (Projects Which Have Completed SEQRA)
- Conceptual Certification - (Projects Which Have Not Completed SEQRA)
- Formal Approval - Time Extension - (Time Extension to complete Agreement)
- Conceptual Certification - Time Extension - (Time Extension to complete SEQRA)

1. SCDPW Project #: 1662 2. Application Received: _____ 3. Application Processed: 6/9/14

4. Applicant Name: Ken Littlefield 5. Corporation Name: BSL NY DEVELOPMENT LLC

6. Address: 40 William Street, Suite 350 7. City: Wellesley, MA 02481

8. Telephone #: (781)489-7173 9. Federal ID #: 45-3515426 10. Email Address: kittlefield@benchmarkquality.com

11. Project Plat Name: Benchmark at Huntington STP 12. Project Location: S/S of East Main Street (NYS Rte. 25A), 344' West of Old Northport Road

13. Real Property Tax Map #(s): 400-77-1-15.6, 400-77-1-15.7

(Note: Use additional Sheets if necessary) 400-77-1-15.8, 400-77-1-15.9

14. Exact address of ALL owners of the land. If individuals, give home address. If corporation, give corporation address, plus name and office in the corporation held by party who will execute Agreement with Agency. In addition, please furnish names of all principals of corporation. **THIS IS NOT OPTIONAL.** (Attach additional sheets if necessary).

SCTM# 400-77-1-15.6 & 15.7 - Appleridge Development Corp., 27 Cornell Street East Northport, NY 11731

SCTM# 400-77-1-15.8 - 59 Old Northport Road, SCTM# 400-77-1-15.9 - 61 Old Northport Road

15. Project Attorney Information: _____

16. Project Engineering Firm Information: Michael P. Chiarelli Engineer P.C., 1954 New York Ave., Huntington Station, NY 11746
RMS Engineering, 355 New York Ave., Huntington, NY 11743

17. Project Area in Acres: 6.39 # of Plots: 4 # of Units: 104 Beds # Gallons/day: 12,000 gpd

18. Type of Development:
- a. Subdivision - Residential
 - b. Subdivision - Commercial
 - c. Subdivision - Industrial
 - d. HOA Subdivision
 - e. Condominium
 - f. Garden Apartments
 - g. Shopping Center
 - h. Planned Retirement Community
 - i. Combination of above numbers _____ and _____
 - j. Other Assisted Living Facility

19. The following must accompany the application

- A. Check in the amount of \$550.00 payable to Suffolk County Treasurer.
- B. Copy of deed in the name of number 4 (above).
- C. Copy of Lead Agency's SEQRA Declaration.

Please return application to:
Suffolk County Sewer Agency
335 Yaphank Avenue
Yaphank, NY 11980
Attn: Craig A Platt

D. Date application submitted to the SCDHS: 10/2/2013 SCDHS Project #: C04-13-0038
Note: Applications without the SCDHS submittal date may be rejected.

E. Other pertinent information, such as site plan and/or survey of property, or SCDHS Board of Review Determination.

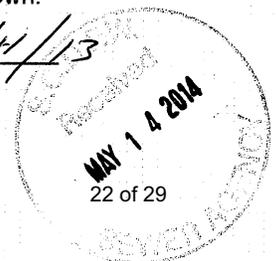
20. Is the project subject to Suffolk County Local Law 20-2007 - Affordable Housing? No

