

# 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; 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:** July 19, 2016

**SUBJECT:** Please see the attached Suffolk County Sewer Agency minutes for the meeting of June 20, 2016.

GA/JD/br – 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  
Christina DeLisi, Aide to Presiding Officer DuWayne Gregory  
Catherine Stark, Aide to Legislator Al Krupski  
Justin Littell, Aide to Legislator Louis D'Amaro  
Tony Leung, P.E., NYSDEC  
Boris Rukovets, P.E., 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 June 20, 2016**

The meeting was called to order at 11:06 AM by 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; Sarah Lansdale, AICP, Director, Suffolk County Planning Department, Tanima Adhya, P.E., representing the Commissioner of the Department of Health Services; Lisa Broughton, representing County Executive Steven Bellone; Christina DeLisi, representing Presiding Officer DuWayne Gregory.

Also present were John Donovan, P.E, Chief Engineer, Suffolk County Department of Public Works, Division of Sanitation; Catherine Stark, Aide to Legislator Krupski; Janice McGovern, P.E., Suffolk County Department of Public Works; Robert A. Braun, Esq., Suffolk County Department of Law; Boris Rukovets, P.E., Secretary, Suffolk County Sewer Agency.

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

Commissioner Anderson welcomed attendees to the meeting of the June 20, 2016, 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 May 16, 2016, were discussed. A motion to accept the minutes as written was made by Ms. Broughton seconded by Ms. Lansdale; and approved unanimously.

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

**V. New Business**

**A. Formal Approval – Connection/Construction Agreement**

**1. VISTAS AT PORT JEFFERSON LLC**

**BR-1699**

Mr. Donovan mentioned that the applicant asked to table the project discussion.

Commissioner Anderson asked if there were any questions or comments and, seeing none, he made a motion to table the project; the motion was seconded by Legislator Krupski and approved unanimously.

Mr. Donovan mentioned that this project is located on the northwest corner of the interchange of William Floyd Parkway and the Long Island Expressway at Exit 68N in the hamlet of Yaphank.

The currently proposed project is Phase III-A of Meadows at Yaphank and is a One Hundred and Forty-Eight (148) unit condominium subdivision that includes a clubhouse and a guardhouse and will be connected to an existing Dorade Sewage Treatment Plant. The developer proposes to connect the Forty-Two Thousand Eight Hundred Twenty gallons per day (42,820 gpd) of wastewater to be generated by the project to the Dorade Sewage Treatment Plant via the existing pump station and forcemain. This is, therefore, a request for formal approval for connection to the private treatment plant.

Commissioner Anderson asked if there was a representative present and Chris Kent, Esq., the attorney for Meadows at Yaphank Phase III-A mentioned that he was. He introduced Brian Ferruggiari and Tom Perna, the representatives of the applicant, AVR Realty. Mr. Kent said that he had nothing more to add. This was one portion of the Phase III-A of Meadows at Yaphank. The entire project will be connecting to Dorade STP, which is going to be replaced with the new and improved treatment plant. The existing plant currently has sufficient capacity to handle the project flow and when the flow reaches certain threshold, the plan is to transition to the replacement STP.

Legislator Krupski asked the staff if the new plant would accommodate only all the phases of the project or would it also accommodate more growth in the area, since it was doubling its capacity. Mr. Donovan said that the new plant was for both the existing flow and additional flow from the project; he did not believe there was an additional capacity. Mr. Kent agreed. Legislator Krupski asked since the Riverhead sewage treatment plant was undergoing an upgrade to discharge a portion of the flow to the golf course, but the proposed project required construction of a treatment plant discharging between the head waters of the Carmans and the Peconic River, at what level of treatment is the plant going to treat the wastewater? Mr. Donovan said that the existing effluent requirement was 10 mg/l of nitrogen and that is the limit the plant would be built to meet but, with current treatment technology, the effluent could probably be 6 to 8 mg/l of nitrogen pretty consistently. While that effluent was not guaranteed all the time, 6 to 8 mg/l effluent was pretty consistent with the data for the newly built treatment plants.

Legislator Krupski asked if it was possible to address other pollutants of concern discharged from the plant such as pharmaceuticals. Mr. Donovan said that at the present time there was nothing that could be done for pharmaceutical removal beyond the conventional treatment. Pharmaceuticals have been studied by the EPA and SCDPW has been involved in the study where samples were collected at some of the SCDPW treatment plants discharging to Long Island Sound. As of now, there is no good technology to treat pharmaceuticals, although there have been studies looking at ozone as a potential treatment technology but that technology requires additional evaluation and at this point is not required

by permits for either surface or groundwater discharge. He added that this was probably something that was coming down the pike.

