

**Limited Review of the
Nassau County Department of Public Works
Calculation of Charges and Fees for Out of District Sewer Connections**

APPENDIX B

The following eleven legal references are consolidated into Appendix B, in the order shown below, as a separate attachment to the report.

Nassau County Charter, Section 1234 (May 31, 2017, page 121)	1 Page
Nassau County Emergency Resolution No. 52-2001	9 Pages
Nassau County Ordinance No. 266-1985	30 Pages
Nassau County Ordinance No. 187-2010	7 Pages
Nassau County Ordinance No. 74-2014	7 Pages
Nassau County Ordinance No. 176-2015	7 Pages
Nassau County Resolution No. 267-2015	2 Pages
Nassau County Resolution No. 268-2015	2 Pages
New York County Law, Section 266	4 Pages
Suffolk County Code, Section 740-38	1 Page
Town of Huntington Resolution No. 2012-91	29 Pages

XII: Department of Public Works

such district and for the payment of the amounts required for interest on and amortization of or redemption of outstanding bonds issued to finance the cost of providing sewer facilities for such district.

(Added by L. 1951 Ch. 807 § 3, in effect April 13, 1951.)

§ 1234. **Service outside of districts.** The Board of Supervisors may contract with individuals or corporations owning property not included within a county sewage collection district for the reception into county sewer facilities and the disposal of sewage originating on such property upon such terms and conditions as the Board of Supervisors shall prescribe. Charges required to be paid pursuant to such contracts shall be collected and enforced in the same manner as provided in this article for the collection and enforcement of service charges and unpaid contract charges shall be subject to the same rate of interest as unpaid service charges. When collected, such contract charges shall be apportioned and credited to the appropriate sewage collection or disposal district or districts.

(Former § 1234 renumbered § 1235 and new §1234 added by L. 1954 Ch. 330, in effect March 30, 1954.)

§ 1235. **Rules and regulations.** The Board of Supervisors may by ordinance make rules and regulations preventing the discharge directly or indirectly into the sewer facilities of any sewage disposal district or sewage collection district of any matter or thing which is, or which the Board of Supervisors deems likely to be, injurious or deleterious to such sewer facilities or to their efficient operation. A violation of such rules or regulations shall be a misdemeanor and shall be punishable by a fine of not more than fifty dollars or by imprisonment for not more than six months, or by both. The Board of Supervisors may enforce obedience to such rules or regulations by prescribing therein a penalty not exceeding one hundred dollars for any violation thereof. The Board of Supervisors may maintain an action or proceeding in the name of the county in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such rules or regulations notwithstanding that such rules or regulations may provide a penalty or other punishment for such violation.

(Former § 1234 renumbered § 1235, L. 1954 Ch. 330, in effect March 30, 1954.)

§ 1236. **Division of Real Estate Services.** There is hereby established within the Department of Public Works a Division of Real Estate Services, the head of which shall be the Director of Real Estate Services. The Director of Real Estate Services shall be appointed by the County Executive. The Director shall appoint such other officers and employees of the department, within the appropriation therefor, as are necessary to effectuate the purposes of the department. The Division of Real Estate Services shall be responsible for the planning of space requirements, management, assignment and use of county owned buildings and grounds.

(Added by Local Law No. 1-2012, signed by the County Executive on March 12, 2012.)

EMERGENCY RESOLUTION NO. 52 – 2001

A RESOLUTION DECLARING AN EMERGENCY FOR IMMEDIATE ACTION UPON AN ORDINANCE NUMBERED 100-C, AMENDING ORDINANCE NO. 266-1985 ENTITLED NASSAU COUNTY SEWER ORDINANCE, FOR THE PURPOSE OF AMENDING SECTION 9 – FEES, FOR THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, at least ten members of the Nassau County Legislature have submitted to this County Legislature a written recommendation dated June 18, 2001 pursuant to the provisions of the County Government Law of Nassau County, and

WHEREAS, the said recommendation this day submitted refers to an ordinance amending Ordinance No. 266-1985 entitled Nassau County Sewer Ordinance, for the purpose of amending Section 9 – Fees, for the Department of Public Works.

WHEREAS, the said recommendation is that the Nassau County Legislature adopt a resolution declaring an emergency exists in Nassau County the nature of which is to take immediate action upon the aforesaid ordinance; now therefore be it

RESOLVED, that this County Legislature hereby declares that an emergency exists within Nassau County, the nature of which is to consider and take immediate action upon the aforesaid ordinance now before this County Legislature.

RECOMMENDATION OF AT LEAST 10 MEMBERS OF THE
NASSAU COUNTY LEGISLATURE AT THE REGULAR
MEETING OF THE LEGISLATURE OF JUNE 18, 2001,
AMENDING ORDINANCE NO. 266-1985 ENTITLED NASSAU
COUNTY SEWER ORDINANCE, FOR THE PURPOSE OF
AMENDING SECTION 9 - FEES, FOR THE DEPARTMENT OF
PUBLIC WORKS.

June 18, 2001


NASSAU COUNTY LEGISLATURE
NASSAU COUNTY EXECUTIVE BUILDING
MINEOLA, NEW YORK

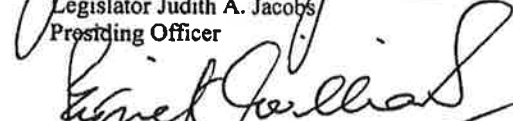
HONORABLE MEMBERS:

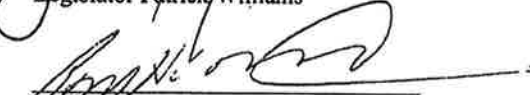
We are submitting for consideration by the Legislature an Ordinance amending Ordinance No. 266-1985 entitled Nassau County Sewer Ordinance, for the purpose of amending Section 9 - Fees, for the Department of Public Works.

This ordinance need to be considered an emergency in order to begin realizing revenue, as the item was included, as a revenue initiative, in the multi-year financial plan. Therefore, pursuant to Subdivision 2 of Section 105 of the County Government Law of Nassau County, we hereby recommend that a resolution be adopted declaring that an emergency exists, the nature of which is to take immediate action upon the aforesaid ordinance.


Very truly yours,


Legislator Judith A. Jacobs
Presiding Officer


Legislator Patrick Williams

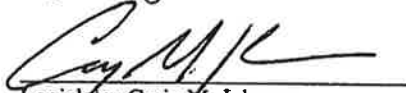

Legislator Roger H. Corbin


Legislator Michael Zapson

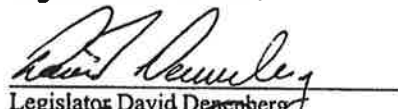

Legislator Joseph Scametti

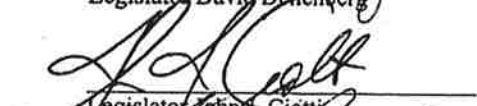

Legislator Jeff Toback



Legislator Lisanne G. Altmann


Legislator Craig M. Johnson

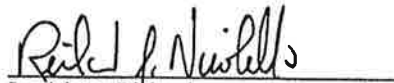

Legislator Brian Muellers


Legislator David Denenberg


Legislator John J. Ciotti


Legislator Francis X. Becker, Jr.


Legislator Vincent T. Muscarella


Legislator Richard J. Nicoletto



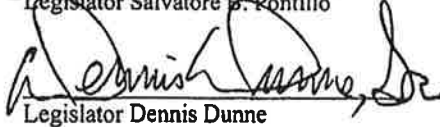
Legislator Peter Schmitt



Legislator Norma Gonsalves



Legislator Salvatore B. Pontillo



Legislator Dennis Dunne



Legislator Edward Mangano

**THE VOTE ON THE FOREGOING LEGISLATION IS RECORDED AS
FOLLOWS:**

AYES: ALTMANN, BECKER, CIOTTI, CORBIN, DENENBERG, DUNNE,
GONSALVES, JACOBS, JOHNSON, MANGANO, MUELLERS, MUSCARELLA,
NICOLELLO, PONTILLO, SCANNELL, SCHMITT, TOBACK, WILLIAMS,
ZAPSON

NAYES: NONE

ABSENT: NONE

ABSTAINED: NONE

231.

ERSZ
Amended
100-C

ORDINANCE NO. 100-C - 2001

AMENDING ORDINANCE NO. 266-1985 ENTITLED NASSAU COUNTY SEWER ORDINANCE, FOR THE PURPOSE OF AMENDING SECTION 9 - FEES, FOR THE DEPARTMENT OF PUBLIC WORKS.

Passed by Nassau County Legislature on
JUN 18 2001A voice vote as taken with
14 Legislators present.
Voting: aye 14, nay 0, abstained 0
Became an ordinance on JUN 20 2001
with the approval of the Deputy County
Executive acting for the County Executive.

BE IT ORDAINED by the Legislature of the County of Nassau that Section 9 of Ordinance No. 266-1985 is hereby amended to read as follows:

Section 1.

Subdivision 9.1 is hereby amended to read as follows:

"9.1 General Permit

The fee for a General Permit shall be (\$75.00) Seventy-Five Dollars payable on filing the application."

Section 2.

Subdivision 9.2 is hereby amended to read as follows:

" 9.2 Special Permit

The fee for a Special Permit shall consist of the following charges:

A minimum fee of One Hundred Dollars (\$100.00) to a maximum fee of Five Hundred Dollars (\$500.00) for Engineering Reports.

An inspection charge of two (2%) percent of the estimated cost of the construction of the external sewers from the available County sewer to the point where the sewer enters the building. The estimated cost of construction is to be determined by the Commissioner. No work will commence until County Inspectors are on the job site. An inspection charge will not be made where the Owner is required to provide this service through others (see Section 13).

The fee for a Special Permit shall consist of the sum total of the charges described above and shall be payable before issuance of the permit."

Section 3.

Subdivision 9.3 is hereby amended as follows:

"Subdivision 9.3 Industrial Discharge Permit

The fee for an Industrial Discharge Permit shall be Two Hundred Dollars (\$200.00) payable to the County on filing the application."

Section 4.

Subdivision 9.4 is hereby amended as follows:

"Subdivision 9.4 Dye Testing

In each instance when a dye test is conducted to determine whether a building is equipped with a connection to the sewer system, and such test is not made for the sole use and benefit of the County, a minimum fee of One hundred Dollars (\$100.00) to a maximum fee of One thousand Dollars (\$1,000.00), per dye test, shall be paid to the County by:

- the person requesting such test, or
- the owner of the premises on which such test is made when the test is done to establish an illegal connection."

Section 5.

Subdivision 9.5 is hereby amended as follows:

"Subdivision 9.5 Use of Fees

The proceeds of the fees collected under this Section shall be deposited by the County Comptroller to the credit of General Fund, Department of Public Works, Control Center 0800."

Section 6.

Subdivision 9.6 is hereby added as follows:

"Subdivision 9.6 Pretreatment

The County may adopt charges and fees as part of their Industrial Pretreatment Program which may include:

- fees for reimbursement of costs of setting up and operating the County's Pretreatment Program.
- fees for monitoring, inspections and surveillance procedures;
- fees for reviewing accidental discharge procedures and construction;
- fees for filing appeals;
- fees for consistent removal (by the POTW) of pollutants otherwise subject to Federal Pretreatment Standards;
- other fees as the County may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the County."

Section 7.

Subdivision 9.7 is hereby added as follows:

"Subdivision 9.7 Verification of Permit/Connection

A fee for the written verification of Permits issued for connection to the public sewer may be charged by the County. The fee shall be a minimum of Ten Dollars (\$10.00) to a maximum of Fifty Dollars (\$50.00)."

Section 8.

Subdivision 9.8 is hereby added as follows:

"Subdivision 9.8 Waiver of Fees

The fees for permits as provided in Subsections 9.1, 9.2, 9.3, 9.4 and 9.7 may be waived where the applicant is a municipal corporation, duly organized and existing by virtue of the laws of the State of New York."

Section 9. This Ordinance shall take effect immediately.

APPROVED JUN 20 2001
Curtis E. Fisher
Deputy County Executive

**THE VOTE ON THE FOREGOING LEGISLATION IS RECORDED AS
FOLLOWS:**

AYES: ALTMANN, BECKER, CIOTTI, CORBIN, DENENBERG, DUNNE,
GONSALVES, JACOBS, JOHNSON, MANGANO, MUELLERS, MUSCARELLA,
NICOLELLO, PONTILLO, SCANNELL, SCHMITT, TOBACK, WILLIAMS,
ZAPSON

NAYES: NONE

ABSENT: NONE

ABSTAINED: NONE



NASSAU COUNTY
Department of Public Works

NASSAU COUNTY

SEWER ORDINANCE

Ordinance No. 266-1985

FRANCIS T. PURCELL
County Executive

LUDWIG C. HASL, P.E.
Commissioner of Public Works

June 1985

ORDINANCE NO. 266 - 1985

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S) OF THE COUNTY OF NASSAU, AND INTO THE COLLECTION SYSTEMS OF OTHER MUNICIPALITIES TRIBUTARY THERETO, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND REPEALING ORDINANCE NOS. 401 - 1977; 445 - 1979; 209 - 1979; 142 - 1981.

