RESOLUTION NO. -2012

RESOLVED, that this Board hold a public hearing on the proposed modification to the Peekskill Sanitary Sewer District by the addition of one (1) parcel of property located in the Town of Cortlandt, more particularly described as 22 Pierce Street, Sec. 13.14, Block 1, Lot 7 pursuant to Section 237.131 of the Laws of Westchester County. The public hearing will be held at m. on the day of , 2012 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Such Notice shall be substantially in the form attached hereto.

PUBLIC NOTICE

NOTICE OF HEARING: MODIFICATION TO THE PEEKSKILL SANITARY SEWER DISTRICT BY THE ADDITION OF ONE (1) PARCEL OF PROPERTY IN THE TOWN OF CORTLANDT; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE DAY OF , 2012 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 PEEKSKILL SANITARY SEWER DISTRICT OF LAND IN THE TOWN OF CORTLANDT IN ACCORDANCE WITH THE FEASIBILITY REPORT OF THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, DATED JANUARY 5, 2012, OF THE PARCEL LISTED BELOW BY STREET ADDRESS AND TAX MAP DESIGNATION.

22 PIERCE STREET, SEC. 13.14, BLOCK 1, LOT 7

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:

, 2012

White Plains, New York

HONORABLE BOARD OF LEGISLATORS THE COUNTY OF WESTCHESTER

Your Committee is in receipt of a transmittal from the County Executive in which the County Executive states that the Commissioner of Environmental Facilities (the "Commissioner") has advised him that the Town of Cortlandt ("Town") has requested pursuant to the attached resolution of the Town that the Peekskill Sanitary Sewer District ("District") be modified to return one (1) parcel of property more particularly described as 22 Pierce Street, Sec. 13.14, Block 1, Lot 7 (hereinafter the "Returning Parcel"). This Returning Parcel was previously part of the District but was taken out in 1998 for the 1999 tax year by your Honorable Board pursuant to the Town's request by Act No. 81-1998 (removal of 3,414 parcels).

Your Committee is informed that the analysis prepared by the Department of Environmental Facilities dated January 5, 2012 and attached hereto indicates that the proposed addition of the Returning Parcel represents an increase of 0.000063 (0.0063%) to the Equalized Full Value of the District. Therefore, the addition of the Returning Parcel would not cause significant changes in the tax rate of the District but would result in a minimally lower tax rate of 0.0063% had the change been in effect for the 2011 District tax levy.

According to the Department of Environmental Facilities, the proposal to add the Returning Parcel is feasible because: 1) the matter was requested by the Town; 2) the facilities necessary to connect the Returning Parcel to County facilities (i.e., gravity sewers) have already been constructed and will require no new construction; 3) maintenance of the completed facilities will be the responsibility of the Town and not the District; 4) the Peekskill Wastewater Treatment Facility (the "Plant") has a design flow of 10 MGD and the present average daily flow

is 7.2 MGD, while the average daily flow the Returning Parcel will generate is approximately 450 GPD, and therefore 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 Returning Parcel proposed to be added to the District is not now in any County sewer district and will be required to pay a surcharge over a ten year period.

Your Committee notes that Section 237.131 of the County Administrative Code authorizes the alteration or change of a sewer district. However, your Honorable Board may only alter or change the district after it has held a public hearing after notice has been given by publication in such manner and for such time as the Board shall direct. Therefore, attached hereto is a Resolution, which, if adopted by your Honorable Board, would authorize the date and time of the public hearing. Your Committee recommends adoption of said Resolution.