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

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO. 19 - 2016**

### **AUTHORIZING THE CONNECTION OF THE MEADOWS AT YAPHANK PHASE III-A (BR-1653.2) TO THE DORADE SEWAGE TREATMENT PLANT**

WHEREAS, application has been made for the Meadows at Yaphank Phase III-A which is a proposed Hundred and Forty-Eight (148) condominium subdivision that includes clubhouse and guardhouse, located in Yaphank, New York, situated on property identified on the Suffolk County Tax Map as District 0200, Section 552.00, Block 01.00, Lot 001.003, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of the Meadows at Yaphank Phase III-A to serve the development's sanitary needs, and

WHEREAS, there is a Sewage Treatment Plant at Dorade, which is sufficiently close to the Meadows at Yaphank to permit the connection of the Meadows at Yaphank Phase III-A thereto, and

WHEREAS, this Agency has been advised that the Dorade Sewage Treatment Plant (the "Plant") has sufficient capacity to accept the sewage which is expected to emanate from the Meadows at Yaphank Phase III-A, and

WHEREAS, the developer for the Meadows at Yaphank Phase III-A has applied to this Agency for permission to connect to the on-site sewage treatment plant at Dorade, and

WHEREAS, this Agency has been advised that the owner of the Plant is receptive to the connection of the Meadows at Yaphank Phase III-A to the Plant, and

WHEREAS, the connection of the Meadows at Yaphank Phase III-A to the Dorade Sewage Treatment Plant will be environmentally beneficial to Suffolk County, and

WHEREAS, this Agency has determined that the Forty-Two Thousand Eight Hundred Twenty gallons per day (42,820 GPD) of sanitary sewage generated by the said project shall be treated at the Dorade Sewage Treatment Plant, 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**

1<sup>st</sup> RESOLVED, that the SEQRA requirements for this project have been met, and the Town of Brookhaven has adopted a Findings Statement after establishing the action as Type I, and requires no further action, now, therefore, be it further

2<sup>nd</sup> 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 system, for said project in accordance with Agency standards and shall offer to dedicate the said facility to the Agency at no charge;

2. No Certificate of Occupancy shall be issued for any of the units in the project until the Pump Station and Forcemain have been completed, and is operating, to the satisfaction of this Agency's staff;

3. 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;

4. The developer shall furnish a copy of the agreement between the Meadows at Yaphank Phase III-A and the owners of the Dorade Sewage Treatment Plant for review and approval;

And be it further

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 the Meadows at Yaphank Phase III-A 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 20, 2016)

Mr. Donovan mentioned that this project is for a recreational/community park located on 18.8 acres. This was also part of the Meadows at Yaphank project. The project is expected to generate One Thousand Four Hundred gallons per day (1,400 gpd) of wastewater and is proposed to be connected to the Dorade Sewage Treatment Plant.

Staff recommends granting the Formal Approval.

Commissioner Anderson asked if there was a representative present and Chris Kent, Esq., the attorney for Meadows at Yaphank Town Park mentioned that he was. He said that the project was for the park that was going to be developed and dedicated to the Town of Brookhaven.

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

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO. 20 - 2016**

### **AUTHORIZING THE CONNECTION OF THE MEADOWS AT YAPHANK TOWN PARK (BR-1653.3) TO THE DORADE SEWAGE TREATMENT PLANT**

WHEREAS, application has been made for the Meadows at Yaphank Town Park which is a proposed recreational/community park, located in Yaphank, New York, situated on a 18.8 ± acre property identified on the Suffolk County Tax Map as District 0200, Section 552.00, Block 01.00, Lot 001.003, and

WHEREAS, there is no Suffolk County Sewer District, or any other municipal sewer district in the vicinity of the Meadows at Yaphank Town Park to serve the Park's sanitary needs, and

WHEREAS, there is a Sewage Treatment Plant at Dorade, which is sufficiently close to the Meadows at Yaphank to permit the connection of the Meadows at Yaphank Town Park thereto, and

WHEREAS, this Agency has been advised that the Dorade Sewage Treatment Plant (the "Plant") has sufficient capacity to accept the sewage which is expected to emanate from the Meadows at Yaphank Town Park, and