(Passed by Board of Supervisors on June 3, 1985. Votes for 102; votes against, none.
Became an ordinance on June 3, 1985 with the approval of the County Executive.)

SECTION 1 - Short Title and Statement of Purpose.

This Ordinance (see Table of Contents annexed as Addendum A) shall be known and may be cited as the "Nassau County Sewer Ordinance." This Ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the County of Nassau and enables the County to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403). This Ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain domestic and non-domestic Users and through enforcement of general requirements for the other Users, authorizes monitoring and enforcement activities, requires User reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This Ordinance shall apply to the County of Nassau and to persons who are, by contract or agreement with the County, Users of the County Publicly Owned Treatment Works (POTW) as defined in Section 2.2.37. Except as otherwise provided herein, the Commissioner of Public Works of Nassau County shall administer, implement, and enforce the provisions of this Ordinance.

SECTION 2 - Abbreviations and Definitions

2.1 **Abbreviations:** The following abbreviations shall have the designated meanings:

- **ASTM** - American Society for Testing and Materials
- **BOD** - Biochemical Oxygen Demand
- **CFR** - Code of Federal Regulations
- **COD** - Chemical Oxygen Demand
- **EPA** - U.S. Environmental Protection Agency
- **mg/l** - Milligrams per Liter
- **POTW** - Publicly Owned Treatment Works
- **SIC** - Standard Industrial Classification
- **SPDES** - State Pollutant Discharge Elimination System
- **SWDA** - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- **USC** - United States Code

- **TDS** - Total Dissolved Solids
- **TSS** - Total Suspended Solids
- **WPCF** - Water Pollution Control Federation

2.2 **Definitions:** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- 2.2.1 **"Act" or "the Act"** shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- 2.2.2 **"Administrator"** shall mean the regional administrator of the U.S. Environmental Protection Agency, Region II.
- 2.2.3 **"Approval Authority"** shall mean the United States Environmental Protection Agency, or the New York State Department of Environmental Conservation in the event it is delegated approval authority responsibility.
- 2.2.4 **"Authorized Representative of Industrial User"** shall mean either: (1) principal executive officer of at least the level of vice-president, if the industrial user is a corporation; or (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- 2.2.5 **"Biochemical Oxygen Demand" or "BOD"** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees Centigrade (68 degrees Fahrenheit), expressed in milligrams per liter (mg/l) as determined by the procedures described in "Standard Methods".
- 2.2.6 **"Building Drain"** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the house connection or building sewer which begins five (5) feet outside the inner face of the building wall.
- 2.2.7 **"Building Sewer"** shall mean a sewer conveying wastewater from the premises of a User to the POTW.
- 2.2.8 **"Categorical Standards"** shall mean EPA's National Categorical Pretreatment Standards.
- 2.2.9 **"Commissioner"** shall mean the Commissioner of the Department of Public Works for the County of Nassau or his authorized deputy, agent or representative.
- 2.2.10 **"Composite"** shall mean a combination of individual (or continuously taken) samples obtained at regular intervals over the entire discharge day. The volume of each sample is proportional to the discharge flow rate. For a continuous discharge, a minimum of 24 individual grab samples (at hourly intervals) shall be collected and combined to constitute a 24-hour composite sample. For intermittent discharges of 4-8 hours duration, grab samples shall be taken at a maximum of 30-minute intervals. For intermittent discharges of less than four-hour duration, grab samples shall be taken at a maximum of 15-minute intervals.

- 2.2.11 **"Cooling Water"** shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration to which the only pollutant added is heat. It shall contain no polluting substances which would produce BOD, or TSS, in excess of ten parts per million by weight, or toxic substances as limited elsewhere herein.
- 2.2.12 **"County"** shall mean the County of Nassau.
- 2.2.13 **"Direct Discharge"** shall mean the discharge of treated or untreated wastewater directly to the waters of the State of New York.
- 2.2.14 **"Environmental Protection Agency" or "EPA"** shall mean the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- 2.2.15 **"Garbage"** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.
- 2.2.16 **"General Permit"** shall mean an authorization for the connection as well as the discharge of sewage from private dwellings into the County sewer system.
- 2.2.17 **"Grab Sample"** shall mean a sample, which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- 2.2.18 **"Holding Tank Waste"** shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
- 2.2.19 **"Indirect Discharge"** shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the Publicly Owned Treatment Works (POTW) as defined in Section 2.2.36 (including holding tank waste discharged into the system).
- 2.2.20 **"Industrial User"** shall mean any nonresidential User identified in Division A, B, D, E or I of the Standard Industrial Classification Manual. It shall also include any User, which discharges wastewater containing toxic or poisonous substances, or any substance(s) which cause(s) interference in the wastewater facilities.
- 2.2.21 **"Industrial Wastes"** shall mean any liquid, gaseous, solid or other waste substance or a combination thereof, resulting from any process of industry, manufacture, trade or business, or from the development or recovery of any natural resources, as distinct from sanitary wastewater.
- 2.2.22 **"Interference"** shall mean the inhibition or disruption of the POTW treatment processes or operations, which is a cause of or significantly contributes to a violation of any requirement of the County's SPDES Permit including an increase in the magnitude or duration of a violation. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act (RCRA) or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- 2.2.23 **"Milligrams per Liter (mg/l)"** shall be the units for expressing weight per unit volume and when multiplied by the factor 8.34, mg/l is equivalent to pounds per million gallons of water. For a water solution, mg/l is equivalent to parts per million (ppm) on a weight basis.

- 2.2.24 **"National Categorical Pretreatment Standard" or "Pretreatment Standard"** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
- 2.2.25 **"Natural Outlet"** shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 2.2.26 **"New Source"** shall mean any building, structure, facility, or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.
- 2.2.27 **"NYSDEC"** shall mean the New York State Department of Environmental Conservation or duly authorized official of said Department.
- 2.2.28 **"Objectionable Waste"** shall mean any waste as described in Section 4.3 of this Ordinance.
- 2.2.29 **"Person"** shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.
- 2.2.30 **"pH"** shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- 2.2.31 **"Pollutant"** shall mean any chemical wastes, biological materials, radioactive materials, heat, solid material or dissolved material discharged into water.
- 2.2.32 **"Pollution"** shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- 2.2.33 **"Pretreatment" or "Treatment"** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a Publicly Owned Treatment Works (POTW) as defined in Section 2.2.37. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).
- 2.2.34 **"Pretreatment Requirements"** shall mean any substantive or procedural requirements related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.
- 2.2.35 **"Private Dwelling"** shall mean any building used solely for residential purposes and containing fewer than five apartments.
- 2.2.36 **"Private Sewer"** shall mean any sewer privately owned and used by one or more properties.
- 2.2.37 **"Publicly Owned Treatment Works (POWT)"** shall mean a treatment works as defined by section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the County. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of this Ordinance, "POTW" shall also include any sewers that convey wastewater to the POTW from persons who are, by contract or agreement with the County, Users of the County's POTW.

- 2.2.38 **"Public Sewer"** shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by a governmental agency.
- 2.2.39 **"POTW Treatment Plant"** shall mean that portion of the POTW designed to provide treatment to wastewater.
- 2.2.40 **"Sanitary Sewer"** shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface water that are not admitted intentionally.
- 2.2.41 **"Sewage"** shall mean the usual water-carried wastes from toilets, water closets, urinals, bath tubs, shower baths, wash basins, laundry tubs, kitchen sinks and similar plumbing fixtures installed in a building and shall not include any other liquid or solid matter whatsoever.
- 2.2.42 **"Sewer"** shall mean a pipe or conduit for carrying sewage or wastewater.
- 2.2.43 **"Sewer System"** shall mean, collectively, all of the property involved in the operation of a sewer utility. It includes land, sewers and appurtenances, pumping station, treatment works, and general property.
- 2.2.44 **"Shall"** is mandatory; **"May"** is permissive.
- 2.2.45 **"Significant Industrial User" or "SIU"** shall mean any Industrial User of the County's wastewater disposal system who:
- is subject to promulgated Categorical Pretreatment Standards, or
 - is found having substantial impact, either singly or in combination with other contributing industries, on the operation of the treatment works, or
 - is a manufacturing industry using, on an annual basis, more than 10,000 pounds or 1,000 gallons of raw material containing priority pollutants/substances of concern and discharging a measurable amount of those pollutants to the sewer system from the process using these pollutants, or
 - discharges more than five (5) percent of the waste flow or load carried by the sewage treatment plant receiving the waste.
- 2.2.46 **"Slug"** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- 2.2.47 **"Special Permit"** shall mean an authorization for the connection as well as the discharge of wastewater from all Users other than private dwellings into the County sewer system.
- 2.2.48 **"Standard Industrial Classification (SIC)"** shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of the President, Office of Management and Budget, 1972.
- 2.2.49 **"Standard Methods"** shall mean the examination and analytical procedures set forth in the latest edition, at the time of analysis, or **Standard Methods for the Examination of Water and Wastewater** as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

- 2.2.50 **"State"** shall mean the State of New York.
- 2.2.51 **"State Pollutant Discharge Elimination System" or "SPDES Permit"** shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- 2.2.52 **"Storm Water"** shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.
- 2.2.53 **"Suspended Solids"** shall mean the total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering.
- 2.2.54 **"Toxic Pollutant"** shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a).
- 2.2.55 **"User"** shall mean any person who contributes, causes or permits the contribution of wastewater into the County's POTW.
- 2.2.56 **"Wastewater"** shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- 2.2.57 **"Water Pollution Control Plant"** shall mean an arrangement of devices and structures for the control of waterborne pollution.

SECTION 3 - Use of Public Sewer

3.1 Unsanitary Handling of Wastes Prohibited

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the County of Nassau, or in any area under the jurisdiction of Nassau County, any human or animal excrement, garbage, or other objectionable waste.

3.2 Private Discharge of Wastes Restricted

It shall be unlawful to discharge to any natural outlet within the County, or in any area under the jurisdiction of the County, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

3.3 Connection to County Sewers Required

Where there is a public sewer physically available to properties within the boundaries of the Nassau County Sewer Districts, it is mandatory that said properties be connected to said public sewer within two years after date of official notice to do so. All applications to construct, install, alter, replace, modify or change a building sewer, shall be made and submitted to the County in writing, upon the form provided for such purpose by the County, together with the permit fee in accordance with the provisions of this Ordinance. No private sewage disposal systems other than pretreatment systems for discharge to the County system as provided for herein, are now allowed, nor shall be allowed within the sewer districts.

SECTION 4 - Unlawful Connections and Discharges

4.1 Necessity for a Permit

No person, other than a municipality having such right by contract with the County, shall make or cause to be made any connection or attachment to any County sewer facility, nor shall any

person maintain, use, cause or permit any such connection or attachment to be maintained or used without having obtained a permit therefore from the Commissioner of Public Works. Proof of the existence of any such connection or attachment without a permit from the Commissioner of Public Works shall create a presumption that the connection or attachment was made or caused to be made by the owner of the premises served by such connection or attachment. No person shall discharge directly or indirectly into any such facility any industrial or objectionable waste without having obtained a permit therefore from the Commissioner of Public Works. As a condition for authorization for disposal of industrial waste, industries must provide information describing wastewater constituents and characteristics and type of activity involved as provided for herein. Proof of the contribution of any such wastes shall create a presumption that such waste was discharged by the owner of the premises on which such waste originated.

4.2 **Discharge of Unpolluted Wastes to Sanitary Sewer Prohibited**

No person shall discharge or cause to be discharged, either directly or indirectly, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer. Proof of the contribution of any such wastes shall create a presumption that such waste was discharged by the owner of the premises on which such waste originated.

4.3 **Objectionable Wastes**

4.3.1 **General**

No User shall contribute or cause to be contributed, directly or indirectly except as provided for in Section 5, any pollutant or wastewater which is an objectionable waste. Generally, no person shall discharge or cause to be discharged substances, materials, waters, or wastes under such conditions that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In determining the acceptability of wastes, the Commissioner will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements.

4.3.2 **Fire or Explosion Hazard**

Any liquids, solids, or gases, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which the County, the State or EPA has notified the User is a fire hazard or a hazard to the system.

4.3.3 **Toxic Pollutants**

Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

4.3.4 pH

Any wastewater having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

4.3.5 Solids Which May Create Obstructions

Solid or viscous substances, which may cause obstruction to the flow in a sewer or other interference with the proper operation of the wastewater treatment facilities such as, but not limited to: grease as defined hereinafter, ground or unground garbage, animal carcass wastes, ashes, cinders, sand, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, bark, wood sawdust, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes. Grease shall include wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances, which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees C).

