



Westchester County

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

Environment & Health

Meeting Agenda

Committee Chair: Ruth Walter

Monday, January 25, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting joint with the Committees on Budget & Appropriation and Public Work & Transportation

MINUTES APPROVAL

January 11, 2021

I. ITEMS FOR DISCUSSION

[2021-12](#)

PH-Sewer District Modification-Add 1 Parcel-Briarcliff Manor

A RESOLUTION to set a Public Hearing on "AN ACT to Modify the Saw Mill Sanitary Sewer District by the Addition of One (1) parcel of Property Located in the Village of Briarcliff Manor." [Public Hearing set for _____, 2020 at _____ .m.]. LOCAL LAW 2020-13080 (formerly MT # 13079)

[2021-13](#)

Sewer District Modification-Add 1 Parcel-Briarcliff Manor

AN ACT to Modify the Saw Mill Sanitary Sewer District by the Addition of One (1) parcel of Property Located in the Village of Briarcliff Manor (formerly MT # 13080)

[2021-15](#)

PH-Sewer District Modification-Add 4 Parcels-Briarcliff Manor

A RESOLUTION to set a Public Hearing on "AN ACT to Modify the Ossining Sanitary Sewer District by the Addition of Four (4) parcels of Property Located in the Village of Briarcliff Manor." [Public Hearing set for _____, 2020 at _____ .m.]. LOCAL LAW INTRO 2020-13082 (formerly MT # 13081)

[2021-17](#)

Sewer District Modification-Add 4 Parcels-Briarcliff Manor

AN ACT to Modify the Ossining Sanitary Sewer District by the Addition of Four (4) parcels of Property Located in the Village of Briarcliff Manor (formerly MT # 13082)

Guests:
Commissioner Kopicki
Marian Pompa
WCDEF

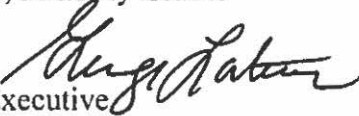
II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

November 9, 2020

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 the Saw Mill SSD by Addition of 1 parcel of Property in the Village of Briarcliff Manor.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 9, 2020 Agenda.

I have been advised by the Commissioner of the Department of Environmental Facilities that the Village of Briarcliff Manor (“Village”) has requested pursuant to the attached Resolution of the Village that the Saw Mill Sanitary Sewer District (“District”) be modified to return one (1) parcel of property more particularly described by street address and tax map designation as 43 Chappaqua Road.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 9, 2020 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

October 30, 2020

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 the Department of Environmental Facilities that the Village of Briarcliff Manor ("Village") has requested pursuant to the attached Resolution of the Village that the Saw Mill Sanitary Sewer District ("District") be modified to return one (1) parcel of property more particularly described by street address and tax map designation as 43 Chappaqua Road, Section 90.17, Block 1, Lot 20 ("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 2001 for the 2002 tax year.

I am advised that the analysis prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto indicates that the proposed addition of the Returning Parcel represents an increase of 0.000025 (0.0025%) 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 Village; 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 Village; 3) maintenance of the completed facilities will be the responsibility of the Village and not the District; 4) the Yonkers Joint Wastewater Treatment Facility has a design flow of 120 MGD and the present average daily flow is 84.8 MGD. The daily flow the Returning Parcel will generate after inclusion is 450 GPD. The plant 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.

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

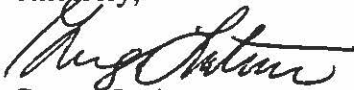
after notice has been given by publication in such manner and for such time as the Board of Legislators shall direct. Therefore, attached hereto is a Resolution which will authorize the date and time for the public hearing.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges will be paid by the Returning Parcel. The Department of Environmental Facilities recommends an aggregate surcharge of One Thousand Seven Hundred Ninety Dollars (\$1,790.00), or One Hundred Seventy-Nine Dollars (\$179.00) 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 2002 through 2020, 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 Parcels 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. 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 of Environmental Facilities, I respectfully recommend that your Board adopt a resolution which will authorize a date and time 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 Returning 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 in which the County Executive states that the Commissioner of Environmental Facilities has advised him that the Village of Briarcliff Manor (“Village”) has requested, pursuant to the attached Resolution of the Village, that the Saw Mill Sanitary Sewer District (“District”) be modified to return one (1) parcel of property more particularly described by street address and tax map designation as 43 Chappaqua Road, Section 90.17, Block 1, Lot 20 (“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 2001 for the 2002 tax year.