WHEREAS, the developer of the Meadows at Yaphank Town Park has applied to this Agency for permission to connect to the on-site sewage treatment plant at Dorade, and

WHEREAS, this Agency has been advised that the owner of the Plant is receptive to the connection of the Meadows at Yaphank Town Park to the Plant, and

WHEREAS, the connection of the Meadows at Yaphank Town Park to the Dorade Sewage Treatment Plant will be environmentally beneficial to Suffolk County, and

WHEREAS, this Agency has determined that the One Thousand Four Hundred gallons per day (1,400 GPD) of sanitary sewage generated by the said project shall be treated at the Dorade Sewage Treatment Plant, 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**

1<sup>st</sup> RESOLVED, that the SEQRA requirements for this project have been met, and the Town of Brookhaven has adopted a Findings Statement after establishing the action as Type I, and requires no further action, now, therefore, be it further

2<sup>nd</sup> 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 system, for said project in accordance with Agency standards and shall offer to dedicate the said facility to the Agency at no charge;

2. No Certificate of Occupancy shall be issued for any of the units in the project until the Pump Station and Forcemain have been completed, and is operating, to the satisfaction of this Agency's staff;

3. 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;

4. The developer shall furnish a copy of the agreement between the Meadows at Yaphank Town Park and the owners of the Dorade Sewage Treatment Plant for review and approval;

And be it further

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 the Meadows at Yaphank Town Park 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 20, 2016)

Mr. Donovan mentioned that this project was a renewal of an existing connection agreement that expired on December 31, 2015. The site is a single-story industrial building, formerly owned by Ruland Associates, located on 3.25± acres at 575 Broadhollow Rd. in Melville and connected to the County Sewer District No. 3 - Southwest. The current owner of the industrial facility is 575 Broadhollow LLC, the organization that purchased the property from Ruland Associates in December 2012.

Ruland Associates had a Sewer Agency agreement dated 1993 that allocated 4,753 gpd of flow for the site and paid the connection fee for that flow. The agreement expired on December 31, 2015. The applicant has requested reinstatement of the 1993 Agreement for 575 Broadhollow Rd. The District's STP has sufficient excess treatment capacity to accommodate this project and the staff recommends formal approval.

Commissioner Anderson asked if there was a representative present and Mr. Tom Schiavone mentioned that he was. He introduced Daniel Pederson, P.E., the engineer for 575 Broadhollow Rd. He said that he did not have anything to add to Mr. Donovan's narrative.

Legislator Krupski asked how did the staff go about reviewing an expired agreement. Mr. Donovan said if the property was connected, the staff would look at the contractual changes that would be necessary from the time that the original agreement was executed. Mr. Braun added that since there were some provisions that were standard for the current connection agreement but were not around 25 years ago, the new agreement would incorporate those provisions. He added that usually there were no new connection fees for renewed agreements, unless there was an additional gallonage to be handled. For the project at hand, where we are reinstating the agreement, we are essentially amending and extending the existing agreement for 25 more years.

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

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO. 21 - 2016, AUTHORIZING THE ISSUANCE OF THE NEW AGREEMENT FOR THE EXISTING CONNECTION OF 575 BROADHOLLOW ROAD (HU-1208.1) TO SUFFOLK SEWER DISTRICT NO. 3 – SOUTHWEST**

WHEREAS, 575 Broadhollow Rd. LLC is the new owner of the former Ruland Associates' industrial building located on 3.25± acres at 575 Broadhollow Rd. in Melville and connected to the County Sewer District No. 3 – Southwest. The aforementioned building is located on the property identified on the Suffolk County Tax Map as District 0400, Section 267.00, Block 01.00, Lot 055.002, and

WHEREAS, Ruland Associates previously had a Sewer Agency agreement that was dated May 26, 1993 and expired on December 31, 2015, and

WHEREAS, the aforementioned agreement allocated Four Thousand Seven Hundred Fifty-Three gallons per day (4,753 GPD) of flow to Ruland Associates and the connection fees for that flow were paid in full, and

WHEREAS, 575 Broadhollow Rd. LLC has applied to this Agency for permission to reinstate the expired 1993 Agreement, and

WHEREAS, 575 Broadhollow Rd. facility is not located within the boundaries of Suffolk County Sewer District No. 3 - Southwest (the "District"), or within the boundaries of any other municipal sewer district, and