4.3.6 Taste or Odor Causing Materials

Any noxious, malodorous, or taste producing liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

4.3.7 Materials Interfering with Water Reuse or Sludge Disposal

Any Substance, which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 504 or the Act; any criteria, guidelines, or regulations effecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, or State criteria applicable to the sludge management method being used.

4.3.8 POTW Permit Violation

Any substance, which will cause the POTW to violate its SPDES permit to the receiving water quality standards.

4.3.9 Pathogens

Any matter, which contains viable pathogenic bacteria in quantities larger than normally encountered in raw domestic sewage or any matter, which can reasonably be expected to contain such viable pathogenic bacteria in such quantities.

4.3.10 Temperature

Any liquid, solid, or vapor having a temperature higher than 150°F (65°C); however, such liquid, solid or vapor shall not cause the temperature of the influent to the sewage treatment plant to be greater than 104°F (40°C).

4.3.11 Acid or Pickling Waste

Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

4.3.12 Specific Elemental Concentrations

Any waters or wastes containing concentrations in excess of the following:

Specific Pollutant Limitations for Discharge to Sanitary Sewers

Parameter	Concentration Limit Milligrams per Liter
Cadmium	0.2
Chromium, Hex	0.1
Chromium, Total	2.0
Copper	2.0
Iron	4.0
Lead	0.1
Mercury	0.1
Nickel	2.0
Zinc	5.0
Arsenic	0.1
Available Chlorine	0.5
Cyanide, Total	1.0
Selenium	0.1
Sulfide	3.0
Barium	2.0
Manganese	2.0
Ammonia Nitrogen	20.0
Gold	0.1
Silver	0.1
Fluorides	10.0
Antimony	0.18

4.3.13 Radioactive Wastes

Any wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioner in compliance with applicable State or Federal regulations.

4.3.14 Potential Precipitates

Any waters or wastes containing solids in solution which will precipitate greater than 1000 ppm upon acidification (pH below 5.5); or alkalization (pH above 9.5) or oxidation or reduction.

4.3.15 Viscosity

Any waters or wastes having a viscosity exceeding 1.10 poises (absolute viscosity) upon discharge or after acidification (pH below 5.5), or alkalization (pH above 9.5).

4.3.16 Color

Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

4.3.17 Conventional Pollutants

Unusual BOD, TDS, TSS, COD, or chlorine requirements in such quantities as to constitute an unacceptable load on the sewage treatment works as determined by the Commissioner.

4.3.18 Extreme Variations

Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

SECTION 5 - Conditional Connections and Discharges

5.1 General

If any waters or wastes are discharged, or are proposed to be discharged into the public sewers which are Objectionable Wastes as defined in Section 4.3 or which, in the judgment of the Commissioner, may have a deleterious effect upon the sewage treatment works processes, equipment, or receiving waters, or which otherwise created a hazard to life or constitute a public nuisance, the Commissioner may:

- Reject the waste or
- Require pretreatment to an acceptable condition for discharge to the public sewers, as provided for in Section 6, and/or
- Require control over the quantities and rates of discharge, or
- Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of Section 5.7.

5.2 Interceptors and Traps

Grease, oil, hair and sand interceptors shall be provided when the Commissioner determines that they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private dwellings. All the interceptors shall be located as to be readily and easily accessible for cleaning and inspection. No dishwasher discharge will be allowed to pass through any of the aforementioned interceptors. Where preliminary treatment including interceptors and traps or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously satisfactory and in effective operation by the owner at his expense. There shall be no bypass of the pretreatment facilities, which would allow the entry of untreated or partially treated wastes to the public sewer system.

5.3 Control Manholes

When required by the Commissioner, the owner of any property serviced by a house connection carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, including but not limited to Parshall flumes, venturi meters and weirs, in the building sewer to facilitate observation, sampling and measurement of the wastes.

Such manhole, when required, shall be constructed in accordance with plans approved by the Commissioner. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. When required by the Commissioner, dischargers shall install and maintain in proper order automatic flow proportional sampling equipment and/or automatic analysis and recording equipment. Sampling and flow measurement facilities shall be such as to provide safe access to authorized personnel. The industrial wastewater discharger shall identify the effluent sampling point used for each discharge pipe by providing a sketch or flow diagram, as appropriate, showing the location.

5.4 **Measurement, Sampling and Testing - Standards and Procedures**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of **Standard Methods for the Examination of Water and Wastewater** and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by the customarily accepted methods and to reflect the effect of constituents upon the sewage treatment works and to determine the existence of hazards to life, limb and property. Sampling shall be representative of the volume and quality of wastewater effluent discharged over the sampling and reporting period. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composite of all outfalls whereas pH is determined from periodic grab samples).

All sampling, analyses and flow measurement procedures, equipment and results shall be subject at any time to inspection by the Commissioner.

Adequate care shall be maintained in obtaining, recording, and reporting the required data on wastewater effluent quality and quantity, so that the precision and accuracy of the data will be equal to or better than that achieved by the prescribed standard analytical procedures. The industrial wastewater discharger shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at sufficiently frequent intervals to ensure accuracy of measurements.

Care shall be exercised when collecting a composite sample to assure that the proper preservative is present in the sample container during sample collection.

Depending on the analysis to be conducted, several different containers and preservation techniques may be required. Samples shall be analyzed as quickly as possible after collection. The industrial wastewater discharger shall ascertain that the methodology used is reliable for his specific wastes in his laboratory. Such discharger must be able to demonstrate to the Commissioner that he has a viable quality control program.

5.5 **Measurement, Sampling and Testing - Frequency**

Those industrial wastewater dischargers required to make periodic measurements of their wastewater flow and its constituents shall annually make the minimum number of such measurements required. Composite samples of the industrial wastewater shall be obtained for the required analyses. Dischargers required to sample on only a few days per year shall sample during the period of highest wastewater flow and wastewater constituent discharge. Samples should be taken during normal operating conditions.

5.6 **Record Keeping**

The industrial wastewater discharger shall maintain and record the results of all required analyses and measurements and shall record, for all samples, the date and time of sampling, the sample method used, the dates analyses were performed, who performed the sampling and analyses, and the results of such analyses. All records shall be retained for a minimum of 3 years, such a period

to be extended during the course of any unresolved litigation or when so requested by the Commissioner. The industrial wastewater discharger also shall retain all original stripchart recordings from any continuous monitoring instrumentation and any calibration and maintenance records for a minimum of 3 years such period to be extended during the course of any unresolved litigation or when so requested by the Commissioner. The industrial wastewater discharger shall provide the above records and shall demonstrate the adequacy of the flow measuring and sampling methods upon request of the Commissioner.

5.7 Exceptions

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the County and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the County for treatment, subject to payment therefore, by the industrial concern. No special agreements shall circumvent Federal Categorical Pretreatment Standards.

SECTION 6 - Pretreatment Requirements

6.1 Users Subject to Pretreatment Requirements

All Significant Industrial Users of the County POTW shall be subject to the Pretreatment Requirements of this Ordinance. In addition, any User subject to Federal Categorical Pretreatment Standards or which discharges Objectionable Wastes listed in Section 4.3 of this Ordinance shall be subject to Pretreatment Requirements.

6.2 General Requirements

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the County shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the County for review, and shall be acceptable to the County before construction of the facility.

All reports, plans and/or specifications that propose pretreatment facilities must be approvable, and signed and sealed by a professional engineer, licensed to practice in the State of New York. All such documents shall be subject to the review and approval of the Commissioner.

The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the County under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operating shall be reported to and be acceptable to the County prior to the User's initiation of the changes.

The County shall annually publish in the official daily newspaper(s) of the County a list of the Users which significantly violated any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request and who shall have the right to make copies of such records.

In addition to these requirements, all other appropriate conditions of this Ordinance shall apply, including those of Section 7, Applications for Permits.

6.3 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standards, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Commissioner shall notify all affected Users of the applicable reporting requirements under 40 CFR 403.12.

6.4 Modification of Federal Categorical Pretreatment Standards

Where the County's POTW treatment plants achieve consistent removal of pollutants limited by Federal Categorical Pretreatment Standards, the County may apply to the EPA for modification of specific limits. "Consistent Removal" shall be as defined in 40 CFR Section 403.7. The County may then modify pollutant discharge limits in the Federal Categorical Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and approval is obtained.

6.5 County's Right of Revision

The County reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary by the Commissioner.

6.6 Excessive Discharge

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the County or State.

6.7 Accidental Discharges and By-Passes - General

There shall be no by-passes of pretreatment facilities of untreated or partially treated wastes. Each User shall provide appropriate protection facilities for prevention of accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the County for review, and shall be approved by the County before construction of the facility. All existing Users shall complete such a plan within 180 days of the effective date of this Ordinance. No User who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the County. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance.

6.7.1 Notification of Accidental Discharges

In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the appropriate treatment plant of the incident. The notification shall include location of discharge, time of discharge, type of waste, concentration and volume, and corrective actions.

- Within five (5) days following an accidental discharge, the User shall permit to the Commissioner a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability, which may be incurred as a result of

damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

- A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees to notify the POTW in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

6.8 Reporting Requirements for Significant Industrial Users

6.8.1 Baseline Report

Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, a User subject to that standard shall submit to the Commissioner the information required by paragraphs 7.2.8 and 7.2.9 of the subsection Permit Application in Section 7.

6.8.2 Compliance Date Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Commissioner a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility, which is limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

6.8.3 Periodic Compliance Reports

Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Commissioner during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Commissioner, a report indicating the nature and concentration of pollutants in the effluent, which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in this section. At the discretion of the Commissioner and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Commissioner may agree to alter the months during which the above reports are to be submitted.

The Commissioner may impose mass limitations on Users. In such cases, the report required in this subsection shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow, and the nature and concentration, or production and mass where required by the Commissioner, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard or as prescribed by the Commissioner. All analysis shall be performed in accordance with procedures established by EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the

procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

SECTION 7 - Applications for Permits

7.1 General

Applications for permits under these regulations shall be made on printed forms to be furnished by the Department of Public Works (See Attachment No. 1, Page AT1-1). The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Commissioner, and as required for Pretreatment Facilities as provided for in Section 6. (See Attachments Nos. 2 and 3, Pages AT2-1 and AT3-1). There shall be two classes of permits to be known as "Special" and "General". (See Attachment No. 4, Page AT4-1). A General Permit shall be sufficient to authorize the connection or attachment, as well as the discharge of sewage from private dwellings into the County sewer system; all other connections, attachments, discharges or uses require Special Permits. Applications for General Permits shall be signed by the fee owner of the premises as shown by the last preceding tax roll or his attorney-in-fact specifically authorized by such fee owner to make such application. Applications for Special Permits may be made in the same manner or by a lessee of the premises. In each instance where a Special Permit is required, it shall be unlawful to contribute any sewage directly or indirectly into the County sewer system without such permit and the fact that the contributor has obtained a General Permit from the County, or a permit from any other municipality having jurisdiction over the immediate connection through which the discharge is made shall be no defense in a prosecution for violation of these regulations.

7.2 Special Permits

All discharges other than private dwellings are required to have a Special Permit, Significant Industrial Users (SIU's) must obtain a Special Permit with amendments as approved by the County (See Attachment No. 3, Page AT3-1). Existing SIU's required to obtain an amended Special Permit shall complete and file with the County, an application in the form prescribed by the County. Existing SIU's shall apply for an amended Special Permit within 30 days after the effective date of this Ordinance, and proposed new SIU's shall apply at least 60 days prior to connecting to or contributing to the POTW. In support of the application, the SIU shall submit, in units and terms appropriate for evaluation, the following information:

- 7.2.1 Name, address and location (if different from the address); and Nassau County Tax Assessor's Lot and Block Number;
- 7.2.2 SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- 7.2.3 Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 4 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- 7.2.4 Time and duration of contribution;
- 7.2.5 Average daily and 3-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- 7.2.6 Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

- 7.27 Description of activities, facilities and plant process on the premises including all materials which are or could be discharged;
- 7.28 Where known, the nature and concentration of any pollutants in the discharge which are limited by any County, State or Federal Pretreatment Standards, and a Statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- 7.2.9 If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- No increment referred to in the above paragraph shall exceed 9 months, nor shall the total compliance period exceed 18 months.
- Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Commissioner including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Commissioner.

- 7.2.10 Each product produced by type, amount, process or processes and rate of production;
- 7.2.11 Type and amount of raw materials processed (average and maximum per day);
- 7.2.12 Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- 7.2.13 Any other information as may be deemed by the County to be necessary to evaluate the permit application.
- 7.2.14 The County will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the County may issue a Special Permit subject to terms and conditions provided herein.
- Every Special Permit, except as provided for in the paragraph below, is non-assignable and is void upon the occurrence of any of the following:
 - Violation by the permittee of any of the conditions prescribed in his permit.
 - Any change in either the permittee's business or his processes which changes the quality or quantity of the permittee's effluent.

- Violation by the permittee of any provision of this Ordinance.