Your Committee is informed that the attached Feasibility Report prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto, indicates that the proposed addition of the Returning Parcel represents an increase of 0.000025 (0.0025%) 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 Village; 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 Village; 3) maintenance of the completed facilities will be the responsibility of the Village and not the District; 4) the Yonkers Joint Wastewater Treatment Facility has a design flow of 120 MGD and the present average daily flow is 84.8 MGD. The daily flow the Returning Parcel will generate after inclusion is 450 GPD. The plant 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 Seven Hundred Ninety Dollars (\$1,790.00), or One Hundred Seventy-Nine Dollars (\$179.00) 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 2002 through 2020, 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 Saw Mill 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: _____, 2020
White Plains, New York

COMMITTEE ON

K:JPG 9/30/2020

FISCAL IMPACT STATEMENT

SUBJECT: 43 Chappaqua Rd, Saw Mill SSD, Briarcliff Manor

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: _____

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 \$ _____ 179

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: _____

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

Title: Associate Engineer

Department: Environmental Facilities

Date: September 25, 2020

WAO 10/26/2020
Reviewed By: *[Signature]*

Budget Director

Date: 10/27/20

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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



DATE: November 5, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT
OF ONE PROPERTY TO SAW MILL SANITARY SEWER DISTRICT
43 CHAPPAQUA ROAD, VILLAGE OF BRIARCLIFF MANOR**

PROJECT/ACTION: The reinstatement of one parcel located in the Village of Briarcliff Manor, 43 Chappaqua Road (Section 90.17, Block 1, Lot 20). to the County's Saw Mill Sanitary Sewer District.

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 from the County sewer district in 2001, along with many other parcels that were not connected to sanitary sewers, at the request of the Village of Briarcliff Manor. The parcel to be reinstated will be able to access the County sewer system via a connection to an existing local sanitary sewer line near the property. The parcel is approximately 1.5 acres in size and is developed with a single-family residence. The estimated total sewage contribution for the parcel is 450 gallons per day. Sewage from the Saw Mill Sanitary Sewer District is treated at the Yonkers Joint Treatment Facility. Since the Yonkers Joint Treatment Facility has a design flow of 120 million gallons per day (MGD) and the present average flow is 84.8 MGD, the plant has sufficient capacity to accommodate the additional flow.

DSK/dvw

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

VILLAGE OF
BRIARCLIFF MANOR
www.briarcliffmanor.org



1111 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, N.Y. 10510
TELEPHONE: (914) 941-4800
FAX: (914) 941-4837

RESOLUTION

STATE OF NEW YORK)
 SS:
COUNTY OF WESTCHESTER)

I, the undersigned Village Clerk of the Village of Briarcliff Manor, Westchester County, New York, DO HEREBY CERTIFY.

That I have compared the annexed resolution adopted by the Board of Trustees of the Village of Briarcliff Manor, at the meeting held on the 10th day of October 2019, with the original thereof on file in the office of the Village Clerk, and that the same is a true and correct copy therefrom.

I FURTHER CERTIFY that all members of the Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village the 26th day of August 2020.

Christine Dennett, Village Clerk

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 10, 2019

6. ADDITION OF PARCELS TO OSSINING AND SAW MILL SANITARY SEWER DISTRICT

A. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 64 Old Sleepy Hollow Road, identified on the Village Tax Maps as Section 105, Plate 13, Block 1, Lot 64 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

B. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 131 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 11, Block 1, Lot 13 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

C. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 190 Long Hill Road, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.1 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

D. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 22 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.2 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

E. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 43 Chappaqua Road, identified on the Village Tax Maps as Section 90, Plate 17, Block 1, Lot 20 ("Property"), was removed from the Saw Mill Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Saw Mill Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Saw Mill Sanitary Sewer District.