Furthermore, Sections 237.131 and 237.141 of the County Administrative Code confer authority to determine what charges, if any, will be paid by the Returning Parcel. Your Committee has been informed that the Department of Environmental Facilities recommends that an aggregate surcharge of \$325.00 to be paid in each of ten equal annual installments of \$32.50, be assessed against the Returning Parcel. This surcharge reflects capital costs incurred from 1999 through 2011, 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, pursuant to the attached Status Sheet, that based on its review, the proposed addition of the Parcels constitutes a Type II action under the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations, 6 NYCRR,

Part 617.5(c)(11) and (27), and therefore no further environmental review is required. A Type II action is an action determined not to have significant effect on the environment and, therefore, does not require further environmental review. Your Committee has reviewed the annexed SEQRA status sheet 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 authorize publication of the Legal Notice for the public hearing as required by the Administrative Code in such matters, and, after such hearing, urges your Honorable Board to adopt the annexed Act which accomplishes the addition of the Returning Parcel to the Peekskill Sanitary Sewer District. It should be noted that a vote of not less than a majority of the voting strength of the Board of Legislators is required to pass this Act.

Dated: May (5, 201)

White Plains, New York

COMMITTEE QN

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FISCAL IMPACT STATEMENT

SUBJECT: 22 Pierce Street Cortlandt Peekskill SSD NO FISCAL IMPACT PROJECTED OPERATING BUDGET IMPACT (To be completed by operating department and reviewed by Budget Department) A) GENERAL FUND AIRPORT SPECIAL REVENUE FUND (Districts) B) EXPENSES AND REVENUES **Total Current Year Cost** 249.48 **Total Current Year Revenue** 215.64 Source of Funds (check one): Current Appropriations Other (explain) ☐ Transfer of Existing Appropriations ☐ Additional Appropriations Identify Accounts: ___ Potential Related Operating Budget Expenses: Annual Amount <u>\$249.48</u> Describe: Operating expenses related to process and treatment plant expenses. (a) (b) (c) Potential Related Revenues: Annual Amount \$ 32.50 + \$ 183.14 = \$ 215.64 Describe: (a) Surcharge revenue in excess of current tax assessments (b) New tax revenue based on new tax parcels entering the district (c) Total potential revenue Anticipated Savings to County and/or Impact on Department Operations: **Current Year:** § (-33.84) Net cost in year one. Year one expense exceeds year one revenue based on estimated flow and assessed values of the parcel in question. Operating expenses are estimated not to increase significantly in future years. No adverse impacts expected on District Operations. Next Four years: \$ N/A Prepared by: James Arnett Title: Deputy Commissioner **Department:** Environmental Facilities If you need more space, please attach additional sheets.





TO:

Thomas Lauro, Commissioner

Department of Environmental Facilities

FROM:

Edward Buroughs, AICP

Commissioner

DATE:

February 22, 2012

SUBJECT:

SEQR DOCUMENTATION FOR PEEKSILL SANITARY SEWER DISTRICT

MODIFICATION - REINSTATEMENT OF 22 PIERCE STREET, TOWN OF

CORTLANDT

In response to your request, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6NYCRR Part 617 (SEQR).

As described in the attached SEQR Status Sheet, this action has been classified as a Type II action. As such, no further environmental review is required.

Please contact my office if you need any additional information regarding this classification.

EEB/cnm

Att.

cc: Jeffrey Goldman, Assistant County Attorney

Marian Pompa, Associate Engineer, DEF

Trialian Tompa, Associate Engineer, DEI

David S. Kvinge, Director of Environmental Planning

SEQR STATUS SHEET

PROJECT:

Reinstatement of One Parcel to Peekskill Sanitary Sewer District

22 Pierce Street, Town of Cortlandt

DEPARTMENT:

Environmental Facilities

Description

The Town of Cortlandt has requested the County to reinstate one parcel (Section 13.14, Block 1, Lot 7) into the Peekskill Sanitary Sewer District. The parcel is located at 22 Pierce Street in the northeast section of the Town of Cortlandt.

This parcel was removed from the County sewer district in 1998, along with over 3,000 other parcels, at the request of the Town of Cortlandt, on the premise that they were not connected nor were anticipated to be connected to the sanitary sewer system.

The subject parcel is 0.58 of an acre in size and is located in the R-40 residential zoning district. A single-family residence is proposed. The parcel will connect to a manhole located at the junction of Pierce Street and East Hill Road that was recently installed in connection with another residential development to the north.