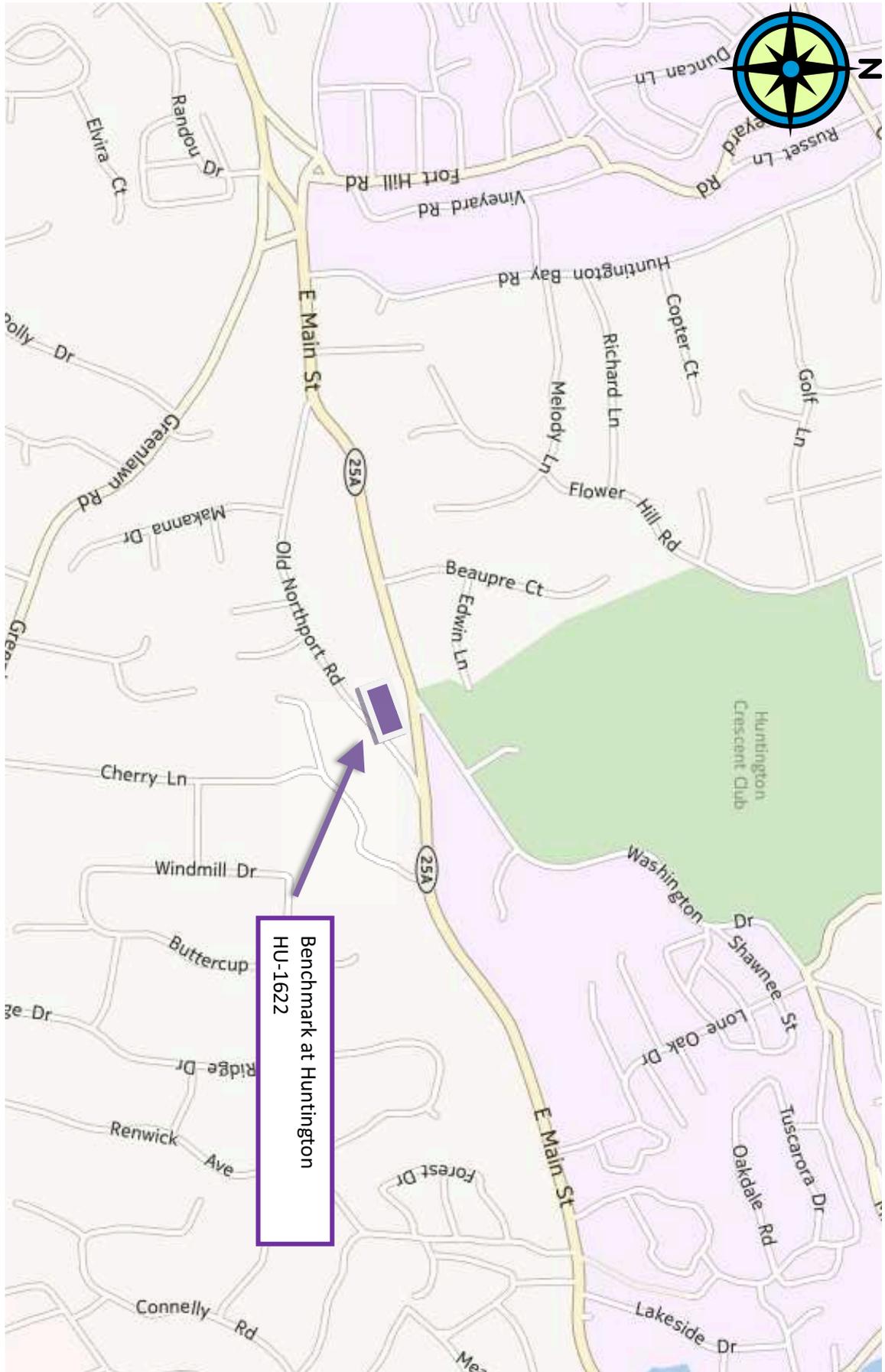
The applicant certifies that the applicable zoning and variances have been secured from the Town.

Ken Littlefield Director of Development
Applicant's Signature & Title

10/4/13
Date:

Note: Incomplete Applications Will Not Be Processed





F. Miscellaneous

GREENS @ HALF HOLLOW

HU-1194

Recently, there had been discussion between the developers/owners of the Greens at Half Hollow Sewage Treatment Plant and the County regarding the County takeover of the STP and forming a County Sewer District. Subsequently, the developers of the Greens @ Half Hollow sent correspondence (attached) to the County that it is their intent to abandon the sewage treatment plant on July 18, 2014.

The Greens at Half Hollow was designed to treat 400,000 GPD of wastewater and was operational 2003. The STP services the Greens at Half Hollow Condominium development (1124 Units), Country Pointe at Dix Hills (82 Units), Long Island Developmental Disability Service Office (NYS), HSC No. 5 Housing Development Fund, Inc. (70 Units), and HSC No. 6 Housing Development Fund, Inc. (30 Units).