COUNTY OF WESTCHESTER
DEPARTMENT OF ENVIRONMENTAL FACILITIES

September 25, 2020

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR A CERTAIN PARCEL
IN THE
SAW MILL SANITARY SEWER DISTRICT
VILLAGE OF BRIARCLIFF MANOR, TOWN OF OSSINING

MP


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

The Village of Briarcliff Manor has petitioned that one (1) property currently not included in the Saw Mill Sanitary Sewer District be returned to the Saw Mill Sanitary Sewer District. This parcel was removed from the County Sewer District in 2001 for the 2002 tax year.

A. The identification of the one (1) property not currently within the boundaries of the Saw Mill Sanitary Sewer District and to be returned is contained in the attached Resolution prepared by the Village Clerk, Village of Briarcliff Manor. Said parcel is not currently in any County Sanitary Sewer District, having been removed from the County Sewer District in 2001 for the 2002 tax year. The identification of the one (1) property is as follows:

- 43 Chappaqua Road, Section 90.17, Block 1, Lot 20

B. 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 2020 tax levy pertinent to the subject parcel:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Greenburgh	\$9,395,388,923	100.00%	\$9,395,388,923
Mt, Pleasant	\$153,898,183	1.40%	\$10,992,727,357
Mt. Pleasant - Briarcliff	\$2,656,795	1.40%	\$189,771,071
New Castle	\$283,698,040	19.05%	\$1,489,228,556
City of Yonkers	\$85,479,727	2.29%	\$3,732,739,170
Ossining - Briarcliff Manor	\$954,117,004	100.00%	\$954,117,004
Ossining	\$107,759,700	100.00%	\$107,759,700

Total \$26,861,731,781

(Village of Briarcliff Manor) Total Value of the
Parcels to be added + 674,900

Total Full Value of District as Amended: \$26,862,406,681

* represents a 0.0025% increase in the FEV of the District

C. The Surcharge Calculation for the parcel which is not now in a County Sewer District and is proposed for inclusion in the Saw Mill 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., 2020 Rolls

D = District f.e.v., 2020 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 of time the parcels were not in any County Sewer District, from 2002 through 2020.

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

$$e = \frac{674,900}{26,861,731,781 + 674,900} \times \$71,393,314$$

$$e = \frac{674,900}{26,862,406,681} \times \$71,393,314$$

$$e = .0000251243 \times 71,393,314$$

$$e = \$1,793.25 \text{ (rounded to } \$1,790.00)$$

and:

in each of 10 annual installments, a total surcharge of \$179.00 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 Saw Mill Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the Village of Briarcliff Manor.
2. The facilities necessary to connect the subject property to County facilities (i.e. Gravity Sewers) will be constructed at the total expense of the Village of Briarcliff Manor.
3. Maintenance of the completed facilities will be the responsibility of the Village of Briarcliff Manor but not the Saw Mill Sanitary Sewer District.
4. The Yonkers Joint Wastewater Treatment Facility has a design flow of 120.0 MGD and the present average daily flow is 84.8 MGD. The daily flow the parcels will generate after inclusion is 450 gallons per day. The Plant and the County Trunk Sewer have sufficient capacity to accommodate these parcels.
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 Saw Mill 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: Briarcliff_Saw Mill SSD Return.docx

RESOLUTION NO. – 2020

RESOLVED, that this Board hold a public hearing on the proposed modification to the Saw Mill Sanitary Sewer District by the addition of one (1) parcel of property located in the Village of Briarcliff Manor more particularly described as 43 Chappaqua Road, Section 90.17, Block 1, Lot 20, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ m. on the _____ day of _____, 2020 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.

ACT NO. - 2020

AN ACT to Modify the Saw Mill Sanitary Sewer District by the Addition of One (1) parcel of Property Located in the Village of Briarcliff Manor.

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

Section 1. The property known and designated as 43 Chappaqua Road, Section 90.17, Block 1, Lot 20 (“Returning Parcel”) on the assessment map of the Village of Briarcliff Manor is hereby added to the Saw Mill 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 Seven Hundred Ninety Dollars (\$1,790.00), which amount shall be payable in ten equal annual installments of One Hundred Seventy-Nine Dollars (\$179.00), 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.