WHEREAS, the District's sewage treatment plant has sufficient capacity to accept the sewage, which is currently expected to emanate from 575 Broadhollow Rd. building, and

WHEREAS, the connection of 575 Broadhollow Rd. to the District will be financially beneficial to the District, and continue to be environmentally beneficial to Suffolk County, 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 connection 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, require 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 575 Broadhollow Road LLC, 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 based on the previous Sewer Agency agreement, the Four Thousand Seven Hundred Fifty-Three gallons per day (4,753 GPD) of capacity in the District's sewage treatment plant be allocated to 575 Broadhollow Rd. without charge for a connection fee, and it is further

5th 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 575 Broadhollow Rd. 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 20, 2016)

## **B. Formal Approval – Connection/Construction Agreement – Time Extension**

### **LEXINGTON VILLAGE CONDOMINIUMS**

**IS-1263**

Mr. Donovan mentioned that this project is an existing One Hundred Seventy (170) unit condominium subdivision situated on 9.7 acres located north of the Southern State Parkway, at the intersection of Manatuck Boulevard and Hemlock Drive in Brentwood. The estimated flow from this project is Forty-Five Thousand gallons per day (45,000 GPD). The project owner is requesting a Sixth (6th) time extension to complete the connection agreement to connect to SCSD No. 3 - Southwest. The capacity continues to be available in the district and Staff recommends granting the request for a time extension.

Commissioner Anderson asked if there was a representative present and Mike Chiarelli, P.E., the engineer for the project, mentioned that he was. He added that this project was tabled last month and that he brought as much information as he could with him. The Town has requested an update of the easement survey and once that was completed, that would be one of the last components for them to close on the bonds. He added that the project attorney should do a review of the agreement and that he was not sure whether Mr. Braun had sent an agreement. Mr. Braun responded that the agreement had been sitting on his desk waiting for the extension to be granted and assuming that it would be granted, the agreement would go out to the project attorney that afternoon.

Mr. Chiarelli said that his attorney and the Town attorney were reviewing the agreement and it looked that it would be another month or so before it would be signed. He added that he had been informed that Lexington Village started to collect the assessment as if it was paying back the bonds and putting it into the escrow funds.

Ms. Broughton asked why the project was not subject to the affordable housing law and whether it was because the community predated the Law. Mr. Braun responded that the community had been there for a long time and had its own treatment plant which, as he understood it, was failing and was under a Consent Order to connect to some other treatment facility. There was nothing new being built, so the owner could not throw out the existing tenants and put in affordable ones. Legislator Krupski asked why it would not be subject to the affordable housing requirements if it was connecting to the County Sewer District. Mr. Braun responded that this was because this was an existing community, so the owner was not starting with the vacant land and putting the new residences on that they could control who they allow to move into; it was already all occupied and there did not seem to be a way to say that 20% of the existing tenants had to meet affordable housing requirements because they probably did not.

Legislator Krupski asked if there was a way to phase this in over time. Mr. Braun responded that this was not something the Sewer Agency has done before and when there is an affordable housing requirement for the new construction, the assumption is that the owner has made financial adjustments to be able to afford to do that. To simply tell the developer that they have to reduce the rent on some of the units and restrict who can live there, Mr. Braun was not certain it was something the Agency could do. Legislator Krupski said that the Law was obviously silent on that and Mr. Braun responded affirmatively.

Mr. Donovan said that this was in a low income area and many of the residents living there were probably below the income threshold. Legislator Krupski said that then the affordability aspect was easy to accomplish. Mr. Donovan said that these were condos and he did not know if the original owners were renting to low income and maybe they did not meet the low income requirements themselves but it did satisfy a housing requirement for people in the area. Ms. Broughton asked to clarify if the Law applies to new construction. Mr. Braun responded that the Law says when tenable units are being built, that 20% of them have to be affordable. He noted that this was not the exact quote so it needs to be checked whether the language said 'are going to be built' or 'planned' or 'exist' or 'going to be connected.' He added that to clarify what Mr. Donovan was saying, the owners of these units might not meet the affordable housing requirements but apparently many of them are rented by individual condo owners to people who meet these requirements. The Law does not talk about that; it talks about that the units have to be restricted; it does not say who owns them. So it's a complication that apparently has not been contemplated before for existing communities.