- Where separate Special Permits are issued to a landlord and a lessee for the same premises, the landlord may assign his Special Permit to a subsequent purchaser providing that the lessee's permit is still in force on the date title passes.

7.3 Permit Modifications

Upon the promulgation of a National Categorical Pretreatment Standard, the Special Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Special Permit as required by Section 7, the User shall apply for a Special Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Special Permit shall submit to the Commissioner within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraphs Section 7.2.8 and 7.2.9.

7.4 Permit Conditions

Special Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the County. Permits may contain the following:

- The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer;
- Limits on the average and maximum wastewater constituents and characteristics;
- Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- Requirements for installation and maintenance of inspection and sampling facilities;
- Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- Compliance schedules;
- Requirements for submission of technical reports or discharge reports (see Section 7);
- Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the County and affording County access thereto;
- Requirements for notification of the County of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- Requirements for notification of the County of change in the process used by the permittee;
- Requirements for notification of excessive, accidental or slug discharges;
- Other conditions as deemed appropriate by the County to ensure compliance with this Ordinance and Federal and State laws, rules and regulations.

7.5 Permit Duration

Special Permits for Significant Industrial Users shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period less than three (3) years or may be stated to expire on a specific date.

7.6 Permit Reissuance

The User shall apply for permit Reissuance a minimum of 180 days prior to the expiration of the User's existing permit in accordance with the provisions of Section 7.2. The terms and conditions of the permit may be subject to modification by the County during the term of the permit as limitations or requirements as identified in Section 4 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

7.7 Permit Transfer

Special Permits are issued to a specific User for a specific operation. A Special Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the County. Any succeeding owner or User shall also comply with the terms and conditions of the existing Special Permit.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency upon written request without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the County that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the State Pollutant Discharge Elimination System (SPDES) Permit, and/or the Pretreatment Program; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

SECTION 9 - Fees

9.1 General Permit

The fee for a General Permit shall be (\$10.00) Ten Dollars payable on filing the application.

9.2 Special Permit

The fee for a Special Permit shall consist of the following charges:

- Twenty (\$20.00) Dollars to a maximum of Two Hundred Dollars (\$200.00 for an Industrial Waste Engineering.
- An inspection charge of 1% of the estimated cost of the construction of the external sewers

from the available Nassau County house connection to the point where the sewer enters the building. The estimated cost of construction is to be determined by the County of Nassau. No work will commence until County inspectors are on the job site.

- The fee for a Special Permit shall consist of the sum total of the charges described above and shall be payable before issuance of the permit.

9.3 Dye Testing

In each instance when a dye test is conducted to determine whether a building is equipped with a connection to the sewer system, and such test is not made for the sole use and benefit of the County, a fee of Thirty-Five (\$35.00) Dollars shall be paid by:

- the person requesting such test, or
- the owner of the premises on which such test is made when the test is done to establish an illegal connection and positive results are obtained.

9.4 Use of Fees

The proceeds of the fees collected under this section shall be deposited by the County Comptroller to the credit of General Fund code No. 208.

9.5 Pretreatment

The County may adopt charges and fees as part of their Industrial Pretreatment Program which may include:

- fees for reimbursement of costs of setting up and operating the County's Pretreatment Program,
- fees for monitoring, inspections and surveillance procedures;
- fees for reviewing accidental discharge procedures and construction;
- fees for filing appeals;
- fees for consistent removal (by the POTW) of pollutants otherwise subject to Federal Pretreatment Standards;
- other fees as the County may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by County.

SECTION 10 - Posting of Permits

A permit for making a connection must be kept on the premises, available for exhibition at all times during the construction of the work and the failure to keep such permit so available shall be presumptive evidence that the work is being conducted in violation of these regulations.

SECTION 11 - Building Sewers and Connections

11.1 Written Approval Required

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Commissioner. No connection shall be made until all special requirements are installed and operable. No work shall be commenced on the building sewer until the permit applied for has

been issued by the County, and in any event, such commencement shall be preceded by three (3) days notice to the County of intent to commence.

The Owner shall obtain all necessary permits to open any highway for the connection to the sewer main, and shall be responsible for all damage to persons or property occasioned by such opening. Pavement replacement shall conform to the requirements of the authority having jurisdiction over said pavement.

11.2 Cost Borne by Owner

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner.

11.3 Indemnification

The owner shall indemnify and save the County harmless from any loss, damage or expense, claims or suits arising out of or in connection with the installation and connection of the building sewer.

11.4 Separate Connections Required for Each Building

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on same lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer with separate permit for each building. In the case of one or more story multiple dwellings which are so designed or constructed that there is more than one unit on the same floor, there shall be a separate building drain and building sewer provided for each unit located on the ground or lowest main floor.

11.5 Use of Old Building Sewers

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Commissioner, to meet all requirements of this Ordinance.

11.6 Abandonment of Cesspools and Septic Tanks

Cesspools or septic tanks shall be discontinued following connections to a public sewer. The owner shall have these pools promptly emptied, cleaned and back filled with earth, sand or other acceptable clean material.

11.7 Design Requirements

The size, slope, alignment, material or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes, and all applicable rules and regulations of the County and Town or Village wherein the connection is made. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commissioner before installation. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged into the building sewer. The cost thereof shall be borne by owner.

11.8 Drain Connections Prohibited

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

11.9 Construction Safety and Restoration

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the County. In addition, all requirements in Attachment No. 5, Page AT5-1 must be adhered to.

11.10 Connection to Storm Sewers Prohibited

No person shall make connection of a sanitary sewer to a separate storm sewer.

SECTION 12 - Inspections and Sampling

The County shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the County or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or the performance of any of their duties. The County, the DEC and the Approval Authority, the EPA, shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into his premises, the User shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the County and the Approval Authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

SECTION 13 - Approval of Connections

13.1 Inspection by the Department of Public Works

All connections to County sewer facilities shall be subject to approval and inspection by the County. Before any connection shall be covered, it shall be the duty of the applicant to notify the Department of Public Works that the connection is ready for inspection and such connection shall not be covered until it has been inspected and approved by a County or Town representative.

13.2 Inspection by Others

The Commissioner of Public Works may, however, in his discretion accept and use in connection with the issuance of a General Permit the inspection and reports of the building inspectors or other inspection agents of another municipality with reference to inspection when furnished with official records of the results thereof. In such cases, notification required to be made to the Department of Public Works by this Ordinance or as conditions in permits shall be made instead to the building inspector or inspection agent of the appropriate municipality.

SECTION 14 - Additional Requirements

14.1 Other Permits

The issuance of a permit for the making of a connection shall not relieve the permittee or any person presuming to act under the authority of such permit, from obtaining any additional permits required by law, ordinance or regulation, for the opening of streets or roads, the construction of building or the like.

14.2 Filing of Permits

Any person required under Section 4 of this Ordinance to obtain a waste disposal permit, or any person presuming to act under the authority of such permit, other than the owner, lessee, or possessor of one or two family private dwelling, shall within three (3) business days after the installation of each connection into or each disconnection from a Nassau County Sewer facility, file or cause to be filed with the County Department of Public Works, a copy of such permit evidencing the lawful disposal of scavenger wastes.

14.3 Return of Permits on Expiration

Any person described in subdivision (2) of this section who possesses any expired permit of the type described in such subdivision, shall return such permit to the County Department of Public Works within ten (10) business days after the date such permit has expired.

14.4 Repair of Building Sewer

The maintenance, repair and operation of a building sewer to the point of connection to the public sewer shall be the owner's responsibility and shall conform to the rules and regulations of the County now in force or hereinafter adopted.

No person shall make or cause to be made any repair of a building sewer without having first notified the County in writing on printed forms furnished by the County. No fee is required on filing the application for the repair of a building sewer.

SECTION 15 - Abandonment of Demolition

In the event that a building that is connected to the Nassau County Sanitary Sewers is to be abandoned or demolished, or the Certificate of Occupancy is withdrawn, the connection to the sewer is to be disconnected at the property line. The County sewer is to be plugged in a manner with a watertight plug that is satisfactory to the County. The sewer is to be disconnected, plugged and inspected prior to the start of any other work on the site.

- Where a General Permit was originally issued for the sewer connection, a new General Permit to Disconnect must be obtained prior to the start of work for which a Ten (\$10.00) dollar fee must be paid at the time of application for the Permit.
- Where a Special Permit was originally issued for the sewer connection, a new Special Permit to Disconnect must be obtained prior to the start of work for which a Twenty (\$20.00) dollar fee must be paid at the time of application for the Permit.

SECTION 16 - Protection From Damage

No person shall maliciously, willfully or through gross negligence break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system. Any person violating this provision shall be subject to immediate arrest under the section or sections of the Penal Law applicable thereto.

SECTION 17 - Violations and Penalties

17.1 General

The Commissioner may suspend the wastewater treatment service and/or a Special Permit when such suspension is necessary, in the opinion of the Commissioner, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the County to violate any condition of its SPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Special Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the County shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The County shall reinstate the Special Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the County within fifteen (15) days of the date of occurrence.

Any User who violates the following conditions of this Ordinance, or applicable State and Federal Regulations, is subject to having his permit revoked in accordance with the procedures of this Ordinance.

- Failure of a User to factually report the wastewater constituents and characteristics of his discharge; or
- Failure of the User to report significant changes in operations, or wastewater constituents and characteristics; or
- Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or
- Violation of conditions of the permit.

17.2 False Statement or Breach of Contract

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Special Permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than One Thousand (\$1,000.00) dollars or by imprisonment for not more than six (6) months, or both.

17.3 Notification of Violation

Whenever the County finds that any User has violated or is violating this Ordinance, a General Permit, a Special Permit, or any prohibition, limitation of requirements contained herein, the County may serve upon such person a written notice, a plan for the satisfactory correction thereof shall be submitted to the County by the User.

17.4 Show Cause Hearing

The County may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Commissioner why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Commissioner regarding the violation, the reasons why the action is to be taken, the

proposed enforcement action, and directing the User to show cause before the Commissioner why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. The Commissioner may conduct the hearing and take the evidence, or may designate any officer or employee of the Department of Public Works to:

- Issue in the name of the Commissioner notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
- Take the evidence;

Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Commissioner for action thereon.

At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. After the County has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances that have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

17.5 Legal Action

If any person discharges sewage, industrial wastes or other wastes into the County's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements or any order of the County, the County Attorney may commence an action for appropriate legal and/or equitable relief.

17.6 Civil Penalties

Any User who is found to have violated an Order of the County or who willfully or negligently failed to comply with any provision of this Ordinance except Section 15, and the orders, rules, regulations and permits issued hereunder, shall be subject to a fine of not more than One Thousand (\$1,000.00) dollars or imprisonment for not more than six (6) months or both such fine and imprisonment for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the County may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the order, rules, regulations, and permits issued hereunder. A violation of this Ordinance may also result in the termination of disposal authorization at the discretion of the Commissioner.

17.7 Severability

If any provision, paragraph, work, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

17.8 Conflict

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 18 - Repealed

Ordinance Nos. 401 - 1977; 445 - 1979; 209 - 1979; 142 - 1981; are hereby repealed.

SECTION 19 - Effective Date

This Ordinance shall take effect immediately.

APPROVED: JUNE 3 1985
FRANCIS T. PURCELL
County Executive

ADDENDUM A

SANITARY SEWER REGULATIONS
DEPARTMENT OF PUBLIC WORKS
COUNTY OF NASSAU

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- 2 - Requirements for Special Sewer Permits With a Run of More Than 100 Feet
- 3 - Amendment to Special Permit for Significant Industrial Users
- 4 - Sewer Connection Permit
- 5 - Utility Regulations
- 6 - Ordinance No. 70-1976 (Scavenger Waste Disposal)



ORDINANCE NO. 187 - 2010

AN ORDINANCE TO FIX CERTAIN FEES TO BE CHARGED BY
THE DEPARTMENT OF PUBLIC WORKS

APPROVED AS TO FORM



Deputy County Attorney

Passed by Nassau County Legislature
on **OCT 29 2010**
votes for / ~~7~~ votes against / ~~Abstained~~ / ~~recused~~ : 0
Became an ordinance on **NOV - 3 2010**
With the approval of the Deputy County
Executive acting for the County Executive

WHEREAS, certain fees charged by the County of Nassau for services no longer cover the costs required to administer and process the services for which they are charged; and

WHEREAS, it is therefore necessary for the County of Nassau to fix such fees so that they cover the administrative costs associated with the operation of services of the departments; now, therefore

BE IT ORDAINED, by County Legislature of the County of Nassau County as follows:

§ 1. Section 3 of Ordinance No. 105-1985, relating to procedures for the issuance of permits for opening of roads other than for County purposes, as amended by Ordinance Nos. 203-2001, 124-2002, and 128-2006 is amended to read as follows:

3. Each applicant for a permit shall accompany its application by a non-refundable

fee of two hundred forty dollars (\$240) for each opening. The said fee is waived however, if the applicant is a municipal corporation duly organized under the laws of the State of New York. Each permit holder shall also be required to pay a fee of three hundred ninety nine dollars (\$399) for each opening to cover costs associated with the re-inspection subsequent to the repair of the roadway following the road opening.