November 9, 2020

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 the
Ossining SSD by Addition of 4 parcels of Property in the Village of
Briarcliff Manor.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 9, 2020 Agenda.

I have been advised by the Commissioner of the Department of Environmental Facilities that the Village of Briarcliff Manor (“Village”) has requested pursuant to the attached Resolution of the Village that the Ossining Sanitary Sewer District (“District”) be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 9, 2020 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

October 30, 2020

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 the Department of Environmental Facilities that the Village of Briarcliff Manor ("Village") has requested pursuant to the attached Resolution of the Village that the Ossining Sanitary Sewer District ("District") be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2 ("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 2001 for the 2002 tax year.

I am advised that the analysis prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto indicates that the proposed addition of the Returning Parcels represents an increase of 0.00053 (0.053%) 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 of Environmental Facilities, the proposal to add the Returning Parcels to the District is feasible because: 1) the matter was requested by the Village; 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 Village; 3) maintenance of the completed facilities will be the responsibility of the Village and not the District; 4) the Ossining Wastewater Treatment Facility has a design flow of 7 MGD and the present average daily flow is 4.9 MGD. The daily flow the Returning Parcels will generate after inclusion is 2,160 GPD. The plant 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.

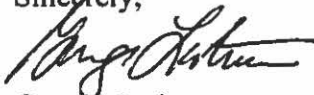
As your Honorable Board knows, County Administrative Code section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators may only alter or change a district after it has held a public hearing after notice has been given by publication in such 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 for 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 Returning Parcels. The Department of Environmental Facilities recommends an aggregate surcharge of Eighteen Thousand Five Hundred Seventy Dollars (\$18,570.00), or One Thousand Eight Hundred Fifty-Seven Dollars (\$1,857.00) 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 2002 through 2020, the years the Returning Parcels 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 Parcels 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. 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 of Environmental Facilities, I respectfully recommend that your Board adopt a resolution which will authorize a date and time 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 Returning Parcels 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 in which the County Executive states that the Commissioner of Environmental Facilities has advised him that the Village of Briarcliff Manor (“Village”) has requested, pursuant to the attached Resolution of the Village, that the Ossining Sanitary Sewer District (“District”) be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2 (“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 2001 for the 2002 tax year.

Your Committee is informed that the attached Feasibility Report prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto, indicates that the proposed addition of the Returning Parcels represents an increase of 0.00053 (0.053%) 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 of Environmental Facilities, the proposal to add the Returning Parcels to the District is feasible because: 1) the matter was requested by the Village; 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 Village; 3) maintenance of the completed facilities will be the responsibility of the Village and not the District; 4) the Ossining Wastewater Treatment Facility has a design flow of 7 MGD and the present average daily flow is 4.9 MGD. The daily flow the Returning Parcels will generate after inclusion is 2,160 GPD. The plant 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 of Environmental Facilities recommends that an aggregate surcharge of Eighteen Thousand Five Hundred Seventy Dollars (\$18,570.00), or One Thousand Eight Hundred Fifty-Seven Dollars (\$1,857.00) 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 2002 through 2020, the years the Returning Parcels 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 Parcels 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 Parcels to the Ossining 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: _____, 2020
White Plains, New York

COMMITTEE ON

K.JPG 9/30/2020

FISCAL IMPACT STATEMENT

SUBJECT: Return of 4 parcels, Ossining SSD, Briarcliff Manor

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: _____

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 \$ _____ 1,857

Describe: "Buy-in" revenue for parcels added to the Ossining Sewer District each year
for the next 10 years

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

Current Year: _____

Next Four Years: _____

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

Title: Associate Engineer

Department: Environmental Facilities

Date: September 25, 2020

WAO 10/26/2020

Reviewed By: *[Signature]*

Budget Director

Date: 10/23/20

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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



DATE: November 5, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT
OF 4 PROPERTIES IN THE VILLAGE OF BRIARCLIFF MANOR TO
OSSINING SANITARY SEWER DISTRICT**

PROJECT/ACTION: The reinstatement of four parcels located in the Village of Briarcliff Manor- 64 Old Sleepy Hollow Road (Section 105.13, Block 1, Lot 64); 131 Cedar Drive East (Section 105.11, Block 1, Lot 13); 190 Long Hill Road (Section 105.07, Block 2, Lot 19.1); and 22 Cedar Drive East (Section 105.07, Block 2, Lot 19.2) - to the County's Ossining Sanitary Sewer District.

