



George Latimer
County Executive

March 23, 2022

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 141 Furnace Woods Road, Sec. 44.12, Block 1, Lot 3 (hereinafter the "Parcel") to the District. This Parcel is not currently in any County of Westchester ("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 January 5, 2022 and attached hereto, indicates that the proposed addition of the Parcel represents an increase of 0.1162% 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 "Facility") 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 16,000 GPD, and therefore the Facility 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) 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 \$49,100.00 to be paid in each of ten equal annual installments of \$4,910.00, be assessed against the Parcel. This surcharge reflects capital costs incurred from inception of the District in 1970 through 2021. This formula has been used in past legislation for parcels added to a sanitary sewer district.

The Planning Department has advised that the proposed County sewer district modification is part of the Town's Furnace Woods Sewer District project (the "Project"), which involves the installation of a pump station and force mains that will allow the subject property to discharge sanitary wastewater to the County sanitary sewer system associated with the District. In accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"), the Town Board classified the Project as an Unlisted action. The Town initially reviewed the project in 2017 and adopted a Negative Declaration on July 18, 2017. In 2020, the Town reinitiated the SEQR process and sent out a notice of intent to serve as lead agency on January 9, 2020. On February 11, 2020, the Town Board adopted another Negative Declaration. Your Honorable Board, however, was not included as an involved agency. As such, your Honorable Board must now make its own SEQR determination. The Planning Department has prepared the attached Short Environmental Assessment Form to assist your Honorable Board in making the required determination of significance or non-significance pursuant to SEQR.

Based on the above facts and the feasibility study provided by the Department, I respectfully recommend that your Honorable 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,



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, stating that the Commissioner of Environmental Facilities (the “Commissioner”) has advised 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 141 Furnace Woods Road, Sec. 44.12, Block 1, Lot 3 (hereinafter the “Parcel”). This Parcel is not currently in any County of Westchester (“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 January 5, 2022 and attached hereto, indicates that the proposed addition of the Parcel represents an increase of 0.1162% 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 “Facility”) 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 16,000 GPD, and therefore the Facility 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 \$49,100.00 to be paid in each of ten equal annual installments of \$4,910.00, be assessed against the Parcel. This surcharge reflects capital costs incurred from inception of the District in 1970 through 2021. This formula has been used in past legislation for parcels added to a sanitary sewer district.

The Planning Department has advised that the proposed County sewer district modification is part of the Town's Furnace Woods Sewer District project (the "Project"), which involves the installation of a pump station and force mains that will allow the subject property to discharge sanitary wastewater to the County sanitary sewer system associated with the District. In accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR), the Town Board classified the Project as an Unlisted action. The Town initially reviewed the project in 2017 and adopted a Negative Declaration on July 18, 2017. In 2020, the Town reinitiated the SEQR process and sent out a notice of intent to serve as lead agency on January 9, 2020. On February 11, 2020, the Town Board adopted another Negative Declaration. Your Honorable Board, however, was not included as an involved agency. As such, your Honorable Board must now make its own SEQR determination. The Planning Department has advised that the addition of the Parcel would constitute an Unlisted Action under Article 8 of the Environmental Conservation Law, which requires an appropriate environmental review. Your Committee has carefully considered the proposed legislation. It has reviewed the attached Short Environmental Assessment Form (EAF) and the criteria contained in Section 617.7 of Title 6 of the New York State Code of Rules and Regulations, the SEQR regulations, to identify the relevant areas of environmental concern. For the reasons set forth in the attached EAF, your Committee believes that the proposed action will not have any significant adverse impact on the environment and urges your Honorable Board to adopt the annexed resolution by which this Board would issue a Negative Declaration for this proposed action.

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: _____, 2022
White Plains, New York

COMMITTEE ON

K:JPG 03/16/2022

FISCAL IMPACT STATEMENT

SUBJECT: 141 Furnace Brook Road, 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 \$ _____ 4,910

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: Director Of Maintenance

Department: Environmental Facilities


Date: March 16, 2022

WO
Reviewed By: *[Signature]*

Dty Budget Director

Date: 3/22/22

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: March 15, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR MODIFICATION OF
THE PEEKSKILL SANITARY SEWER DISTRICT TO ADD 141 FURNACE
WOODS ROAD IN THE TOWN OF CORTLANDT**

In response to your request for an environmental review of the above referenced action, the Planning Department has prepared the attached documentation.

The proposed County sewer district modification is part of the Town of Cortlandt's Furnace Woods Sewer District project, which involves the installation of a pump station and force mains that will allow the subject property to discharge sanitary wastewater to the County sanitary sewer system associated with the Peekskill Sanitary Sewer District.