§ 2. Section 9 of Ordinance No 266-1985, constituting the Nassau County Sewer Ordinance, as amended by Ordinance No. 100-C-2001 and 128-2006, is amended to read as follows:

SECTION 9 -- Fees

9.1 General Permit

The fee for a General Permit shall be one hundred twenty dollars (\$120) payable on filing the application. Each permit holder shall also be required to pay a fee of three hundred ninety nine dollars (\$399) as a sewer permit inspection fee.

9.2 Special Permit

The fee for a Special Permit Shall consist of the following charges:

(a) One hundred sixty dollars (\$160) to a maximum of eight hundred dollars (\$800) for Engineering reports.

(b) An inspection charge of two percent (2%) of the estimated cost of the construction of the external sewers from the available County sewer to the point where the sewer enters the building. The estimated cost of construction is to be determined by the Commissioner. No work will commence until County Inspectors are on the job site. An inspection charge will not be made where the Owner is required to provide this

service through others (see Section 13).

- (c) The fee for a Special Permit shall consist of the sum total of the charges described above and shall be payable before issuance of the permit.

9.3 Industrial Discharge Permit

The fee for an Industrial Discharge Permit shall be two hundred thirteen dollars (\$213) payable to the County on filing the application.

9.4 Dye Testing

In each instance when a dye test is conducted to determine whether a building is equipped with a connection to the sewer system, and such test is not made for the sole use and benefit of the County, a minimum fee of one hundred sixty dollars (\$160) to a maximum fee of eight hundred dollars (\$800) per dye test shall be paid to the County by:

- (a) the person requesting such test, or
- (b) the owner of the premises on which such test is made when test is done to establish an illegal connection.

9.5 Verification of Permit/Connection

A fee for the written verification of Permits issued for connection to the public sewer may be charged by the County. The fee shall be seventy-five dollars (\$75.00).

§ 3. Sections 3, 4, 5, 6, 7 and 8 of Ordinance No. 76-2000, relating to the establishment of various fees for the Department of Public Works, as amended by Ordinance No. 204-2001, are amended as follows:

3. The Commissioner of Public Works is hereby authorized to publish a GPS monumentation book based upon up to date information accumulated by him in loose leaf book form with provision for updating said information as required for a period of five years subsequent to publication. The GPS monumentation book shall be available for sale to the public at a price of two hundred seventy five dollars (\$275) per volume, to include the aforesaid supplements for a five-year period.
4. The Commissioner is hereby authorized to establish a fee of two hundred nine dollars (\$209) for permits issued pursuant to subdivision (c) of Section 12-4.3 of the Nassau County Administrative Code relating to containers, boxes, dumpsters, or instrumentalities on County roads.
5. The Commissioner of Public Works is hereby authorized to establish a fee of nine dollars (\$9) per square foot for the reproduction of maps.
6. The Commissioner of Public Works is hereby authorized to establish a price of one hundred five dollars (\$105) per copy to persons desiring copies of "Standard Specifications for Construction of Highways & Bridges," "Standard Specifications for Construction of Sanitary Sewers" or "Traffic Signal Standard Specifications."
7. The Commissioner is hereby authorized to charge a fee of three thousand dollars (\$3,000) and an additional one hundred (\$100) per lot to review for an applicant submitting a subdivision map that requires the approval of the Commissioner of Public Works pursuant to Section 334-a of the Real Property Law. If an applicant is required to resubmit plans, the Department shall charge an

additional fee of three hundred twenty dollars (\$320) for each occasion that plans are resubmitted.

8. The Commissioner of Public Works is hereby authorized to charge a fee of six hundred forty dollars and fifty cents (\$640.50) to review applications for building permits pursuant to Section 239-f of the General Municipal Law that are forwarded by the various towns, cities and incorporated villages. The fee shall be waived for an application filed on behalf of a charitable organization, religious institution, or not-for-profit corporation or where the anticipated cost of construction is less than twenty thousand dollars (\$20,000). A fee of three hundred twenty dollars (\$320) shall be charged for a re-review of a previously rejected application for which a fee was required. If an application is made for a parcel that differs from the prior proposed use, a fee of \$640.50 shall be charged.

§ 4. Section 1 of Ordinance No. 144-1990, as amended by Ordinance No. 128-2006, relating to various miscellaneous fees to be charged by the Department of Public Works, is amended to read as follows.

Section 1. The Department of Public Works is authorized to charge the following fees:

(a) Cesspool coupons for scavenger waste at sewage plants

\$53 per 1,000 gallons

(b) Plans and specifications for construction projects

\$106

(c) Aerial photos on a scale of 1" = 200'

10 per sheet

§ 5. Section 6 of Ordinance No. 76-2000, as amended by Ordinance No. 41-2009 is amended to read as follows.

6. The Commissioner of Public Works is authorized to charge the following fees:

(a) Standard Detail Sheets for Civil Engineering and Site Development

Construction \$225

(b) Standard Specifications for Construction of Sanitary Sewers \$70

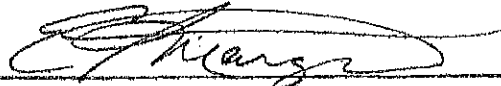
(c) Traffic Signal Standard Specifications \$70

§ 6. There shall be a penalty of three times the amount of the applicable permit fee for any violation of the terms and conditions or requirements of a road opening or sewer permit issued by the Department of Public Works or for any actions improperly undertaken without obtaining such a permit from the Department of Public Works

§7. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 8. The provisions of this ordinance shall take effect immediately.

APPROVED



County Executive

DATE 11/3/2010

179

I, WILLIAM J. MULLER III, Clerk Of the Legislature of the County of Nassau, do hereby certify that the foregoing is a true and correct copy of the original Ordinance 176-2015 duly passed by the Nassau County Legislature, Mineola, New York, on Monday, November 23, 2015 and approved by the County Executive on Monday, November 30, 2015 and on file in my office and recorded in the record of proceedings of the Nassau County Legislature and is the whole of said original

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Nassau County Legislature

This 3 rd day of December,

in the Year two thousand and 15.



WILLIAM J. MULLER III

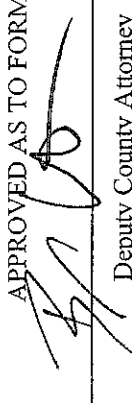
Clerk of the Legislature

County of Nassau

Tenth Legislature

ORDINANCE NO. 74-2014

AN ORDINANCE TO FIX CERTAIN FEES TO BE CHARGED BY THE DEPARTMENT OF PUBLIC WORKS

APPROVED AS TO FORM

Deputy County Attorney

Passed by Nassau County Legislature
on 6/16/14
votes for 2 votes against 9 abstained 0 recused 0
Became an ordinance on 6/19/14
With the approval of the County Executive

WHEREAS, certain fees charged by the County of Nassau for services no longer cover the costs required to administer and process the services for which they are charged; and

WHEREAS, it is therefore necessary for the County of Nassau to fix such fees so that they cover the administrative costs associated with the operation of services of the departments; now, therefore

BE IT ORDAINED, by County Legislature of the County of Nassau County as follows:

§ 1. Section 3 of Ordinance No. 105-1985, relating to procedures for the issuance of permits for opening of roads other than for County purposes, as last amended by Ordinance No. 187-2010, is amended to read as follows:

3. Each applicant for a permit shall accompany its application by a non-refundable fee of two hundred forty dollars (\$240) for each opening. The said fee is waived however, if the applicant is a municipal corporation duly organized under the

laws of the State of New York. Each permit holder shall also be required to pay a fee of three hundred ninety nine dollars (\$399) for each opening to cover costs associated with the re-inspection subsequent to the repair of the roadway following the road opening.

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- (a) the person requesting such test, or
- (b) the owner of the premises on which such test is made when test is done to establish an illegal connection.

9.5 Verification of Permit/Connection

A fee for the written verification of Permits issued for connection to the public sewer may be charged by the County. The fee shall be ninety-five dollars (\$95.00)

§ 3. Sections 3, 4, 5, 7 and 8 of Ordinance No. 76-2000, relating to the establishment of various fees for the Department of Public Works, as last amended by Ordinance No. 187-2010, are amended as follows:

- 3. The Commissioner of Public Works is hereby authorized to publish a GPS monumentation book based upon up to date information accumulated by him in

loose leaf book form with provision for updating said information as required for a period of five years subsequent to publication. The GPS monumentation book shall be available for sale to the public at a price of two hundred seventy five dollars (\$275) per volume, to include the aforesaid supplements for a five-year period.

4. The Commissioner is hereby authorized to establish a fee of two hundred nine dollars (\$209) for permits issued pursuant to subdivision (c) of Section 12-4.3 of the Nassau County Administrative Code relating to containers, boxes, dumpsters, or instrumentalities on County roads.

5. The Commissioner of Public Works is hereby authorized to establish a fee of nine dollars (\$9) per square foot for the reproduction of maps.

7. The Commissioner is hereby authorized to charge a fee of three thousand and five hundred dollars (\$3,500) and an additional one hundred and fifty dollars (\$150) per lot to review for an applicant submitting a subdivision map that requires the approval of the Commissioner of Public Works pursuant to Section 334-a of the Real Property Law. If an applicant is required to resubmit plans, the Department shall charge an additional fee of three hundred fifty dollars (\$350) for each occasion that plans are resubmitted.

8. The Commissioner of Public Works is hereby authorized to charge a fee of seven hundred and fifty dollars (\$750) to review applications for building permits pursuant to Section 239-f of the General Municipal Law that are forwarded by the various towns, cities and incorporated villages. The fee shall be waived for an application filed on behalf of a charitable organization, religious

institution, or not-for-profit corporation or where the anticipated cost of construction is less than twenty five thousand dollars (\$25,000). A fee of three hundred seventy dollars (\$370) shall be charged for a re-review of a previously rejected application for which a fee was required. If an application is made for a parcel that differs from the prior proposed use, a fee of seven hundred and fifty dollars (\$750) shall be charged. If the value of construction estimate is greater than two hundred and fifty thousand dollars (\$250,000) and is not a major or minor subdivision defined by §339a of the Real Property Law in addition to the base initial fee of seven hundred and fifty dollars (\$750) the applicant will be required to pay one half percent (.05%) of the estimated construction value.

§ 4. Section 1 of Ordinance No. 144-1990, as amended by Ordinance No. 128-2006, relating to various miscellaneous fees to be charged by the Department of Public Works, is amended to read as follows.

Section 1. The Department of Public Works is authorized to charge the following fees:

(a) Cesspool coupons for scavenger waste at sewage plants

\$53 per 1,000 gallons

(b) Plans and specifications for construction projects

\$106

(c) Aerial photos on a scale of 1" = 200"

10 per sheet

§ 5. Section 6 of Ordinance No. 76-2000, as amended by Ordinance No. 41-2009 is amended to read as follows.

6. The Commissioner of Public Works is authorized to charge the following fees:

(a) Standard Detail Sheets for Civil Engineering and Site Development

Construction \$260

(b) Standard Specifications for Construction of Sanitary Sewers \$80

(c) Traffic Signal Standard Specifications \$80

§ 6. There shall be a penalty of three times the amount of the applicable permit fee for any violation of the terms and conditions or requirements of a road opening or sewer permit issued by the Department of Public Works or for any actions improperly undertaken without obtaining such a permit from the Department of Public Works

§7. Section XII of the Nassau County Planning Commission Regulations for the Subdivision of Land is hereby amended to read as follows:

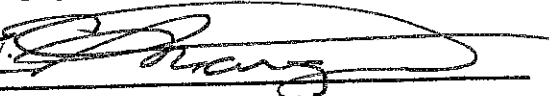
	Application or Filing	Fee	Commission Regulations Section
A.	Minor Subdivision Applications, including Lot Line Adjustments	Residential \$600 per lot or unit Lot Line Adjustments \$300	IV(C)(10)
B.	Preliminary Map Applications	Residential \$600 per lot or unit Non-residential \$850 per lot or unit	V(E)(10)
C.	Final Map Applications	\$2,000 per map section filed	V(G)(7)
D.	Amended Map Applications	\$600	X(E)
E.	Appeals to the Planning Commission	\$600	IX(C)
F.	Condominium or Cooperative Conversion Exception Letter Requests	\$100	II(E)
G.	Variance from Commission Regulations	Residential - \$600 per variance Non-residential variance - \$850	IX(A)

H.	Bond and Cash Escrow Filing Fee	\$600	VII
I.	Reduction of Bond or Escrow	\$600	VII
J.	Release of Bond or Escrow	\$600	VII
K.	Extension of Time to File Maps or Deeds	\$600	X(D)
L.	Certified Copy of Resolution	Pursuant to applicable law	X(F)
M.	Environmental Assessment Form (EAF) Filing Fee	\$600	II(A)
N.	Draft Environmental Impact Statement (DEIS) Filing Fee	\$1,000 per acre	II(A)
O.	Final Environmental Impact Statement (DEIS) Filing Fee	\$2,000 per acre	II(A)
P.	Supplemental Environmental Impact State (SEIS) Filing Fee	\$2,000 per acre	II(A)
Q.	Inspection Fee	8% of the cost of the required public improvements and utilities, of their estimated cost, as established by the Commission	VIII
R.	Miscellaneous	\$500	N/A
S.	Re-hearing	\$500	N/A

§8. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 9. This ordinance shall take effect immediately.