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: These parcels were removed from the County sewer district in 2001, along with many other parcels that were not connected to sanitary sewers, at the request of the Village of Briarcliff Manor. The parcels to be reinstated will be able to access the County sewer system via connections to existing local sewer lines near each property. The subject parcels are between 0.9 and 1.3 acres in size. Two properties are developed with single-family residences. One property is currently undeveloped woodland and one property was previously developed with a residence that

was removed in 2017. The properties are all located in the R40B zoning district. The estimated total sewage contribution for these parcels is 2,160 gallons per day. Sewage from the Ossining Sanitary Sewer District is treated at the Ossining Wastewater Treatment Facility. Since the Ossining Wastewater Treatment Facility has a design flow of 7 million gallons per day (MGD) and the present average flow is 4.9 MGD, the plant has sufficient capacity to accommodate the additional flow

DSK/dvw

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

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 10, 2019

6. ADDITION OF PARCELS TO OSSINING AND SAW MILL SANITARY SEWER DISTRICT

A. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 64 Old Sleepy Hollow Road, identified on the Village Tax Maps as Section 105, Plate 13, Block 1, Lot 64 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

B. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 131 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 11, Block 1, Lot 13 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

C. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 190 Long Hill Road, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.1 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

D. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 22 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.2 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

E. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 43 Chappaqua Road, identified on the Village Tax Maps as Section 90, Plate 17, Block 1, Lot 20 ("Property"), was removed from the Saw Mill Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Saw Mill Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Saw Mill Sanitary Sewer District.

COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

September 25, 2020

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR CERTAIN PARCELS

IN THE

OSSINING SANITARY SEWER DISTRICT

VILLAGE OF BRIARCLIFF MANOR, TOWN OF OSSINING

MP



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

The Village of Briarcliff Manor has petitioned that four (4) properties currently not included in the Ossining Sanitary Sewer District be returned to the Ossining Sanitary Sewer District. These parcels were removed from the County Sewer District in 2001 for the 2002 tax year.

A. The identification of the four (4) properties not currently within the boundaries of the Ossining Sanitary Sewer District and to be returned are contained in the attached Resolution prepared by the Village Clerk, Village of Briarcliff Manor. Said parcels are not currently in any County Sanitary Sewer District, having been removed from the County Sewer District in 2001 for the 2002 tax year. The identification of the four (4) properties are as follows:

- 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64
- 131 Cedar Drive East, Section 105.11, Block 1, Lot 13
- 190 Long Hill Road, Section 105.07, Block 2, Lot 19.1
- 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2

B. 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 2020 tax levy pertinent to the subject parcels:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Cortlandt	\$18,669,722	1.56%	\$1,198,703,333
Mt. Pleasant	\$1,058,482	1.40%	\$75,605,857
New Castle	\$517,875	19.05%	\$2,718,504
Ossining	\$3,285,095,810	100.00%	\$3,285,095,810
Ossining- Briarcliff Manor	\$812,585,096	100.00%	\$812,585,096

Total \$5,374,708,600

(Village of Briarcliff Manor) Total Value of the
Parcels to be added + 2,829,700

Total Full Value of District as Amended: \$5,377,538,300

* represents a 0.053% increase in the FEV of the District

C. The Surcharge Calculation for the parcel which is not now in a County Sewer District and is proposed for inclusion in the Ossining 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., 2020 Rolls

D = District f.e.v., 2020 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 of time the parcels were not in any County Sewer District, from 2002 through 2020.

