

Environment & Health Meeting Agenda



Committee Chair: Ruth Walter

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, May 3, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting joint with the Committees on Budget & Appropriations and Public Works & Transportation.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[2021-292](#) **PH-Sewer District Mod-Add-Cortlandt**

A RESOLUTION to set a Public Hearing on "AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt.

[2021-293](#) **ACT-Sewer District Mod-Add-Cortlandt**

AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt.


II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

April 26, 2021

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **Act – Modify Peekskill
Sanitary Sewer District, Cortlandt.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 26, 2021 Agenda.

Transmitted herewith for your review and approval is legislation which would modify the Peekskill Sanitary Sewer District by adding one parcel of property.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 26, 2021 "blue sheet" calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 26, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members:

I have been advised by the Commissioner of Environmental Facilities (the "Commissioner") that the Town of Cortlandt ("Town") has requested pursuant to the attached resolution of the Town that the Peekskill Sanitary Sewer District ("District") be modified to add one (1) parcel of property more particularly described as Hill and Dale Road, Sec. 45.5, Block 1, Lot 3 (Formerly Sec. 45.5, Block 1, Lots 2 & 3) (hereinafter the "Parcel") to the District, which Parcel is not currently in any County Sanitary Sewer District and has never been in any County Sewer District in the past.

I am advised that the analysis prepared by the Department of Environmental Facilities (the "Department") dated April 6, 2021 and attached hereto indicates that the proposed addition of the Parcel represents an increase of 0.0081% to the Equalized Full Value of the District. The addition of the Parcel will not cause significant changes in the tax rate of the District.

According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the Parcel to County facilities (i.e., gravity sewers) will be constructed at the total expense of the Town; 3) maintenance of the completed facilities will be the responsibility of the Town and not the District; 4) the Peekskill Water Resource Recovery Facility (the "Plant") has a design flow of 10 MGD and the present average daily flow is 6.1 MGD, while the average daily flow the Parcel will generate after inclusion is 400 GPD, and therefore the Plant and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

As your Honorable Board knows, County Administrative Code section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators may only alter or change a district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board of Legislators shall direct. Therefore, attached hereto is a Resolution which will authorize the date and time of the public hearing.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges will be paid by the Parcel. The Department recommends an aggregate surcharge of \$3,400.00 to be paid in each of ten equal annual installments of \$340.00, be assessed against the Parcel. This surcharge reflects capital costs incurred from inception of the District in 1970 through 2020. This formula has been used in past legislation for parcels added to a sanitary sewer district.

The Planning Department has advised that based on its review, a copy of which is attached, the proposed addition of the Parcels constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617.5(c)(11), (13) and (33) and therefore no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the above facts and the feasibility study provided by the Department, I respectfully recommend that your Board adopt a resolution which will authorize Legal Notice for the public hearing as required by the Administrative Code in such matters. In addition, I urge your Board to file with the Clerk of the Board the Feasibility Report and, after the public hearing, adopt an act which will add the Parcel to the District.

Sincerely,

A handwritten signature in blue ink, appearing to read "George Latimer", written in a cursive style.

George Latimer
County Executive

GL/VK/MP/jpg
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a transmittal from the County Executive in which the County Executive states that the Commissioner of Environmental Facilities (the “Commissioner”) has advised him that the Town of Cortlandt (“Town”) has requested pursuant to the attached resolution of the Town that the Peekskill Sanitary Sewer District (“District”) be modified to add one (1) parcel of property more particularly described as Hill and Dale Road, Sec. 45.5, Block 1, Lot 3 (Formerly Sec. 45.5, Block 1, Lots 2 & 3) (hereinafter the “Parcel”), which Parcel is not currently in any County Sanitary Sewer District and has never been in any County Sewer District in the past.

Your Committee is informed that the analysis prepared by the Department of Environmental Facilities (the “Department”) dated April 6, 2021 and attached hereto, indicates that the proposed addition of the Parcel represents an increase of 0.0081% to the Equalized Full Value of the District. The addition of the Parcel will not cause significant changes in the tax rate of the District.