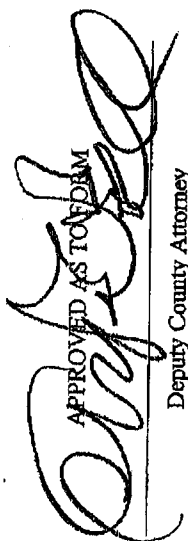
APPROVED


County Executive

DATE 6/19/14

ORDINANCE NO. 176 - 2015

AN ORDINANCE TO FIX CERTAIN FEES TO BE CHARGED BY THE
DEPARTMENT OF PUBLIC WORKS


APPROVED AS TO FORM
Deputy County Attorney

Passed by Nassau County Legislature
on 11/25/15
votes for / votes against / abstained / recused : 0
Became an ordinance on 11/30/15
With the approval of the County Executive

WHEREAS, certain fees charged by the County of Nassau for services no longer cover the costs required to administer and process the services for which they are charged; and

WHEREAS, it is therefore necessary for the County of Nassau to fix such fees so that they cover the administrative costs associated with the operation of services of the departments now, therefore

BE IT ORDAINED, by the County Legislature of the County of Nassau as follows:

Section 1: Section 3 of Ordinance No. 105-1985, relating to procedures for the issuance of permits for opening of roads other than for County purposes, as last amended by Ordinance No. 74-2014, is amended to read as follows:

3. Residential homeowners who apply for a permit shall accompany its application by a non-refundable fee of Two Hundred and Seventy-Five dollars (\$275) for each opening. Each residential homeowner permit holder shall also be required to pay a fee of Four Hundred and Sixty dollars (\$460) for each opening to cover costs associated with the re-inspection subsequent

to the repair of the roadway following the road opening.

All others, including non-residential applicants, who apply for a permit shall accompany its application by a non-refundable fee of Five Hundred and Fifty dollars (\$550) for each opening. The said fee is waived however, if the applicant is a municipal corporation duly organized under the laws of the State of New York. Each permit holder shall also be required to pay a fee of Nine Hundred and Twenty dollars (\$920) for each opening to cover costs associated with the re-inspection subsequent to the repair of the roadway following the road opening.

§ 2. Sections 3, 5, 7 and 8 of Ordinance No. 76-2000, relating to the establishment of various fees for the Department of Public Works, as last amended by Ordinance No. 74-2014, are amended as follows:

3. The Commissioner of Public Works is hereby authorized to publish a GPS monumentation book based upon up-to-date information accumulated by him or her in loose leaf book form with provision for updating said information as required for a period of five years subsequent to publication. The GPS monumentation book shall be available for sale to the public at a price of Five Hundred and Fifty dollars (\$550) per volume, to include the aforesaid supplements for a five-year period.

5. The Commissioner of Public Works is hereby authorized to establish a fee of Eighteen dollars (\$18) per square foot for the reproduction of maps and a fee of One Hundred and Twenty-Six dollars (\$126) per sheet for the reproduction of sewer maps.

7. The Commissioner is hereby authorized to charge a fee of Seven Thousand dollars (\$7,000) and an additional Three Hundred dollars (\$300) per lot to review for an applicant submitting a subdivision map that requires the approval of the Commissioner of Public Works pursuant to Section 334-a of the Real Property Law. If an applicant is

required to resubmit plans, the Department shall charge an additional fee of Seven Hundred dollars (\$700) for each occasion that plans are resubmitted.

8. The Commissioner of Public Works is hereby authorized to charge a fee of One Thousand Five Hundred dollars (\$1,500) to review applications for building permits pursuant to Section 239-f of the General Municipal Law that are forwarded by the various towns, cities and incorporated villages. The fee shall be waived for an application filed where the anticipated cost of construction is less than twenty five thousand dollars (\$25,000). A fee of Seven Hundred and Forty dollars (\$740) shall be charged for a re-review of a previously rejected application for which a fee was required. If an application is made for a parcel that differs from the prior proposed use, a fee of seven hundred and fifty dollars (\$750) shall be charged. If the value of construction estimate is greater than two hundred and fifty thousand dollars (\$250,000) and is not a major subdivision defined by §334a of the Real Property Law in addition to the base initial fee of One Thousand Five Hundred dollars (\$1,500) the applicant will be required to pay three quarters of a percent (.75%) of the estimated construction value.

§ 4. Section 1 of Ordinance No. 144-1990, as amended by Ordinance No. 128-2006,

relating to various miscellaneous fees to be charged by the Department of Public Works, is amended to read as follows.

Section 1. The Department of Public Works is authorized to charge the following fees:

- (a) Cesspool coupons for scavenger waste at sewage plants: \$53 per 1,000 gallons
- (b) Plans and specifications for construction projects: \$300
- (c) Aerial photos on a scale of 1" = 200": \$20 per sheet

§ 5. Section 6 of Ordinance No. 76-2000, as amended by Ordinance No. 41-2009 is

amended to read as follows.

6. The Commissioner of Public Works is authorized to charge the following fees:

(a) Standard Detail Sheets for Civil Engineering and Site Development

Construction \$520

(b) Standard Specifications for Construction of Sanitary Sewers \$160

(c) Traffic Signal Standard Specifications \$160

§ 6. Section 2 of Ordinance No. 76-2000, is amended to read as follows.

Section 2. The Commissioner of Public Works is hereby authorized to issue all permits for the movement upon County roads and bridges of overweight and/or oversized vehicles as defined by Section 385 of the Vehicle and Traffic Law upon such terms and conditions as, in his opinion, are reasonably necessary for the proper maintenance of the said roads and bridges, and for the safety and convenience of the residents of Nassau County and others. The Commissioner is hereby authorized to require such guarantees as he deems necessary to secure observance of the terms and conditions of said permits. A non-refundable fee of One Hundred and Fifty dollars (\$150) shall be charged for processing each application for such permit, which fee shall be waived if the applicant for such permit is a municipal corporation.

§ 7. Section 4 of Ordinance No. 76-2000, as amended by Ordinance No. 187-2010, is amended to read as follows.

4. The Commissioner is hereby authorized to establish a fee of Four Hundred and Eighteen dollars (\$418) for permits issued pursuant to subdivision (c) of Section 12-4.3 of the Nassau County Administrative Code relating to containers, boxes, dumpsters or instrumentalities on County roads.

§ 8. There shall be a penalty of three times the amount of the applicable permit fee for

any violation of the terms and conditions or requirements of a road opening or sewer permit issued by the Department of Public Works or for any actions improperly undertaken without obtaining such a permit from the Department of Public Works

§ 9. Section XII of the Nassau County Planning Commission Regulations for the Subdivision of Land is hereby amended to read as follows:

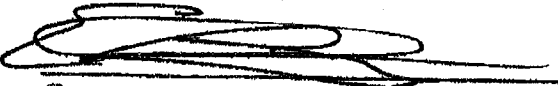
	Application or Filing	Fee	Commission Regulations Section
A.	Minor Subdivision Applications, including Lot Line Adjustments	Residential \$1200 per lot or unit Non-residential \$1700 per lot or unit Lot Line Adjustments \$600	IV(C)(10)
B.	Preliminary Map Applications	Residential \$1200 per lot or unit Non-residential \$1700 per lot or unit	V(E)(10)
C.	Final Map Applications	\$4000 per map section filed	V(G)(7)
D.	Amended Map Applications	\$1200	X(E)
E.	Appeals to the Planning Commission	\$1200	IX(C)
F.	Condominium or Cooperative Conversion Exception Letter Requests	\$200	II(E)
G.	Variance from Commission Regulations	Residential - \$1200 per variance Non-residential variance - \$1700	IX(A)
H.	Bond and Cash Escrow Filing Fee	\$1200	VII
I.	Reduction of Bond or Escrow	\$1200	VII
J.	Release of Bond or Escrow	\$1200	VII
K.	Extension of Time to File Maps or Deeds	\$1200	X(D)

L.	Certified Copy of Resolution	Pursuant to applicable law	X(F)
M	Environmental Assessment Form (EAF) Filing Fee	\$1200	II(A)
N.	Draft Environmental Impact Statement (DEIS) Filing Fee	\$2000 per acre	II(A)
O.	Final Environmental Impact Statement (DEIS) Filing Fee	\$4000 per acre	II(A)
P.	Supplemental Environmental Impact State (SEIS) Filing Fee	\$4000 per acre	II(A)
Q.	Inspection Fee	16% of the cost of the required public improvements and utilities, of their estimated cost, as established by the Commission	VIII
R.	Miscellaneous	\$1000	N/A
S.	Re-hearing	\$1000	N/A

§ 10. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 11. This ordinance shall take effect immediately.

APPROVED


County Executive

DATE Nov. 30, 2015

ORDINANCE NO. 176 - 2015

AN ORDINANCE TO FIX CERTAIN FEES TO BE CHARGED BY THE DEPARTMENT OF PUBLIC WORKS

APPROVED AS TO FORM
[Signature]
Deputy County Attorney

Passed by Nassau County Legislature
on 11/23/15
votes for / votes against / abstained / recused : 0
Became an ordinance on 11/30/15
With the approval of the County Executive

STATE OF NEW YORK
COUNTY OF NASSAU

ss.:

Issued to: COMPTROLLER/TREASURER

I, WILLIAM J. MULLER III, Clerk Of the Legislature of the County of Nassau, do hereby certify that the foregoing is a true and correct copy of the original Ordinance 176-2015 duly passed by the Nassau County Legislature, Mineola, New York, on Monday, November 23, 2015 and approved by the County Executive on Monday, November 30, 2015 and on file in my office and recorded in the record of proceedings of the Nassau County Legislature and is the whole of said original

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s follows:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Nassau County Legislature

This 3rd day of December,

in the Year two thousand and 15.

[Signature]

WILLIAM J. MULLER III

Clerk of the Legislature
County of Nassau
Tenth Legislature

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E-208-15

RESOLUTION NO. 267 2015

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS AND ONE ROBERT LANE, LLC

APPROVED AS TO FORM



Deputy County Attorney

Passed by the Rules Committee
Nassau County Legislature

By Voice Vote on 10/19/15

VOTING:

Ayes 7 nays 0 abstained 0 recused 0
Legislators present: 7

WHEREAS, the County of Nassau has negotiated an agreement with One Robert Lane, LLC, a copy of which is on file with the Clerk of the Legislature, and

WHEREAS, such agreement will allow One Robert Lane, LLC to connect to an existing Nassau County sanitary sewer for wastewater treatment and disposal services; and

WHEREAS, the District is interested in procuring rescue extraction equipment for emergency response (the "Project"); and

WHEREAS, such agreement is authorized by Section 1234 of the Nassau County Charter; now, therefore, be it

RESOLVED, that the Nassau County Legislature authorizes the County Executive to execute the said agreement with One Robert Lane, LLC

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS AND ONE ROBERT LANE, LLC

APPROVED AS TO FORM



Deputy County Attorney

WHEREAS, the County of Nassau has negotiated an agreement with One Robert Lane, LLC, a copy of which is on file with the Clerk of the Legislature, and

WHEREAS, such agreement will allow One Robert Lane, LLC to connect to an existing Nassau County sanitary sewer for wastewater treatment and disposal services; and

WHEREAS, the District is interested in procuring rescue extraction equipment for emergency response (the "Project"); and

WHEREAS, such agreement is authorized by Section 1234 of the Nassau County Charter; now, therefore, be it

RESOLVED, that the Nassau County Legislature authorizes the County Executive to execute the said agreement with One Robert Lane, LLC

E-209-15

RESOLUTION NO. 208 2015

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS AND TRIANGLE EQUITIES 496 WEST JERICHO TURNPIKE, LLC

APPROVED AS TO FORM

Deputy County Attorney

Passed by the Rules Committee
Nassau County Legislature
By Voice Vote on 10/19/15
YEAS 7 NAYS 0 ABSTAINED 0 RECUSED 0
Legislators present: 7

WHEREAS, the County of Nassau has negotiated an agreement with Triangle Equities 496 West Jericho Turnpike, LLC, a copy of which is on file with the Clerk of the Legislature, and

WHEREAS, such agreement will allow Triangle Equities 496 West Jericho Turnpike, LLC to connect to an existing Nassau County sanitary sewer for wastewater treatment and disposal services; and