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

$$e = \frac{2,829,700}{5,374,708,600 + 2,829,700} \times 35,302,156$$

$$e = \frac{2,829,700}{5,377,538,300} \times 35,302,156$$

$$e = .00052621 \times \$35,302,156$$

$$e = \$18,576.25 \text{ (rounded to } \$18,570.00)$$

and:

in each of 10 annual installments, a total surcharge of \$1,857.00 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 Ossining Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the Village of Briarcliff Manor.
2. The facilities necessary to connect the subject property to County facilities (i.e. Gravity Sewers) will be constructed at the total expense of the Village of Briarcliff Manor.
3. Maintenance of the completed facilities will be the responsibility of the Village of Briarcliff Manor but not the Ossining Sanitary Sewer District.
4. The Ossining Wastewater Treatment Facility has a design flow of 7.0 MGD and the present average daily flow is 4.9 MGD. The daily flow the parcels will generate after inclusion is 2,160 gallons per day. The Plant and the County Trunk Sewer have sufficient capacity to accommodate these parcels.
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 Ossining 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: Briarcliff_Ossining SSD Return.docx

RESOLUTION NO. – 2020

RESOLVED, that this Board hold a public hearing on the proposed modification to the Ossining Sanitary Sewer District by the addition of four (4) parcels of property located in the Village of Briarcliff Manor more particularly described as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ m. on the _____ day of _____, 2020 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.

November 9, 2020

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 the
Ossining SSD by Addition of 4 parcels of Property in the Village of
Briarcliff Manor.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators November 9, 2020 Agenda.

I have been advised by the Commissioner of the Department of Environmental Facilities that the Village of Briarcliff Manor (“Village”) has requested pursuant to the attached Resolution of the Village that the Ossining Sanitary Sewer District (“District”) be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for November 9, 2020 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

October 30, 2020

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 the Department of Environmental Facilities that the Village of Briarcliff Manor ("Village") has requested pursuant to the attached Resolution of the Village that the Ossining Sanitary Sewer District ("District") be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2 ("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 2001 for the 2002 tax year.

I am advised that the analysis prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto indicates that the proposed addition of the Returning Parcels represents an increase of 0.00053 (0.053%) 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 of Environmental Facilities, the proposal to add the Returning Parcels to the District is feasible because: 1) the matter was requested by the Village; 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 Village; 3) maintenance of the completed facilities will be the responsibility of the Village and not the District; 4) the Ossining Wastewater Treatment Facility has a design flow of 7 MGD and the present average daily flow is 4.9 MGD. The daily flow the Returning Parcels will generate after inclusion is 2,160 GPD. The plant 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.

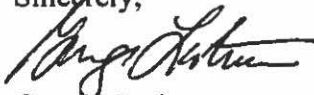
As your Honorable Board knows, County Administrative Code section 237.131 authorizes the alteration or change of a County Sanitary Sewer District. However, the Board of Legislators may only alter or change a district after it has held a public hearing after notice has been given by publication in such 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 for 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 Returning Parcels. The Department of Environmental Facilities recommends an aggregate surcharge of Eighteen Thousand Five Hundred Seventy Dollars (\$18,570.00), or One Thousand Eight Hundred Fifty-Seven Dollars (\$1,857.00) 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 2002 through 2020, the years the Returning Parcels 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 Parcels 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. 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 of Environmental Facilities, I respectfully recommend that your Board adopt a resolution which will authorize a date and time 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 Returning Parcels 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 in which the County Executive states that the Commissioner of Environmental Facilities has advised him that the Village of Briarcliff Manor (“Village”) has requested, pursuant to the attached Resolution of the Village, that the Ossining Sanitary Sewer District (“District”) be modified to return four (4) parcels of property more particularly described by street address and tax map designation as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2 (“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 2001 for the 2002 tax year.

Your Committee is informed that the attached Feasibility Report prepared by the Department of Environmental Facilities dated September 25, 2020 and attached hereto, indicates that the proposed addition of the Returning Parcels represents an increase of 0.00053 (0.053%) 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.

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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.