Commissioner Anderson said that his impression from discussions from the past had always been that the Law applied to proposed communities and not the existing ones. Mr. Braun added that if these units were already individually owned, how would we go about picking 20% of those owners who would charge the affordable rent and the other 80% of the owners who don't have to do so? These units did not belong to a developer; they were already separately individually owned. Commissioner Anderson asked how often the Agency had these type of situations coming before the Board. Mr. Donovan said that we have a number of existing communities connected to private treatment plant that decide to give up the treatment plant and connect to a County District, so it does happen and it's complicated to try to fit these situations to the Law. Ms. Broughton added that there was an environmental imperative here since the existing plant was failing. Mr. Donovan added that in this particular case there was government assistance to the existing residents so the original owners can rent and be compensated by people living in the units. Legislator Krupski asked if Mr. Braun could look into this closer. Mr. Braun responded affirmatively and offered to write a memo clarifying what the Law says as relates to the situation at hand.

Mr. Littell said that, as a point of clarification, the discussion last time was about bonding being work in progress for a couple of years and the testimony today was that the Town requested an update on the easement survey and, pending that, the funding should be released for the bonds. He asked Mr. Chiarelli if that was his understanding and Mr. Chiarelli responded affirmatively.

Mr. Littell said that based on Mr. Chiarelli's testimony, he was making a motion to approve the resolution; the motion was seconded by Ms. Broughton and approved unanimously.

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO: 22 - 2016**

### **AUTHORIZING THE EXTENSION OF TIME FOR THE CONNECTION OF LEXINGTON VILLAGE CONDOMINIUMS (IS-1263) TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST**

WHEREAS, on June 16, 2008, this Agency adopted Resolution No. 6-2008, authorizing connection of Lexington Village Condominiums to Suffolk County Sewer District No. 3 - Southwest, and on October 19, 2009, March 21, 2011, May 21, 2012, June 17, 2013, and May 18, 2015, granted one year time extensions to complete the Connection Agreement, and

WHEREAS, Resolution No. 25-2015 granted a one year time extension for completion of the Agreement, however, the resolution expired on May 18, 2016, without the completion of the Agreement, and

WHEREAS, negotiations concerning such an agreement are incomplete, and

WHEREAS, the developer of Lexington Village Condominiums has requested an extension of the authorization granted in Resolution No. 6-2008,

NOW, THEREFORE, IT IS

1<sup>st</sup> RESOLVED, that Resolution No. 6-2008, adopted by this Agency on June 16, 2008 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.

(Suffolk County Sewer Agency Meeting – June 20, 2016)

Mr. Donovan mentioned that this project is an existing One Hundred Fifty-One (151) unit Homeowner's Association subdivision located on the southeast corner of Blydenburgh Road and the LIE North Service Road in Islandia. The development is presently served by a failing on-site STP. The flow from the development is expected to be Thirty-Five Thousand gallons per day (35,000 GPD), for which the HOA is requesting an additional time extension to complete the Connection Agreement to connect to SCSD #13 - Windwatch.

Staff recommends granting the Time Extension request.

Commissioner Anderson asked if there was a representative present and Mike Chiarelli, P.E., the engineer for the project, mentioned that he was. He added that the contract documents were on the cusp of being approved. The agreement will be reviewed by the project attorney. The funding was in place and the project team was ready to proceed and was just waiting for the documents to be approved.

In response to Legislator Krupski's question, Commissioner Anderson clarified that this project was the case where the existing treatment plant was failing and the impact on the community rebuilding was pretty drastic and after the work between DPW and the engineer it was decided to go the SCSD #13 – Windwatch. Mr. Chiarelli described other options that were considered prior to deciding to go to SCSD #13.

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

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO: 23 - 2016**

### **AUTHORIZING THE EXTENSION OF TIME FOR THE CONNECTION OF TOWNE HOUSE VILLAGE CONDOMINIUMS (IS-1278) TO SUFFOLK COUNTY SEWER DISTRICT NO. 13 - WINDWATCH**

WHEREAS, on June 15, 2009, this Agency adopted Resolution No. 26-2009, authorizing the connection of Towne House Village Condominiums (IS-1278) to Suffolk County Sewer District No. 13 - Windwatch, and

WHEREAS, on June 21, 2010, adopted Resolution No. 12-2010, on September 19, 2011, adopted Resolution 16-2011, on September 24, 2012 adopted Resolution 34-2012, on September 16, 2013, adopted Resolution 29-2013, and on September 15, 2014, adopted Resolution 34-2014, each granting one year time extensions for completion of the Connection Agreement. However, Resolution 34-2014 expired on September 15, 2015, without the completion of the Agreement, and

WHEREAS, the Board of Towne House Village Condominiums has requested an extension of the authorization granted in Resolution No. 26-2009,

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 26-2009, adopted by this Agency on June 15, 2009, 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 20, 2016)

Mr. Donovan mentioned that 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 six story office building with a restaurant and to connect to SCSD #3 – Southwest. The new construction proposes to discharge an additional flow of 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 granting the time extension.