In accordance with the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR), the Town of Cortlandt Town Board classified the Furnace Woods Sewer District project as an Unlisted action. The Town of Cortlandt initially reviewed the project in 2017 and adopted a Negative Declaration on July 18, 2017. In 2020, the Town reinitiated the SEQR process and sent out a notice of intent to serve as lead agency on January 9, 2020. On February 11, 2020, the Town Board adopted another Negative Declaration. The County Board of Legislators, however, was not included as an involved agency. As such, the Board of Legislators must make its own SEQR determination.

Attached is the Short Environmental Assessment Form/Negative Declaration that was completed for the project by the Town of Cortlandt in 2020. The Town also recently provided the County with a Full Environmental Assessment Form for the project, which is also attached. Lastly, a Short Environmental Assessment Form has been prepared and is attached for consideration by the Board of Legislators to fulfill its obligations under SEQR.

Please contact me if you require any additional information regarding these documents.

DSK/cnm
Att.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner of Planning
Marian Pompa, Director of Maintenance, DEF
Jeffrey Goldman, Senior Assistant County Attorney
C.J. Gelardo, Associate Engineer, DEF
Claudia Maxwell, Associate Environmental Planner

RESOLUTION

NUMBER 112-21

**(AUTHORIZE THE REQUEST TO HAVE TOWN PARCEL(S) INCLUDED IN THE
PEEKSKILL SANITARY SEWER DISTRICT AND FORWARD SAME TO
WESTCHESTER COUNTY FOR CONSIDERATION)**

WHEREAS, the Town is in receipt of a letter dated April 1, 2021 from the counsel to the Yeshiva Ohr Hameir requesting that the Town petition the Westchester County Board of Legislators to amend the boundaries of the Peekskill Sanitary Sewer District ("PSSD") to include and incorporate the Yeshiva; and

WHEREAS, the Yeshiva is currently the sole user in the Furnace Woods Sewer District; and

WHEREAS, the Yeshiva is located at 141 Furnace Woods Road (SBL 44.12-1-3);
and

WHEREAS, the Yeshiva submitted a letter in 2010 requesting the same action from the Town Board, and this request was approved by the Town Board pursuant to Resolution Number 195-10;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Cortlandt, on behalf of the above mentioned resident in the Town of Cortlandt, does hereby petition the County of Westchester to include 141 Furnace Woods Road (SBL 44.12-1-3) into the Peekskill Sanitary Sewer District.

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

**Adopted April 13, 2021
At a Regular Meeting
Held via Zoom**

Certified Copy
04/23/2021 Date
JR Shatzkin
Town Clerk and Registrar

COUNTY OF WESTCHESTER
DEPARTMENT OF ENVIRONMENTAL FACILITIES

January 5, 2022

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR A CERTAIN PROPERTY

IN THE

PEEKSKILL SANITARY SEWER DISTRICT

TOWN OF CORTLANDT

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 141 Furnace Woods Road, designated as Section 44.12, Block 1, Lot 3. It is the Yeshiva Ohr Hameir property.

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>9,150,327</u>
Total Full Value of District as Amended:			\$7,874,506,248

* represents a 0.1162% 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 2021.

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

$$e = \frac{9,150,327}{7,865,355,921 + 9,150,327} \times 42,325,132$$

$$e = \frac{9,150,327}{7,874,506,248} \times 42,325,132$$

$$e = .001162 \times \$42,325,132$$

$$e = \$49,182.62 \text{ (rounded to } \$49,100.00)$$

and: in each of 10 annual installments, a total surcharge of \$4,910.00 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 parcel will generate is 16,000 gallons per day. The Facility has 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.
7. The County Trunk sewer currently can handle this additional flow from Yeshiva. It should be noted that a bottleneck in the County's McGregory Brook Interceptor has been scheduled to be addressed and is in the Capital Budget under Capital Project SPK-26. This project is intended to address capacity limitations required due to the Town of Cortlandt's plan for its New Medically Oriented District (MOD) Plan near Hudson Valley Hospital along Route 202. The discharge from Yeshiva would flow through this development. Even without adding Yeshiva to the District, capacity in the bottleneck will need to be increased to handle the proposed flow increases from the existing parcels within the Peekskill Sanitary Sewer District that are part of the MOD plan.

File Name: FEAS_Yeshiva_Ohr_Hameir.docx

RESOLUTION NO. – 2022

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 141 Furnace Woods Road, Sec. 44.12, Block 1, Lot 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 _____, 2022 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 _____, 2022 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 JANUARY 5, 2022, OF THE PARCEL LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION.

141 FURNACE WOODS ROAD, SEC. 44.12, BLOCK 1, LOT 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: _____, 2022
White Plains, New York