ROSENBERG CALICA & BIRNEY LLP

ATTORNEYS AND COUNSELORS AT LAW

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GARDEN CITY, NEW YORK 11530

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DIANA G. ATTNER
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GEORGE B. KORDAS
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TAMIR M. YOUNG
KENNETH J. WEINSTEIN
RICHARD A. ROSS
OF COUNSEL

*ALSO ADMITTED FL
*ALSO ADMITTED CT
*ALSO ADMITTED CT, NJ, DC
†ALSO ADMITTED MD
‡ALSO ADMITTED NJ

June 3, 2014

Via Federal Express Priority Overnight Delivery

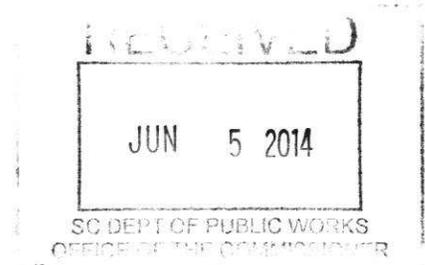
Hon. Steven Bellone
Suffolk County Executive
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788-0099

Hon. Dennis Cohen
Chief Deputy Suffolk County Executive
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Hon. Gilbert Anderson P.E.
County of Suffolk
Department of Public Works
335 Yaphank Avenue
Yaphank, NY 11980

County of Suffolk
Suffolk County Sewer Agency
c/o Suffolk County Attorney
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, NY 11788

Town of Huntington
c/o Town Attorneys' Office
100 Main Street
Huntington, NY 11743



Hon. Steven Bellone et. al.
June 3, 2014
Page 2

Re: Greens at Half Hollow LLC Sewage Treatment Plant

Honorable Addressees:

We are the attorneys for the Greens at Half Hollow LLC (“GHH”) and write you on their behalf. This letter constitutes notice to you that GHH intends to and shall surrender and abandon all ownership and operation of the sewage treatment plant (“STP”) on July 18, 2014 at 10:00 A.M. At that time, GHH will provide you with the keys to the STP, and the books and records relating to the STP. We are providing you forty-five (45) days’ notice so as to ensure a smooth transition, and to avoid any disruption in service to the homeowners and other connectees.

This action has become necessary as a direct result, among other things, of the County’s wrongful action in purporting to drastically (and illegally) reduce the sewer rates charged by GHH to certain connectees by more than 50% via a mere “letter” from the Suffolk County Department of Works, dated October 12, 2012 (the “Letter”). GHH is financially unable, and it is economically unfeasible for GHH, to run the STP as GHH is no longer receiving sufficient revenue to do so as a result of the illegal and wrongful actions by the County. As more fully set forth in GHH’s Verified Petition challenging the Letter in the pending Article 78 proceeding/plenary court action, the County’s alleged determination is void ab initio and otherwise defective because, among other things, it was issued without the requisite legal authority and jurisdiction, without a public hearing or any other procedure sufficient to afford GHH an adequate right to be heard in violation of GHH’s due process rights, was done without resolution and without the approval of the County Legislature in another violation of GHH’s right to due process, it was not issued by parties with the requisite legal authority to set private sewer rates under the governing State Transportation Corporations Law, and it was devoid of reasoning, calculations, methodology, or explanation.

GHH has previously offered the STP to the Greens Home Owners Association and to the Sewer Agency. They have both refused to accept the Sewer Treatment Plant. At this point GHH does not have the funds to continue to operate and maintain this STP. GHH will of course, during this 45 day period, cooperate with this transition with the County and sewer and health authorities, so that no one is negatively affected.

It is simply financially unfeasible for GHH to continue to operate and maintain the STP while at the same time receiving less than half of what it previously received from many of the connectees.

As the County is well aware (having recently inspected the plant), the STP is in excellent condition and well maintained. While GHH would like to immediately surrender and abandon

Hon. Steven Bellone et. al.

June 3, 2014

Page 3

the STP, GHH is willing to continue operations and maintenance of the STP in good faith until July 18, 2014, in order to give the County ample time to assume responsibility of the plant and/or make other arrangements for its operations.

This letter is sent without prejudice to, and with full reservation of, all of our client's rights, claims, defenses and interests and without a waiver of any of them. Please be guided accordingly.

Very truly yours,

ROSENBERG CALICA & BIRNEY LLP

Ronald J. Rosenberg

meb/rjr

cc: Jacqueline Caputi, Esq.
John Bennett, Esq.