According to the Department, the proposal to add the Parcel is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the Parcel to County facilities (i.e., gravity sewers) will be constructed at the total expense of the Town; 3) maintenance of the completed facilities will be the responsibility of the Town and not the District; 4) the Peekskill Water Resource Recovery Facility (the “Plant”) has a design flow of 10 MGD and the present average daily flow is 6.1 MGD, while the average daily flow the Parcel will generate after inclusion is 400 GPD, and therefore the Plant and the County Trunk Sewer have sufficient capacity to accommodate the Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the Parcel proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

Your Committee notes that Section 237.131 of the County Administrative Code authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing after notice has been given by

publication in such manner and for such time as the Board shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would authorize the date and time of the public hearing. Your Committee recommends adoption of said Resolution.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges, if any, will be paid by the Parcel. Your Committee has been informed that the Department recommends that an aggregate surcharge of \$3,400.00 to be paid in each of ten equal annual installments of \$340.00, be assessed against the Parcel. This surcharge reflects capital costs incurred from inception of the District in 1970 through 2020. This formula has been used in past legislation for parcels added to a sanitary sewer district.

The Planning Department has advised that based on its review, the proposed addition of the Parcel constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR, Part 617.5(c)(11), (13) and (33), and therefore no further environmental review is required. Your Committee has reviewed the annexed SEQRA documentation and concurs with this conclusion.

Based on the above facts and the Feasibility Report prepared by the Department, your Committee concurs with the recommendation of the County Executive and recommends that your Honorable Board adopt the annexed Resolution which will authorize publication of the Legal Notice for the public hearing as required by the Administrative Code in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the addition of the Parcel to the District.

It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass this Act.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

K:JPG 4/12/218

FISCAL IMPACT STATEMENT

SUBJECT: Hill and Dale Road Lot 3, Peekskill SSD, Cortlandt (T)

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 236-60-1610-9012

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: Operating expenses related to process and treatment

plant expenses of additional flow from these parcels.

Potential Related Operating Budget Revenues: Annual Amount \$ 340

Describe: "Buy-in" revenue for parcel added to the Saw Mill Sewer District each year

for the next 10 years

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: Please see descriptions above

Prepared by: Marian Pompa, Jr. P.E.

Title: Associate Engineer

Department: Environmental Facilities

Date: April 6, 2021

wo
Reviewed By:

[Signature]
Budget Director

Date:

4/15/21

RESOLUTION

NUMBER 65-21

(RE: AUTHORIZE REQUEST TO HAVE A PARCEL LOCATED WITHIN THE TOWN INCLUDED IN THE PEEKSKILL SANITARY SEWER DISTRICT AND FORWARD SAME TO WESTCHESTER COUNTY FOR CONSIDERATION)

WHEREAS, by letter dated January 28, 2021 from Arlene Salkow and Alex Weiss, Owner and Contract Vendee of Section 45.5, Block 1, Lot 3 property described below was received by the Town Board of the Town of Cortlandt at the Town Board Meeting held February 9, 2021 for a parcel located at Hill and Dale Road, Cortlandt Manor, New York 10567; and

WHEREAS, the owner(s) has requested the Town of Cortlandt petition the County of Westchester to have said property included into the Peekskill Sanitary Sewer District; said property is designated as follows:

Section 45.5 Block 1, Lot 3
(Formerly Section 45.5 Block 1, Lots 2 & 3)
Hill and Dale Road
Cortlandt Manor, NY 10567

Owner: Arlene Salkow
Contract Vendee: Alex Weis

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cortlandt, on behalf of the above mentioned owner and contract vendee in the Town of Cortlandt, does hereby petition the County of Westchester to include said parcel designated above into the Peekskill Sanitary Sewer District.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted February 9, 2021
At a Regular Meeting
Held via Zoom**

Certified Copy
02/16/21 Date
JR Shatzkin
Town Clerk and Registrar

COUNTY OF WESTCHESTER
DEPARTMENT OF ENVIRONMENTAL FACILITIES

April 6, 2021

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR A CERTAIN PROPERTY

IN THE

PEEKSKILL SANITARY SEWER DISTRICT

TOWN OF CORTLANDT



MP

Vincent F. Kopicki, P.E.
Commissioner
Environmental Facilities

The Town of Cortlandt has petitioned that one (1) property currently not included in the Peekskill Sanitary Sewer District be added to the Peekskill Sanitary Sewer District.

