

**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 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 return one (1) parcel of property more particularly described by street address and tax map designation as 73 South Hill Road, Section 13.17, Block 2, Lot 21 ("Returning Parcel") to the District. The Returning Parcel was previously part of the District but was removed from the District by your Honorable Board in 1998 for the 1999 tax year.

Your Committee is informed that the attached Feasibility Report prepared by the Department of Environmental Facilities dated August 30, 2021 and attached hereto, indicates that the proposed addition of the Returning Parcel represents an increase of 0.0054% to the Equalized Full Value of the District. Therefore, the addition of the Returning Parcel will not cause significant changes in the tax rate of the District.

According to the Department of Environmental Facilities, the proposal to add the Returning Parcel to the District is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the Returning 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. The average daily flow the Returning Parcel will generate is 400 GPD. The Facility and the County Trunk Sewer have sufficient capacity to accommodate the Returning Parcel; 5) the subject expansion will not result in any significant effect on the tax structure of the District; and 6) the territory 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 set a date and time for the necessary 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 Returning Parcel. Your Committee has been informed that the Department of Environmental Facilities recommends that an aggregate surcharge of One Thousand One Hundred Dollars (\$1,100.00), or One Hundred Ten Dollars (\$110.00) per annum to be paid in each of ten equal annual installments, be assessed against the Returning Parcel. This surcharge reflects capital costs incurred from 1999 through 2021, the years the Returning Parcel did not contribute to the District tax levies. This formula has been used in past legislation for parcels returned to a sanitary sewer district.

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

Based on the above facts and the Feasibility Report prepared by the Department of Environmental Facilities, your Committee concurs with the recommendation of the County Executive and recommends that your Honorable Board adopt the annexed Resolution which will set a date and time 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 Returning Parcel

to the Peekskill Sanitary Sewer 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: 11/18, 2021
White Plains, New York

Rest Water

Rest Water

Rest Water

COMMITTEE ON

K:JPG 9/02/2021

*Environment &
Health*

*Budget &
Appropriations*

*Public Works
& Transportation*

Dated: November 18, 2021
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 417 of New York State Laws of 2021, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Environment & Health





Catherine F. Parker



Budget & Appropriations



Catherine F. Parker



Margaret A. Cunzio








Public Works & Transportation



Catherine F. Parker



TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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

DATE: October 19, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT
OF ONE PARCEL TO PEEKSKILL SANITARY SEWER DISTRICT
73 SOUTH HILL ROAD, TOWN OF CORTLANDT**

PROJECT/ACTION: Modification of the Peekskill Sanitary Sewer District to reinstate one parcel—Section 13.17, Block 2, Lot 21 (formerly 4.01-31-1)—located at 73 South Hill Road in the Town of Cortlandt. The parcel is approximately 1.3 acre in size and already developed with a single-family residence that will be able to access the sanitary sewer system via a lateral connection to an existing local gravity sewer located on adjacent town property.

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)(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)(26):** routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
 - **617.5(c)(33):** adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.
-

COMMENTS: The subject parcel was removed, along with over 3,000 other parcels, in 1999 at the request of the Town of Cortlandt on the premise that they were not connected nor were anticipated to connect to the sanitary sewer district in the foreseeable future. At this time, the parcel to be reinstated will be able to connect to a nearby sanitary sewer associated with the Town's Fawn Ridge Sewer District. Sewage from this district is treated at the County's Peekskill Water Resource Recovery Facility (WRRF), which has a design flow of 10 million gallons per day (MGD), but is

presently operating at an average daily flow of 6.1 MGD. Since the estimated sewage contribution from a single family residence is approximately 400 gallons per day, both the WRRF and County trunk sewer have sufficient capacity to accommodate the return of this parcel to the County sewer district.

DSK/cnm

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

RESOLUTION

NUMBER 159-21

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

WHEREAS, by letter dated May 11, 2021 from Stephanie Sinclair and Bryan Hoben, Owners of Section 13.17, Block 02, Lot 21 property described below was received by the Town Board of the Town of Cortlandt at the Town Board Meeting held June 15, 2021 for a parcel located at 73 South Hill 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 reinstated into the Peekskill Sanitary Sewer District; said property is designated as follows:

Section 13.17, Block 02, Lot 21
73 South Hill Road
Cortlandt Manor, NY 10567

Owner(s): Stephanie Sinclair and Bryan Hoben

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 reinstate said parcel designated above into the Peekskill Sanitary Sewer District; and

BE IT FURTHER RESOLVED, the parcel shall also be incorporated in the Town's Fawn Ridge Sewer District subject to incorporation into the Peekskill Sanitary Sewer District; and

BE IT FURTHER RESOLVED, the Town Clerk shall notify the Town's Receiver of Taxes and Town Assessor upon reinstatement of the parcel in the County and Town sewer districts.

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

**Adopted June 15, 2021
At a Regular Meeting
Held at Town Hall**

Certified Copy
06/17/21 Date
JR Shatzkin
Town Clerk and Registrar

COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

August 30, 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 parcels are not currently in any County Sanitary Sewer District having been removed from the Peekskill Sewer District in 1998 for the 1999 tax year. The property is known as 73 South Hill Road, designated as Section 13.17, Block 2, Lot 21.

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 + 424,837

Total Full Value of District as Amended: \$7,865,780,758

* represents a 0.0054% 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 1999 through 2020.

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

$$e = \frac{424,837}{7,865,355,921 + 424,837} \times 22,123,575$$

$$e = \frac{424,837}{7,865,780,758} \times 22,123,575$$

$$e = .00005401 \times \$22,123,575$$

$$e = \$1,194.91 \text{ (rounded to } \$1,100.00)$$

and: in each of 10 annual installments, a total surcharge of \$110.00 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.

ACT NO. 213 - 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 property known and designated as 73 South Hill Road, Section 13.17, Block 2, Lot 21 ("Returning Parcel") on the assessment map of the Village of Briarcliff Manor 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 Returning Parcel the aggregate sum of One Thousand One Hundred Dollars (\$1,100.00), which amount shall be payable in ten equal annual installments of One Hundred Ten Dollars (\$110.00), 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 instruments and to take all action necessary and appropriate to accomplish the purposes hereof.

§ 5. This Act shall take effect immediately.

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 213 - 2021, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on December 7, 2021, and approved by the County Executive on December 8, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 9th day of December, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

