

ACT 139 - 2022

**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 Resolutions of the Town, that the Peekskill Sanitary Sewer District ("District") be modified to return two (2) parcels of property more particularly described by street address and tax map designation as 1201 Oregon Road, Section 13.9, Block 3, Lot 5; and East Hill Road, Section 13.10, Block 1, Lot 62 ("Returning Parcels") to the District. The Returning Parcels were previously part of the District but were 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 (the "Department") dated July 14, 2022 and attached hereto, indicates that the proposed addition of the Returning Parcels represents an increase of 0.0144% to the Equalized Full Value of the District. Therefore, the addition of the Returning Parcels will not cause significant changes in the tax rate of the District.

According to the Department, the proposal to add the Returning Parcels to the District is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the Returning Parcels 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 has a design flow of 10 MGD and the present average daily flow is 6.5 MGD. The average daily flow the Returning Parcels will generate after inclusion is 1,550 GPD. The Facility and the County Trunk Sewer have sufficient capacity to accommodate the Returning Parcels; 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 Parcels. Your Committee has been informed that the Department recommends that an aggregate surcharge of Three Thousand Six Hundred Dollars (\$3,600.00), or Three Hundred Sixty Dollars (\$360.00) per annum to be paid in each of ten equal annual installments, be assessed against the Returning Parcels. This surcharge reflects capital costs incurred from 1999 through 2022, the years the Returning Parcels did not contribute to the District tax levies, and will be credited to the remaining properties in the District. 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 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), (26) 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, 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 Parcels 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: September 28, 2022
White Plains, New York

Colin I. Amis
James Billings Johnson
Cather Parker
Nancy E. Bar
Jeff
Debra J. Gordin
Joe Hill
W. H. Hill

Budget & Appropriations

K.JPG 7/15/2022

Colin I. Amis
Cather Parker
Nancy E. Bar
Joe Hill

COMMITTEE ON
Public Works &
Transportation

James Billings Johnson
Cather Parker
Nancy E. Bar
Jeff

Environment, Energy
& Climate

Dated: September 28, 2022

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Budget & Appropriations

A handwritten signature in black ink, appearing to be "Sam Gunn", written in a cursive style.

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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



DATE: August 31, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT
OF TWO PROPERTIES TO PEEKSKILL SANITARY SEWER DISTRICT
1201 OREGON ROAD AND EAST HILL ROAD, TOWN OF CORTLANDT**

PROJECT/ACTION: Modification of the County's Peekskill Sanitary Sewer District to reinstate two parcels in the Town of Cortlandt—1201 Oregon Road, (Section 13.9, Block 3, Lot 5) and East Hill Road (Section 13.10, Block 1, Lot 62). The first parcel is approximately 1.6 acre in size and was formerly a residence that has been converted into 4 professional/medical office suites containing one doctor per suite. The second parcel is a vacant lot, approximately half acre in size, upon which a single-family home is proposed to be constructed. These parcels will be able to connect to existing sewer mains that are adjacent to their properties.

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)(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 parcels were 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. The parcels to be reinstated will be able to access local sanitary sewers that convey sewage to the County trunk sewer that eventually leads to the County's Peekskill Water Resource Recovery Facility (WRRF). The facility has a design flow of 10 million gallons per day (MGD), but is presently operating at an average daily flow of 6.5 MGD. Since the total estimated sewage contribution from the two parcels is approximately 1,550 gallons per day, both the WRRF and County trunk sewer have sufficient capacity to accommodate the return of these parcels to the County sewer district. Based on the small size of the parcels and local zoning, minimal additional development may occur that would contribute any significant increases in sewage.

DSK/cnm

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

RESOLUTION

NUMBER 141-22

(RE: RE - AUTHORIZE REQUEST OF BRUNO and ANGELA MAIDA TO HAVE TOWN PARCEL REINSTATED INTO THE PEEKSKILL SANITARY SEWER DISTRICT AND BE FORWARDED TO WESTCHESTER COUNTY FOR CONSIDERATION)

WHEREAS, by letter dated February 7, 2005 and received by the Town Board of the Town of Cortlandt at the Town Board Meeting held February 15, 2005, Bruno and Angela Maida, as the owners of a Town of Cortlandt parcel located at 1201 Oregon Road, have requested the Town of Cortlandt petition the County of Westchester to have said property be reinstated into the Peekskill Sanitary Sewer District; said property is designated as follows:

Section 13.9, Block 3, Lots
Owner: Bruno and Angela Maida

WHEREAS, the original request was transmitted by the Town to Westchester County for processing on May 5, 2005 and thereafter the parcel request for reinstatement into the Peekskill Sanitary Sewer District appears to have lapsed.