Commissioner Anderson asked if there was a representative present and Kathleen Deegan Dickson, Esq., the attorney for the project, mentioned that she was. Ms. Deegan Dickson said that the project team had been working with the Town of Huntington for a number of years. There is an existing building and the proposal is to demolish it and construct a six-story office building with accessory restaurants and banks in the lower level. The project is located directly across the Walt Whitman Rd. from the Canon project, so the Town is still studying the traffic impact to determine what else they want the project team to do to alleviate any congestion. This is the reason for the third extension.

Ms. Deegan Dickson said that the increase in gallonage was associated with the original request for a connection agreement. The existing building was authorized to discharge 6,200 GPD of flow and the proposed building was for an additional 13,920 GPD of flow. Mr. Littell asked if Ms. Deegan Dickson had any idea when the Town would give the project team any directions on the infrastructure issues. Ms. Deegan Dickson responded that a lot of this had to do with the Walt Whitman Bridge but she really did not have the timeline. The project team has been working with the Town trying to accelerate the decision.

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

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO: 24 - 2016 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 Suffolk County Sewer District No. 3 - Southwest, and on July 15, 2013, June 16, 2014 and July 13, 2015 adopted Resolutions No. 22-2013, 23-2014 and 30-2015, respectively, each granting an additional one year term to complete the amended connection agreement, and

WHEREAS, Resolution No. 30-2015, granted a one year time extension for completion of the Agreement, but the approval will expire on July 13, 2016, 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

1<sup>st</sup> RESOLVED, that Resolution No. 20-2012, adopted by this Agency on July 16, 2012, 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.

(Suffolk County Sewer Agency meeting June 20, 2016)

Mr. Donovan mentioned that this project proposes to replace the existing Sewage Treatment Plant currently servicing the Whispering Pines/Colonial Woods Condominiums, SCSD No. 8-Strathmore Ridge, and Phase I of the Meadows at Yaphank. The existing STP was recently upgraded to accommodate a wastewater flow of Two Hundred Twenty-Five Thousand gallons per day (225,000 GPD) and the developer has proposed to construct an STP capable of treating Four Hundred Fifty Thousand gallons per day (450,000 GPD). The newly constructed STP would treat the wastewater from the above-referenced developments as well as the additional phases of the proposed "Meadows at Yaphank" subdivision. The developer requests a time extension to complete the construction agreement.

Staff recommends granting the time extension to complete the construction agreement for the construction, operation and maintenance of a new replacement sewage treatment plant.

Commissioner Anderson asked if there was a representative present and Chris Kent, Esq., the attorney for the project, mentioned that he was. Mr. Kent said that the negotiations to complete the construction agreement were close to completion. Legislator Krupski reiterated his earlier points about the level of treatment and the sensitive nature of the area. He asked if any consideration had been given to the sensitive location of the plant. Brian Ferraggiari from AVR Realty responded that this project was fully vetted through SEQRA and zoning approvals and added that the project was located in the Compatible Growth Area of the Central Pine Barrens and received the necessary vetting. In addition, the plant will be using the MBR (Membrane Bioreactor) treatment process. As part of the review, the project team voluntarily agreed to achieve 8 mg/l of nitrogen in the effluent but being in the Compatible Growth Area, they had to have less than 2.5 mg/l of nitrogen at the property line. The modeling during SEQRA approval showed that the project would meet that requirement. Mr. Kent added that this was a replacement plant with better technology than the original plant constructed in 1973.