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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)(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 Parcels to the Ossining 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: _____, 2020
White Plains, New York

COMMITTEE ON

K.JPG 9/30/2020

FISCAL IMPACT STATEMENT

SUBJECT: Return of 4 parcels, Ossining SSD, Briarcliff Manor

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: _____

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 \$ _____ 1,857

Describe: "Buy-in" revenue for parcels added to the Ossining Sewer District each year
for the next 10 years

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

Current Year: _____

Next Four Years: _____

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

Title: Associate Engineer

Department: Environmental Facilities

Date: September 25, 2020

WAO 10/26/2020
Reviewed By: *[Signature]*

Budget Director

Date: 10/23/20

TO: Vincent Kopicki, Commissioner
Department of Environmental Facilities

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



DATE: November 5, 2020

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REINSTATEMENT
OF 4 PROPERTIES IN THE VILLAGE OF BRIARCLIFF MANOR TO
OSSINING SANITARY SEWER DISTRICT**

PROJECT/ACTION: The reinstatement of four parcels located in the Village of Briarcliff Manor- 64 Old Sleepy Hollow Road (Section 105.13, Block 1, Lot 64); 131 Cedar Drive East (Section 105.11, Block 1, Lot 13); 190 Long Hill Road (Section 105.07, Block 2, Lot 19.1); and 22 Cedar Drive East (Section 105.07, Block 2, Lot 19.2) - to the County's Ossining Sanitary Sewer District.

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: These parcels were removed from the County sewer district in 2001, along with many other parcels that were not connected to sanitary sewers, at the request of the Village of Briarcliff Manor. The parcels to be reinstated will be able to access the County sewer system via connections to existing local sewer lines near each property. The subject parcels are between 0.9 and 1.3 acres in size. Two properties are developed with single-family residences. One property is currently undeveloped woodland and one property was previously developed with a residence that

was removed in 2017. The properties are all located in the R40B zoning district. The estimated total sewage contribution for these parcels is 2,160 gallons per day. Sewage from the Ossining Sanitary Sewer District is treated at the Ossining Wastewater Treatment Facility. Since the Ossining Wastewater Treatment Facility has a design flow of 7 million gallons per day (MGD) and the present average flow is 4.9 MGD, the plant has sufficient capacity to accommodate the additional flow

DSK/dvw

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

VILLAGE OF
BRIARCLIFF MANOR
www.briarcliffmanor.org



1111 PLEASANTVILLE ROAD
BRIARCLIFF MANOR, N.Y. 10510
TELEPHONE: (914) 941-4800
FAX: (914) 941-4837

RESOLUTION

STATE OF NEW YORK)
 SS:
COUNTY OF WESTCHESTER)

I, the undersigned Village Clerk of the Village of Briarcliff Manor, Westchester County, New York, DO HEREBY CERTIFY.

That I have compared the annexed resolution adopted by the Board of Trustees of the Village of Briarcliff Manor, at the meeting held on the 10th day of October 2019, with the original thereof on file in the office of the Village Clerk, and that the same is a true and correct copy therefrom.

I FURTHER CERTIFY that all members of the Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village the 26th day of August 2020.

Christine Dennett, Village Clerk

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
OCTOBER 10, 2019

6. ADDITION OF PARCELS TO OSSINING AND SAW MILL SANITARY SEWER DISTRICT

A. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 64 Old Sleepy Hollow Road, identified on the Village Tax Maps as Section 105, Plate 13, Block 1, Lot 64 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

B. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 131 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 11, Block 1, Lot 13 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

C. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 190 Long Hill Road, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.1 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

D. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 22 Cedar Drive East, identified on the Village Tax Maps as Section 105, Plate 7, Block 2, Lot 19.2 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

E. WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 43 Chappaqua Road, identified on the Village Tax Maps as Section 90, Plate 17, Block 1, Lot 20 ("Property"), was removed from the Saw Mill Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislations to extend the Saw Mill Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Saw Mill Sanitary Sewer District.

COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

September 25, 2020

FEASIBILITY REPORT
IN THE MATTER OF

THE ENLARGEMENT FOR CERTAIN PARCELS

IN THE

OSSINING SANITARY SEWER DISTRICT

VILLAGE OF BRIARCLIFF MANOR, TOWN OF OSSINING

MP



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

The Village of Briarcliff Manor has petitioned that four (4) properties currently not included in the Ossining Sanitary Sewer District be returned to the Ossining Sanitary Sewer District. These parcels were removed from the County Sewer District in 2001 for the 2002 tax year.