A. The identification of the property not currently within the boundaries of the Peekskill Sanitary Sewer District and to be added is contained in the attached Resolution prepared by the Town Clerk, Town of Cortlandt. Said property is not currently in any County Sanitary Sewer District, and has never been in any County Sewer District in the past. The property is known as Hill and Dale Road, designated as Section 45.5, Block 1, Lot 3 (formerly Section 45.5, Block 1, Lots 2 & 3).

B. EFFECT ON SEWER DISTRICT TAX RATE:

Full Equalized Valuations, which are assessed values adjusted for equalization rates, form the basis on which the sewer district tax levies are apportioned by the County Board of Legislators. The following are the full equalized valuations in the 2021 tax levy pertinent to the subject property:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Cortlandt	\$ 13,840,248	1.53%	\$ 904,591,373
Peekskill	122,499,888	2.83	4,328,617,951
Somers	29,449,911	11.61	253,659,871
Yorktown	53,040,254	2.23	2,378,486,726
Total			\$7,865,355,921
(Town of Cortlandt) Total Value of the property to be added			+ <u>637,255</u>
Total Full Value of District as Amended:			\$7,865,993,176

* represents a 0.0081% increase in the FEV of the District

C. The Surcharge Calculation for the property which is not now in a County Sewer District and is proposed for inclusion in the Peekskill Sanitary Sewer District is as follows:

If: e = added area's share in District equity or surcharge amount;

A = added area's f.e.v., 2021 Rolls

D = District f.e.v., 2021 rolls, before proposed additions

and E = District equity in existing facilities or the total of debt service and advances from district levies to pay the capital costs of those facilities, for the period 1970 through 2020.

Then:
$$e = \frac{A}{D+A} \times E$$

$$e = \frac{637,255}{7,865,355,921 + 637,255} \times 42,325,132$$

$$e = \frac{637,255}{7,865,993,176} \times 42,325,132$$

$$e = .00008101 \times \$42,325,132$$

$$e = \$3,428.82 \text{ (rounded to } \$3,400.00)$$

and: in each of 10 annual installments, a total surcharge of \$340.00 is to be collected from the added property and credited to the remaining properties of all Municipalities in the District, in each of the ten years.

D. Summary and Recommendations.

The proposed Peekskill Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the Town of Cortlandt.
2. The facilities necessary to connect the property to County facilities (i.e. Gravity Sewers) will be constructed at the total expense of the Town of Cortlandt.
3. Maintenance of the completed facilities will be the responsibility of the Town of Cortlandt but not the Peekskill Sanitary Sewer District.
4. The Peekskill Water Resource Recovery Facility has a design flow of 10 MGD and the present average daily flow is 6.1 MGD. The average daily flow the parcels will generate is 400 gallons per day. The Facility and the County Trunk Sewer have sufficient capacity to accommodate this property.
5. The subject expansion will not result in any significant effect on the tax structure of the district.
6. The Territory proposed to be added to the Peekskill Sanitary Sewer District is not now in any County Sewer District and will be required to pay a surcharge over a ten year period.

File Name: FEAS_Hill_and_Dale_Lot_3.docx

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

FROM: David S. Kvinge, AICP, RLA, CFM
Director of Environmental Planning



DATE: April 15, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR ADDITION OF
ONE PROPERTY TO PEEKSKILL SANITARY SEWER DISTRICT
HILL AND DALE ROAD, TOWN OF CORTLANDT**

PROJECT/ACTION: Modification of the Peekskill Sanitary Sewer District to add one parcel—Section 45.5, Block 1, Lot 3 (formerly Lots 2 & 3)—located on Hill and Dale Road in the Town of Cortlandt. The parcel is approximately 0.89 acre in size. A single-family residence is proposed that will be able to access the sewer system via a lateral connection to an existing low pressure sanitary sewer force main on Hill and Dale Road.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

DOES NOT MEET THE DEFINITION OF AN “ACTION” AS DEFINED UNDER SECTION 617.2(b)

MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:

617.5(c)(11): construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system or both, and conveyances of land in connection therewith;

617.5(c)(13): 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;

617.5(c)(33): adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

COMMENTS: Sewage from the Peekskill Sanitary Sewer District is treated at the Peekskill Water Resource Recovery Facility (WRRF), which has a design flow of 10 million gallons per day (MGD). The present average daily flow is 6.1 MGD. Since the residence is expected to generate

approximately 400 gallons of sewage per day, both the WRRF and County trunk sewer have sufficient capacity to accommodate this anticipated nominal additional flow.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Marian Pompa, Associate Engineer
Jeffrey Goldman, Senior Assistant County Attorney
Claudia Maxwell, Associate Environmental Planner

RESOLUTION NO. – 2021

RESOLVED, that this Board hold a public hearing on the proposed modification to the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt, more particularly described as Hill and Dale Road, Sec. 45.5, Block 1, Lot 3 (Formerly Sec. 45.5, Block 1, Lots 2 & 3), pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ P.M. on the ____ day of _____, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Such Notice shall be substantially in the form attached hereto.