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

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO. 25 - 2016**

### **AUTHORIZING AN EXTENSION OF TIME FOR THE COMPLETION OF THE CONTRACT TO CONSTRUCT, OPERATE, AND MAINTAIN A SEWAGE TREATMENT PLANT FOR THE SEWAGE TREATMENT PLANT AT DORADE (BR 1410.1)**

WHEREAS, on February 10, 2014, this Agency adopted Resolution No. 5-2014, authorizing the construction and operation and maintenance of a sewage treatment system for a Replacement Sewage Treatment Plant at Dorade, and

WHEREAS, on March 23, 2015, this Agency adopted Resolution No. 22-2015, granting a one-year extension for completion of the Agreement,

WHEREAS, Resolution No. 22-2015 expired on March 23, 2016, without the completion of the Agreement, and

WHEREAS, the developer of the Replacement Sewage Treatment Plant at Dorade has requested an extension of the authorization granted in Resolutions No. 5-2014, and

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 5-2014, adopted by this Agency on February 10, 2014, 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 20, 2016)

Mr. Donovan mentioned that this project is an existing service station and convenience store situated on 0.43± acres on Straight Path in Wyandanch. The parcel is within the Town of Babylon revitalization project area and the owner proposes to connect to Sewer District No. 3 – Southwest through the Wyandanch Commercial Corridor (WCC) sewer system. The anticipated discharge is Seventy-Five gallons per day (75 GPD) of wastewater. The capacity is available in the sewer district.

The owner has requested a time extension to complete the connection agreement. Staff recommends granting a time extension of the connection to the Sewer District No. 3 - Southwest.

Commissioner Anderson asked if there was a representative present and Mr. Donovan responded negatively. Mr. Braun said that he had started working on the contract and then for some reason the whole new application came in from the owner, which was a little bit confusing. The Agency's staff figured out that this was the same project and turned this into an application for time extension rather than the whole new application. The Agency already approved the original application.

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

# **SUFFOLK COUNTY SEWER AGENCY**

## **RESOLUTION NO: 26 - 2016 AUTHORIZING THE EXTENSION OF TIME FOR THE CONNECTION OF 1369-1373 STRAIGHT PATH (BA-1477.1-009) TO SUFFOLK COUNTY SEWER DISTRICT NO. 3 - SOUTHWEST**

WHEREAS, 1369-1373 Straight Path is an existing service station and convenience store situated on Straight Path in Wyandanch, New York, on property identified on the Suffolk County Tax Map as District 0100, Section 080.00, Block 01.00, Lot 098.000, and

WHEREAS, on February 9, 2015, this Agency adopted Resolution No. 2-2015, authorizing the connection of the 1369-1373 Straight Path to SCSD No. 3 - Southwest, and

WHEREAS, Agency Resolution No. 2-2015, granted one year for completion of the Agreement, however, the resolution expired on February 9, 2016, without the completion of the Agreement, and

WHEREAS, the owner of 1369-1373 Straight Path has requested an extension of the authorization granted in Resolution No. 2-2015, and

NOW, THEREFORE, IT IS

1st RESOLVED, that Resolution No. 2-2015, adopted by this Agency on February 15, 2015, 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 20, 2016)

Seeing no further business, Commissioner Anderson made a motion to adjourn the meeting. The motion was seconded by Legislator Krupski and approved unanimously at 11:36 AM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Boris Rukovets".

Boris Rukovets, P.E.  
Secretary, SC Sewer Agency

*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

June 20, 2016

Suffolk County Sewer Agency  
SCDPW - Sanitation - Engineering

No.	Name	Firm/Company	Project	Email Address (copy of minutes)
1	MIKE CHIARELLI	CHIARELLI ENG	LEXINGTON VILLAGE / TOWN	MCHIARELLI@MPEENGINEERING.COM
2	BRIAN FERRAGGIARI	DORADE INC.	MEADOWS AT YAPHANK	brian.ferraggiari@avvrealty.com
3	TOM PERNA	DORADE INC.	MEADOWS AT YAPHANK	tom.perna@avvrealty.com
4	KATHLEEN DEEGAN DICKSON	Forchelli Curto Deegan	LBA Melville 270 S. Service Rd.	kdickson@forchellilaw.com
5	TAM LEMBO	N/A	VISTAS PORT JEFF	TLEMB@NELSONPOPE.COM
6	Christopher Kent	Farrell Fritz	Dorade/Rose Brook Acres	ckent@farrellfritz.com
7	Russell Mork	Benjamin Co's	Vistas at Port Jeff	RMork@BenjaminDeuco.com
8	Tom Sutherland	Total Permits	575 Broad Hollow Rd. Melville	TS@totalpermits.com
9	DANIEL PEDERSEN	LUPO GROUP	575 BHR LLC	DPEDERSEN@THELUPOGROUP.COM
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

If you are not a project representative but would like to address the Sewer Agency, please fill out an index card.