WHEREAS, the owners of the parcel, Bruno and Angela Maida were made aware of the lapse in reinstatement of the parcel in 2022 and asked that the information for reinstatement be transmitted to Westchester County again. Subsequent to the new request, the County has asked for an updated resolution with regard to the request for reinstatement of the parcel.

NOW, THEREFORE, BE IT RESOLVED, that 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 said parcel designated above be reinstated into the Peekskill Sanitary Sewer District.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
Town Clerk**

**Adopted April 19, 2022
At a Regular Meeting
Held at the Town Hall**

Certified Copy
4/22/2022 Date
L. Shatzkin
Registrar

RESOLUTION

NUMBER 137-21

(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 April 1, 2021 from Adalberto Aguilar and Joe Bellamy, Owner and Contract Vendee of Section 13.10, Block 01, Lot 62 property described below was received by the Town Board of the Town of Cortlandt at the Town Board Meeting held May 11, 2021 for a parcel located at East 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 included into the Peekskill Sanitary Sewer District; said property is designated as follows:

Section 13.10 Block 01, Lot 62
East Hill Road
Cortlandt Manor, NY 10567

Owner: Adalberto Aguilar
Contract Vendee: Joe Bellamy

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 May 11, 2021
At a Regular Meeting
Held via Zoom**

Certified Copy
06/09/2021 Date
JR Shatzkin
Town Clerk and Registrar

COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

July 14, 2022

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR CERTAIN PROPERTIES

IN THE

PEEKSKILL SANITARY SEWER DISTRICT

TOWN OF CORTLANDT

MP

Vincent F. Kopicki (for)

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

The Town of Cortlandt has petitioned that two (2) properties currently not included in the Peekskill Sanitary Sewer District be added to the Peekskill Sanitary Sewer District.

A. The identification of the two properties 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 properties are known as 1201 Oregon Road, designated as Section 13.9, Block 3, Lot 5 and East Hill Road, Section 13.10, Block 1, Lot 62.

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 2022 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	\$ 13,831,506	1.50%	\$ 922,100,400
Peekskill	122,213,638	2.86	4,273,204,126
Somers	31,841,110	11.85	268,701,350
Yorktown	53,357,413	2.12	2,516,859,104
Total			\$7,980,864,980
(Town of Cortlandt)	Total Value of the property to be added		+ <u>1,151,667</u>
Total Full Value of District as Amended:			\$7,982,016,647

* represents a 0.0144% 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., 2022 Rolls

D = District f.e.v., 2022 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 2021.

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

$$e = \frac{1,151,667}{7,980,864,980 + 1,151,667} \times 25,530,247$$

$$e = \frac{1,151,667}{7,982,016,647} \times 25,530,247$$

$$e = .000144283 \times \$25,530,247$$

$$e = \$3,683.57 \text{ (rounded to } \$3,600.00)$$

and: in each of 10 annual installments, a total surcharge of \$360.00 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 properties 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 6.5 MGD. The average daily flow the parcels will generate is 1,550 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.

The two (2) properties in the Town of Cortlandt to be returned to the Peekskill SSD are as follows:

<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Annual Surcharge</u>
13.9	3	5	1201 Oregon Road	\$177
13.10	1	62	East Hill Road	\$183

Total annual surcharge for two (2) properties for 10 years \$360

ACT NO. 139 - 2022

AN ACT to Modify the Peekskill Sanitary Sewer District by the Addition of Two (2) parcels 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 properties known and designated as 1201 Oregon Road, Section 13.9, Block 3, Lot 5; and East Hill Road, Section 13.10, Block 1, Lot 62 (the “Returning Parcels”) on the assessment map of the Town of Cortlandt are 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 Parcels the aggregate sum of Three Thousand Six Hundred Dollars (\$3,600.00), which amount shall be payable in ten equal annual installments of Three Hundred Sixty Dollars (\$360.00), 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)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 139 - 2022, 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 October 17, 2022, and approved by the County Executive on October 18, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 19th day of October, 2022.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