PUBLIC NOTICE

NOTICE OF HEARING: MODIFICATION TO THE PEEKSKILL SANITARY SEWER DISTRICT BY THE ADDITION OF ONE (1) PARCEL OF PROPERTY IN THE TOWN OF CORTLANDT; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE _____ DAY OF _____, 2021 AT _____ P.M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE PROPOSED ADDITION TO THE PEEKSKILL SANITARY SEWER DISTRICT OF LAND IN THE TOWN OF CORTLANDT IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED APRIL 6, 2021, OF THE PARCEL LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION.

HILL AND DALE ROAD, SEC. 45.5, BLOCK 1, LOT 3 (FORMERLY SEC. 45.5, BLOCK 1, LOTS 2 & 3)

A COPY OF THE REPORT AND MAP PREPARED BY THE COMMISSIONER OF ENVIRONMENTAL FACILITIES IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD OF LEGISLATORS AND MAY BE INSPECTED THERE BY ANY INTERESTED PARTY DURING BUSINESS HOURS.

CLERK OF THE COUNTY
BOARD OF LEGISLATORS
WESTCHESTER COUNTY, NEW YORK

Dated: _____, 2021
White Plains, New York

Benjamin Boykin II

Chairman of the Board

Legislator, 5th District



TO: Hon. Catherine Borgia
Chair, Budget & Appropriations

Hon. Vedat Gashi
Chair, Public Works & Transportation

Hon. Ruth Walter
Chair, Environment & Health

FROM: Hon. Benjamin Boykin
Chairman of the Board

DATE: April 27, 2021

RE: **Modify Peekskill Sanitary Sewer District - Cortlandt**

As Chairman of the Board of Legislators, I am placing the below items directly into the Committees on Budget & Appropriations, Public Works & Transportation and Environment & Health.

Thank you.

(ID: 2021-292) **PH-Sewer District Mod-Add-Cortlandt**

A RESOLUTION to set a Public Hearing on "AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt.

(ID: 2021-293) **ACT-Sewer District Mod-Add-Cortlandt**

AN ACT to modify the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt.

cc: Melanie Montalto
Alie Restiano
James Silverberg
Yolanda Valencia
Sunday Vanderberg

ACT NO. - 2021

AN ACT to Modify the Peekskill Sanitary Sewer District by the Addition of one (1) Parcel of Property Located in the Town of Cortlandt.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. The following property known and designated as Hill and Dale Road, Sec. 45.5, Block 1, Lot 3 (Formerly Sec. 45.5, Block 1, Lots 2 & 3) (the "Parcel") on the assessment maps of the Town of Cortlandt (the "Town") is hereby added to the Peekskill Sanitary Sewer District (the "District").

§ 2. Pursuant to the provisions of Chapter 237 of the Laws of Westchester County, the Board levies and assesses against the Parcel the aggregate sum of Three Thousand Four Hundred Dollars (\$3,400.00) which amount shall be payable in ten equal annual installments of Three Hundred Forty Dollars (\$340.00) and shall be credited to the remaining portion of the District.

§ 3. This Act and the District and assessment areas as so altered, changed, modified, reduced and/or enlarged hereby, shall become effective immediately and the assessment rolls filed after the next taxable status date shall show County sewer district assessments and taxes on the basis of such revised District, and taxes levied on such rolls shall be based thereon, but any sewer district tax or assessment levied on any valid assessment rolls in effect prior to the next taxable status date, on any parcel affected by the revisions made by this Act, shall continue valid as such or as a tax lien, until paid and the amount paid shall be credited to the sewer district in which such parcel was assessed on the role on which said tax is levied.

§ 4. The County Executive or his authorized designee be and hereby is authorized and empowered to execute any and all instruments and to take all action necessary and appropriate to accomplish the purposes hereof.

§ 5. This Act shall take effect immediately.