WHEREAS, such agreement is authorized by Section 1234 of the Nassau County Charter; now, therefore, be it

RESOLVED, that the Nassau County Legislature authorizes the County Executive to execute the said agreement with Triangle Equities 496 West Jericho Turnpike, LLC

RESOLUTION NO. - 2015

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT BETWEEN THE COUNTY OF NASSAU ACTING ON BEHALF OF THE NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS AND TRIANGLE EQUITIES 496 WEST JERICHO TURNPIKE, LLC

APPROVED AS TO FORM


Deputy County Attorney

WHEREAS, the County of Nassau has negotiated an agreement with Triangle Equities 496 West Jericho Turnpike, LLC, a copy of which is on file with the Clerk of the Legislature, and

WHEREAS, such agreement will allow Triangle Equities 496 West Jericho Turnpike, LLC to connect to an existing Nassau County sanitary sewer for wastewater treatment and disposal services; and

WHEREAS, such agreement is authorized by Section 1234 of the Nassau County Charter; now, therefore, be it

RESOLVED, that the Nassau County Legislature authorizes the County Executive to execute the said agreement with Triangle Equities 496 West Jericho Turnpike, LLC

Section 266

SHARE



Water rates, water quality treatment, sewage, wastewater disposal and refuse collection charges and revenues
County (CNT)

Water rates, water quality treatment, sewage, wastewater disposal and refuse collection charges and revenues. 1. Subject to confirmation by the board of supervisors, the administrative head or body: (a) may establish, from time to time, wholesale and retail rate schedules for water sold to, or a scale of charges for the collection, conveyance, treatment and disposal of sewage, wastewater or refuse from, public corporations, improvement districts, commercial and industrial users and individuals to be determined on any equitable basis including but not limited to a system of classification which, for purposes of establishing differential rates, charges or rentals, may allocate among areas within the district designated by the administrative head or body, the costs of establishment of the district, the furnishing of improvements therein and operation and maintenance of district facilities or any combination thereof; or (b) may impose sewer rents as provided by the general municipal law. Before any such schedules are finally established, the administrative head or body shall hold at least one public hearing thereon. Appeals may be taken from any rate fixing determination of the administrative head or body to the board of supervisors. The board of supervisors shall prescribe the manner of holding such hearings and of taking appeals. The administrative head or body shall also adopt rules and regulations, subject to approval of the board of supervisors, prescribing the terms and conditions under which service will be given to consumers, including the manner of paying bills for service, penalties for non-payment, discounts, deposits and other related matters. No water shall be sold to persons situated within a city, village, water district, water supply district or fire district in which there is a water distribution system operated by the municipality or district without the consent of such municipality or district. No sewage, wastewater, water quality treatment or refuse collection service shall be furnished to individual properties situated within a city, village or district which operates a sewer, wastewater disposal, water quality treatment or refuse system furnishing a similar service as the county district without the consent of such city, village or district. If the county

water, water quality treatment, sewer, wastewater disposal, drainage or refuse district has a supply of water or facilities and capacity in excess of its own needs, the administrative head or body may sell such excess water to, or contract for the use of such facilities by, municipalities, district or persons outside the county district. Notwithstanding the provisions of sections two hundred seventy, two hundred seventy-one and two hundred seventy-four, revenues derived from water rates, water quality treatment charges, sewer rents and sewage, wastewater and refuse collection charges shall be applied toward the maintenance and operation of the water, water quality treatment, sewer, wastewater or refuse collection system and for the payment of debt service, to the extent such revenues are available.

2. The county treasurer, or comparable officer or body, shall collect and receive all rates, rentals, charges and other revenue of the district and keep a true account of all such receipts. Unpaid charges and rents shall be a lien upon the real property upon which or in connection with which services were provided as and from the first day fixed for payment of such charges and rents.

3. (a) An agreement between the water quality treatment district, acting through its administrative head, and an owner of a benefited parcel of property shall be entered into before the procurement, installation and maintenance of a water quality treatment unit or device. An agreement between such parties shall also be required for the modification and/or maintenance of a water quality treatment unit or device which is in place at the time when the property becomes a part of the district, however, the modification and/or unit or device must first be approved by the state department of health. Such agreements may be amended from time to time by mutual consent of the district, acting through its administrative head, and the owner of a benefited parcel of property. The agreement shall set forth the amount to be paid by the owner attributable to the expense of procurement, installation and modification, as the case may be, of the water quality treatment unit or device, and shall contain a statement that the ownership of the treatment units or devices purchased by the district shall remain the property of the district and that charges for monitoring, testing, operation and maintenance shall be determined annually as provided in section two hundred seventy-one of this chapter. All of the expenses for the procurement and installation or modification may be paid at the time an agreement is entered into.

(b) The water quality treatment district, acting through its administrative head, subject to the approval of the board of supervisors, may authorize payment of the expenses of procurement, installation or modification of the water quality treatment unit or device over a period of time in annual installments. Such authorization shall set forth whether

the annual installments shall be due and payable at the same time as town and county taxes are due or at another time. The option of paying such expenses in annual installments, if provided by authorization of the water quality treatment district, shall be available to each property owner in the district. If such annual installments shall be due at the same time as town and county taxes, the water quality treatment district, acting through its administrative head, shall transmit the amount of the annual installments to the county treasurer, or comparable officer or body for the levy and collection and enforcement of the same in the manner and at the same time as town and county taxes are levied, collected and enforced.

(c) Where the annual installments are to be paid at any other time, the authorization shall set forth the time and manner of payment and collection. Such authorization may be amended from time to time. If any portion or an installment for the procurement, installation and modification of such unit or device is not paid within thirty days of when it is due, the district, acting through its administrative head, shall notify the owner of the property that unless such amount is paid within ten days from the date of the notice, such unit or device may be removed at the expense of the property owner. If the owner fails to pay such amount by such date, the district, acting through its administrative head, may cause such unit or device to be removed. After such removal, the district, acting through its administrative head, shall send the owner a statement of the amount due, together with the amount of expense attributable to removal of such unit or device, and the total amount thereof shall be a lien upon such real property and collection thereof shall be enforced at the same time and in the manner as the collection of town and county taxes are enforced with interest as provided herein. If the unit or device is not so removed, the collection of the amount set forth in the first notice of delinquency shall be enforced at the same time and in the manner as the collection of town and county taxes are enforced. The total amount set forth in such first notice, together with interest thereon shall be a lien upon such real property until it is paid. Interest shall be charged at the rate of one percent per month or fraction thereof, subsequent to the expiration of the ten days notice, until paid or the date of tax sale, whichever is sooner.

(d) The agreement shall also contain a grant by the owner to the water quality treatment district, its agents, employees and representatives authorized to act on its behalf, a right of entry and access to the property, while such property is within such district, for the purposes of installation, modification, replacement, repair, monitoring, testing, operation and maintenance, regeneration and removal of the water quality treatment unit or device. Thereafter employees, agents and authorized representatives of the district shall have a right of entry and access to such property for the purposes specified herein, upon reasonable notice at reasonable times. If a lessee or occupant of said property refuses to

allow such entry and access, the water quality treatment district may apply to a court of competent jurisdiction to enforce its right of entry and access. If entry and access was refused by the owner of the property, the water quality treatment district may in its discretion remove the water quality treatment unit or device at the expense of the owner, unless such unit or device was acquired and owned by the property owner and exclude the property from the district. Such expense together with any other charges accrued prior to such removal shall be collected in the manner provided in paragraph (c) of subdivision three-a of section two hundred sixty-six of this chapter.

4. The county treasurer, or comparable officer or body, shall prepare, and transmit to the board of supervisors, on or before the first day of December in each year a list of those residents or property owners within the county who are in arrears in the payment of charges and rents for a period of thirty days or more after the last day fixed for payment of such charges and rents without penalty. The list shall contain a brief description of the properties for which the services were provided, the names of the persons or corporations liable to pay for the same and the amount chargeable to each, including penalties and interest computed to December thirty-first. The board of supervisors shall levy such sums against the properties liable and shall state the amount thereof in a separate column in the annual tax rolls of the various municipalities under the name of "county water charges," "county water quality treatment charges," "county sewer rents," "county sewer charges," "county wastewater disposal charges," or "county refuse collection charges". Such amounts, when collected by the several municipal collectors or receivers of taxes, shall be paid over to the county treasurer, or comparable officer or body. All of the provisions of the tax laws of the state of New York covering the enforcement and collection of unpaid taxes or assessments for special improvements not inconsistent herewith shall apply to the collection of such unpaid charges and rents. Such amounts, when received by the county treasurer, or comparable officer or body, shall be credited to the applicable county district fund and shall be used only for such county district purposes.

[PREV](#)

[SECTION 265](#)

[Contracts \(/Legislation/Laws/CNT/265/\)](#)

[NEXT](#)

[SECTION 267](#)

[Expense Of The Improvement \(/Legislation/Laws/CNT/267/\)](#)

Chapter 740 Sewers

Article VII: Sewer Charges, Assessments and Fees

§ 740-37 Applicability.

All parcels in County sewer districts shall be subject to such sewer assessments, rents, charges and fees as may be imposed and levied by the particular district pursuant to the controlling statutes, laws, ordinances and regulations.

§ 740-38 User charges and connection fees.

[Amended 6-27-2000 by L.L. No. 14-2000; 4-24-2001 by L.L. No. 6-2001; 2-6-2007 by L.L. No. 4-2007; 3-23-2010 by L.L. No. 11-2010]

- A. The Administrator may, pursuant to § 266 of the County Law, establish a user charge system consisting of a schedule of charges for sewer service, subject to the review and approval of the Suffolk County Legislature. These charges may be in addition to or in lieu of applicable ad valorem or benefit assessments. Such charges shall be based on the estimated annual district cost of operation, maintenance and regulatory program costs and capital and improvement costs or portions thereof. The Administrator may, in accordance with said § 266 and after public notice of hearing, adopt a separate user charge system for each sewer district, subject to the review and approval of the Suffolk County Legislature. The Administrator shall impose a separate connection fee of \$30 per gallon per day on any user from outside the geographical boundaries of any Suffolk County sewer district which receives approval from the County of Suffolk to connect to that pertinent Suffolk County sewer district, said connection fee to replace the current connection fee of \$15 per gallon per day that is administratively imposed by any Suffolk County sewer district via agreement with connectees. The connection fee is to represent a purchase of capacity and is based on both hydraulics and mass loading criteria.
- B. Notwithstanding the provisions of Subsection A, the connection fee shall be waived where all of the following conditions are satisfied:
- (1) The connection agreement is with a municipality that will be building infrastructure, including a collection system:
 - (a) To serve an urban renewal area as that term is defined by Article 15 of the General Municipal Law;
 - (b) The area to be served is an Empire Zone; and
 - (c) The area to be served is a transit-oriented development in a downtown area with a train station; and
 - (2) The collection system will be constructed at no cost to the County and with a capacity to be approved by the Sewer Agency, sufficient to serve future connections within and without the area described in Subsection B(1)(a), (b) and (c) with no charge-backs to the district; and
 - (3) A County sewer district exists within the municipality and capacity exists or will exist to serve the sewage treatment needs of the residential, commercial and industrial facilities within the area described in Subsection B(1)(a), (b) and (c); and
 - (4) All individual residential, commercial and industrial facilities within the area described in Subsection B(1)(a), (b) and (c), to be included in the fee waiver, shall have applied to the Sewer Agency for formal approval to connect to the sewer district within five years of the date that the collection system is deemed operational by the sewer district, and shall have executed individual connection agreements within one year of such approval.
- C. The Sewer Agency shall establish rules to implement procedures to give effect to Subsection B, including but not limited to determining the date on which the collection system shall be deemed operational.

§ 740-39 Rates.

Rates established by the administrative head for each district shall be on file in the Department of Public Works, identifying the following classes of users:

- A. Single-family residential.

RESOLUTIONS AND LEGAL NOTICES OF HEARING LISTED ON THE PRELIMINARY **AGENDA** ARE AVAILABLE AT THE TOWN CLERK'S **OFFICE ONE DAY PRIOR TO THE TOWN BOARD MEETING.**

IF YOU ATTEND THE TOWN BOARD MEETING AND WISH TO READ ANY LEGAL NOTICE OF PUBLIC HEARING OR RESOLUTION SCHEDULED, PLEASE SEE THE WHITE BINDER LOCATED ON THE TABLE TO THE RIGHT OF THE DAIS NEXT TO THE TOWN CLERK. IF YOU HAVE ANY FURTHER QUESTIONS PLEASE SEE TOWN CLERK JO-ANN RAIA.