Sewage from the property will be conveyed to the Peekskill Wastewater Treatment Plant, which has a design capacity of 10 million gallons per day (MGD), but is operating at an annual average of 7.2 MGD. The parcel would contribute approximately 450 gallons of sewage per day. Both the plant and the county trunk sewer have sufficient capacity to accommodate this nominal additional flow.

SEQR Status

Type II. Since this involves a reinstatement of a single-family residential parcel that had originally been in the sewer district, the proposed sewer district modification may be classified as a Type II action pursuant to sections 617.5(c)(11), "extension of utility distribution facilities, including... sewer connections to render service in approved subdivisions...," and 617.5(c)(27), "adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list."

WCDP 2/12 Rev. 3/12

RESOLUTION

NUMBER 202-11

(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 July 25, 2011 from Nicholas Danisher owner of Section 13.14 Block 1 Lot 7 was received by the Town Board of the Town of Cortlandt at the Town Board Meeting held August 16, 2011 for a parcel located at 22 Pierce Street, Cortlandt Manor, New York.

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 13.14, Block 1, Lot 7 22 Pierce Street Cortlandt Manor, New York 10567

Owner:

Nicholas Danisher

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 into the Peekskill Sanitary Sewer District.

Certified Copy

own Clerk and Registrar Adopted on August 16, 2011

At a Regular meeting Held at Town Hall

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CORTLANDT JO-ANN DYCKMAN TOWN CLERK

COUNTY OF WESTCHESTER

DEPARTMENT OF ENVIRONMENTAL FACILITIES

January 5, 2012

FEASIBILITY REPORT IN THE MATTER OF

THE ENLARGEMENT FOR A CERTAIN PARCEL

IN THE

PEEKSKILL SANITARY SEWER DISTRICT

TOWN OF CORTLANDT

Thomas J. Lau:

Commissioner

Environmental Facilities

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

A. The identification of the parcel 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 parcel is not currently in any County Sanitary Sewer District having been removed from the Peekskill Sewer District in 1998 for the 1999 tax year. The parcel is known as 22 Pierce Street, Sec. 13.14, Bl. 1, Lot 7.

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 2011 tax levy pertinent to the subject parcel:

Full Value of District

CITIES/TOWNS	ASSESSED VALUE	EQ. PERCENT	FULL VALUE
Cortlandt Peekskill Somers Yorktown	\$ 14,430,841 122,058,914 23,075,461 52,628,194	1.82% 3.50 12.15 2.49	\$ 792,903,352 3,487,397,543 189,921,490 2,113,582,088
Total			\$6,583,804,473
(Town of Cortlandt) Total Value of the Parcels to be added			+ 412,088
Total Full Val	ue of District as A	Amended:	\$6,584,216,561

The totals of the subject parcel therefore represent 0.000063 or a (0.0063%) percent increase to the Full Value of the Peekskill Sanitary Sewer District's equalized full value. Therefore, the increase would not cause significant changes in the tax rate of the District but would result in a minimally lower tax rate (0.0063%) had the change been in effect for the 2011 district tax levy.

C. The Surcharge Calculation for the parcel 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., 2011 Rolls

D = District f.e.v., 2011 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 2011 which represents the period of time said parcel was removed from the Peekskill Sewer District said parcel having paid all prior debt services prior to its removal from the District.

Then:
$$e = A \times E$$

$$e = \frac{412,088}{6,583,804,473 + 412,088} \times 5,184,542$$

$$e = 412,088 \times 5,184,542$$

 $6,584,216,561$

 $e = .00006259 \times $5,184,542$

e = \$324.50 (rounded to \$325.00)

and: in each of 10 annual installments, a total surcharge of \$32.50 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 subject property to County facilities have been already constructed and will require no new construction.
- 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 Wastewater Treatment Facility has a design flow of 10 MGD and the present average daily flow is 7.2 MGD. The average daily flow the parcel generates is approximately 450 gallons per day.
- 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.

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