A. The identification of the four (4) properties not currently within the boundaries of the Ossining Sanitary Sewer District and to be returned are contained in the attached Resolution prepared by the Village Clerk, Village of Briarcliff Manor. Said parcels are not currently in any County Sanitary Sewer District, having been removed from the County Sewer District in 2001 for the 2002 tax year. The identification of the four (4) properties are as follows:

- 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64
- 131 Cedar Drive East, Section 105.11, Block 1, Lot 13
- 190 Long Hill Road, Section 105.07, Block 2, Lot 19.1
- 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2

B. 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 2020 tax levy pertinent to the subject parcels:

Full Value of District

<u>CITIES/TOWNS</u>	<u>ASSESSED VALUE</u>	<u>EQ. PERCENT</u>	<u>FULL VALUE</u>
Cortlandt	\$18,669,722	1.56%	\$1,198,703,333
Mt. Pleasant	\$1,058,482	1.40%	\$75,605,857
New Castle	\$517,875	19.05%	\$2,718,504
Ossining	\$3,285,095,810	100.00%	\$3,285,095,810
Ossining- Briarcliff Manor	\$812,585,096	100.00%	\$812,585,096

Total \$5,374,708,600

(Village of Briarcliff Manor) Total Value of the
Parcels to be added + 2,829,700

Total Full Value of District as Amended: \$5,377,538,300

* represents a 0.053% increase in the FEV of the District

C. The Surcharge Calculation for the parcel which is not now in a County Sewer District and is proposed for inclusion in the Ossining 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., 2020 Rolls

D = District f.e.v., 2020 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 of time the parcels were not in any County Sewer District, from 2002 through 2020.

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

$$e = \frac{2,829,700}{5,374,708,600 + 2,829,700} \times 35,302,156$$

$$e = \frac{2,829,700}{5,377,538,300} \times 35,302,156$$

$$e = .00052621 \times \$35,302,156$$

$$e = \$18,576.25 \text{ (rounded to } \$18,570.00)$$

and:

in each of 10 annual installments, a total surcharge of \$1,857.00 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 Ossining Sanitary Sewer District Addition is feasible because:

1. The matter was requested by the Village of Briarcliff Manor.
2. The facilities necessary to connect the subject property to County facilities (i.e. Gravity Sewers) will be constructed at the total expense of the Village of Briarcliff Manor.
3. Maintenance of the completed facilities will be the responsibility of the Village of Briarcliff Manor but not the Ossining Sanitary Sewer District.
4. The Ossining Wastewater Treatment Facility has a design flow of 7.0 MGD and the present average daily flow is 4.9 MGD. The daily flow the parcels will generate after inclusion is 2,160 gallons per day. The Plant and the County Trunk Sewer have sufficient capacity to accommodate these parcels.
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 Ossining 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: Briarcliff_Ossining SSD Return.docx

RESOLUTION NO. – 2020

RESOLVED, that this Board hold a public hearing on the proposed modification to the Ossining Sanitary Sewer District by the addition of four (4) parcels of property located in the Village of Briarcliff Manor more particularly described as 64 Old Sleepy Hollow Road, Section 105.13, Block 1, Lot 64; 131 Cedar Drive East, Section 105.11, Block 1, Lot 13; 190 Long Hill Road, Section 105.7, Block 2, Lot 19.1; and 22 Cedar Drive East, Section 105.07, Block 2, Lot 19.2, pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at _____ m. on the _____ day of _____, 2020 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 OSSINING SANITARY SEWER DISTRICT BY THE ADDITION OF FOUR (4) PARCELS OF PROPERTY IN THE VILLAGE OF BRIARCLIFF MANOR; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE DAY OF , 2020 AT .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 ADDITION TO THE OSSINING SANITARY SEWER DISTRICT OF LAND IN THE VILLAGE OF BRIARCLIFF MANOR IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED SEPTEMBER 25, 2020, OF THE PARCELS AS LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION:

- 64 OLD SLEEPY HOLLOW ROAD, SECTION 105.13, BLOCK 1, LOT 64
- 131 CEDAR DRIVE EAST, SECTION 105.11, BLOCK 1, LOT 13
- 190 LONG HILL ROAD, SECTION 105.07, BLOCK 2, LOT 19.1
- 22 CEDAR DRIVE EAST, SECTION 105.07, BLOCK 2, LOT 19.2

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: , 2020
 White Plains, New York