PRELIMINARY/ADOPTED AGENDA AND ADOPTED RESOLUTIONS ARE AVAILABLE AT:
<http://HuntingtonNY.gov>

PRESENT:

Supervisor	Frank P. Petrone
Councilwoman	Susan A. Berland
Councilman	Eugene Cook
Councilman	Mark A. Cuthbertson
Councilman	Mark Mayoka
Deputy Town Clerk	Luann Eldridge
Town Attorney	John J. Leo

AGENDA FOR SPECIAL TOWN BOARD MEETING DATED MARCH 12, 2012

4:30 P.M. – TOWN HALL

Opened: 4:37 P.M. Closed: 4:40 P.M.

ABBREVIATIONS FOR PURPOSE OF AGENDA:

Supervisor Frank P. Petrone	-	FP
Councilwoman Susan A. Berland	-	SB
Councilman Eugene Cook	-	EC
Councilman Mark A. Cuthbertson	-	MC
Councilman Mark Mayoka	-	MM

RESOLUTIONS:

OFF. SEC. VOTE

2012-91. ENACTMENT: ADOPT Local Law Introductory Number 31-2011, considering Zone Change Application #2011-ZM-387, known as the Residences at Oheka Castle, to change the zoning from R-80, R-40, R-20 and R-10 Residence Districts and C-6 General Business District to R-OSC Residence – Open Space Cluster District for the property located on the west side of East Gate Drive, north of Colonial Drive, West Hills, SCTM #0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and #0400-132-04-(007, 008 & 009), and issuing a Negative Declaration for said action to rezone.

FP MC 5

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 31-2011, CONSIDERING ZONE CHANGE APPLICATION #2011-ZM-387, KNOWN AS THE RESIDENCES AT OHEKA CASTLE, TO CHANGE THE ZONING FROM R-80, R-40, R-20 & R-10 RESIDENCE DISTRICTS AND C-6 GENERAL BUSINESS DISTRICT TO R-OSC RESIDENCE - OPEN SPACE CLUSTER DISTRICT FOR THE PROPERTY LOCATED ON THE WEST SIDE OF EAST GATE DRIVE, NORTH OF COLONIAL DRIVE, WEST HILLS, SCTM# 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) AND 0400-132-04-(007, 008 & 009), AND ISSUING A NEGATIVE DECLARATION FOR SAID ACTION TO REZONE.

Resolution for Town Board Meeting dated: March 12, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, COLD SPRING HILLS DEVELOPMENT, I.I.C, 135 West Gate Dr., Huntington, NY 11743, applicant, submitted application #2011-ZM-387 for a change of zone from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence – Open Space Cluster District for property located on the west side of West Gate Dr., north of Colonial Dr., West Hills, designated as 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and 0400-132-04-(007, 008 & 009) on the Suffolk County Tax Map; and

WHEREAS, said application was forwarded to the Department of Planning and Environment by the Town Board for study and recommendation under the applicable provisions of Huntington Town Code §198-127, and pursuant to the New York State Environmental Conservation Law, Article 8, State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; and

WHEREAS, this action meets the criteria of a Type I Action in accordance with SEQRA, 6 NYCRR Part 617.4(b)(9), as a residential development on a portion of a property (Oheka Castle) on the National Register of Historic Places; and

WHEREAS, the Town Board, 100 Main St., Huntington, NY 11743 established itself as Lead Agency on November 9, 2011 following coordination of the EAF Part I with involved and interested agencies, none of which requested Lead Agency status; and

WHEREAS, the applicant submitted a Voluntary Draft Environmental Impact Statement (VDEIS), to be treated as an Expanded Environmental Assessment Form (EEAF) in accordance with 6 NYCRR Part 617.6(a)(4) in connection with the application, and which was also coordinated with all involved and interested agencies, and the Department of Planning and Environment has prepared an EAF Parts II and III which analyzes the planning and zoning issues relative to the subject application as well as consistency with the Town of

Huntington Comprehensive Plan and evaluates potential project impacts in accordance with the SEQRA regulations, and these documents and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: planning@HuntingtonNY.gov; and

WHEREAS, the property for the new residential development is considered part of the Otto H. Kahn Estate, a designated historic landmark by the Town of Huntington, and therefore will be subject to the historic landmark regulations found in Article VI of the Town of Huntington Zoning Code; and

WHEREAS, by resolution dated January 18, 2012 the Planning Board recommended to the Town Board that the Town Board schedule a public hearing on the application, issue a Negative Declaration under SEQRA, and approve the application subject to the following conditions:

- (1) The new residential development, Oheka Castle, and the Cold Spring Country Club Clubhouse shall all be connected to the Nassau County public sewer system at the applicant's or property owners' own cost and expense; and
- (2) If the traffic signal at the intersection of Jericho Turnpike and East Gate Drive is approved by the New York State Department of Transportation, the applicant shall install the signal at their own cost and expense, and the applicant shall also be responsible for the cost of any other associated improvements at the intersection, such as new lane striping, curb realignment, road widening or narrowing, and in addition any signal timing adjustments to nearby traffic signals affected by the new signal installation; and
- (3) The applicant shall be responsible for the cost of any improvements to the South Huntington Water District pipe network that are necessary to provide sufficient water service to the new development; and
- (4) During any future site plan application the developer must submit a Soil Management Plan for review, and shall be required to place money in escrow with the Town to enable the Town to hire an independent professional consulting firm to review the Soil Management Plan and suggest any changes that may be necessary, and all required mitigation must be completed before the issuance of any building permits for new construction on the property; and
- (5) A Conservation Easement or Declaration of Covenants and Restrictions shall be filed on the Cold Spring Country Club property that will be used to transfer development rights onto the Residences at Oheka parcel to permanently protect the open space, and the land in the jurisdiction of the Town of Oyster Bay, although not eligible to be used to transfer development rights, shall also be maintained as open space and protected by the Easement or Declaration; and

- (6) No subdivision or site plan approvals shall be granted by the Planning Board until yield maps are provided for Oheka Castle and the Cold Spring Country Club that show that the proposed subdivision or site plan would not make the parcels and the uses nonconforming to any section of the Town of Huntington Zoning Code, unless the Zoning Board of Appeals has first granted variances or special use permits to legalize the nonconformities; and
- (7) All garbage produced by the development, whether collected by the Town or a private carter, must be brought to the Town's Resource Recovery Facility for disposal; and

WHEREAS, the zone change application was referred to the Suffolk County Planning Commission in accordance with New York State General Municipal Law Section 239-m, and by resolution dated February 1, 2012 the Suffolk County Planning Commission recommended approval of the application subject to the following conditions:

- (1) Applicants shall contact the New York State DOT and seek all appropriate approvals; and
- (2) Petitioners shall contact the Suffolk County Department of Health Services and Nassau County Department of Public Works to address the need for sewer connection; and

WHEREAS, these approval conditions of the Suffolk County Planning Commission have been incorporated into the first two Town Board approval conditions listed below; and

WHEREAS, the Town Board determines that the requested zone change is harmonious with the spirit and intent of the Residence-Open Space Cluster District inasmuch as the privately owned and maintained golf club (Cold Spring Country Club, hereinafter the club or "CSCC") will provide for a private recreational endeavor while the preservation of open space in general is maintained pursuant to a conservation easement and/or covenants and restrictions, as contemplated by Town Code Sections 198-21.3(A)(1) and 198-21.3(B)(2); and

WHEREAS, the spirit and intent of the Residence-Open Space Cluster District as to a private golf club is that access to said private club and its property be limited to a person or persons who are legally permitted by the club to be on said property, the subject property not open to the public except as permitted by CSCC; and

WHEREAS, the Town Board determines that the change in zoning classification of the private recreational facilities to Residence-Open Space Cluster District will not preclude the continued use of the premises as a private golf club, nor prohibit any changes, additions, or amendments to the golf course facilities;

NOW THEREFORE BE IT

RESOLVED, upon due deliberation of the completed Expanded Environmental Assessment Form on file in the offices of the Town Clerk and the Department of Planning and Environment, the Town Board finds that this Type I action will not have a significant effect upon the environment because the rezoning action and subsequent development of the property in accordance with the proposed site plan will incorporate measures, provided for in present town standards and regulations, and offered as improvements by the applicant in the EEAF, to effectively mitigate potential impacts, including the installation of a traffic signal to relieve traffic impacts, the connection to public sewer to minimize groundwater impacts, the clustering of development and permanent preservation of open space to greatly lessen impacts to the land, open space, and community character, and the architectural review of any buildings on site to decrease aesthetic impacts; and further finds that the proposed action, is consistent with the Town of Huntington Comprehensive Plan and with long term planning policies and goals and is unlikely to pose significant adverse environmental impacts, the Town Board hereby:

- (1) Issues a Negative Declaration in accordance with Article 8 of the Environmental Conservation Law based on the reasons outlined above and in the EAF, Parts II and III, which is hereby appended and made part of this resolution and Negative Declaration; and
- (2) Finds that the requirements for a SEQRA review have been met; and

BE IT FURTHER RESOLVED, that the Town Board, having held a public hearing on the 13th day of December, 2011, at 7:00 PM to consider adopting Local Law Introductory No. 31-2011 amending the "Amended Zoning Map of the Town of Huntington", as referenced in Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), §198-7 of the Huntington Town Code, which rezones from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence – Open Space Cluster District property located on the west side of West Gate Dr., north of Colonial Dr., West Hills, designated on the Suffolk County Tax Map as 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and 0400-132-04-(007, 008 & 009), and due deliberation having been had;

HEREBY APPROVES the change of zone as set forth below, except that this Local Law shall not be filed with the Secretary of State by the Huntington Town Clerk or be deemed effective against the subject property until the Covenants and Restrictions identified in this Resolution are approved by the Town Attorney as to form and content, and the applicant provides proper proof of filing with the Suffolk County Clerk to the Department of Planning and Environment, Town Attorney, and Town Clerk; and

FURTHER RESOLVES that no subdivision or site plan shall be approved by the Planning Board or signed by the Director of Planning unless the plan is in full compliance

with the requirements of this Resolution, the Covenants and Restrictions, and any applicable condition, restriction, or limitation established by the Planning Board during subdivision or site plan review; and

HEREBY ADOPTS

Local Law Introductory No. 31-2011, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts, Map, General Regulations), as follows on the terms and conditions as set forth herein.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. ____ - 2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)
SECTION 7 (ZONING MAP)

Section 1. The Code of the Town of Huntington, Chapter 198 (Zoning), Article II (Zoning Districts; Map; General Regulations), Section 7 (Zoning Map) is amended as follows:

CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAP; GENERAL REGULATIONS)

* * *

§ 198-7 Zoning Map

The boundaries of the districts enumerated in §198-6 of this Chapter are hereby established as shown on the map designated as the “Amended Building Zone Map of the Town of Huntington.” The said map, together with all notations, references and every other detail shown thereon shall be as much a part of this chapter as if the map and every other detail shown thereon was fully described therein. Section 198-55 contains symbols on the map for the aforesaid districts.

The premises located on the west side of East Gate Drive, north of Colonial Drive, West Hills, designated on the Suffolk County Tax Map as 0400-188-01-(001, 002, 005, 021.001, 023.001, 024.001, 024.002, 025.001, 057.001 & 109) and 0400-132-04-(007, 008 & 009), to be rezoned from R-80, R-40, R-20 & R-10 Residence Districts and C-6 General Business District to R-OSC Residence – Open Space Cluster District, more particularly described in the attached Schedule “A”.

Such change of zone shall be specifically conditioned upon the filing by the applicant of the following Covenants and Restrictions, to run with the land, in a form acceptable to the Town Attorney. Such deed and Covenants and Restrictions shall be filed at the applicant’s own cost and expense in the Office of the Suffolk County Clerk.

- (1) If the traffic signal at the intersection of Jericho Turnpike and East Gate Drive is approved by the New York State Department of Transportation, the applicant shall install the signal at their own cost and expense, and the applicant shall also be responsible for the cost of any other associated improvements at the intersection, such as new lane striping, curb realignment, road widening or narrowing, and in addition any signal timing adjustments to nearby traffic signals affected by the new signal installation; and
- (2) The new residential development, Oheka Castle, and the Cold Spring Country Club Clubhouse shall all be connected to the Nassau County public sewer system at the applicant's or property owners' own cost and expense. If the means of sanitary disposal is changed by the inability to connect to the Nassau County Public Sewer System, the applicant or property owner shall develop and implement a plan in accordance with the Suffolk County Department of Health Services requirements and comply with any additional SEQRA review requirements; and
- (3) The applicant shall be responsible for the cost of any improvements to the South Huntington Water District pipe network that are necessary to provide sufficient water service to the new development; and
- (4) During any future site plan application the developer must submit a Soil Management Plan for review, and shall be required to place money in escrow with the Town to enable the Town to hire an independent professional consulting firm to review the Soil Management Plan and suggest any changes that may be necessary, and all required mitigation must be completed before the issuance of any building permits for new construction on the property; and
- (5) A Conservation Easement or Declaration of Covenants and Restrictions shall be filed on the Cold Spring Country Club property that will be used to transfer development rights onto the Residences at Oheka parcel to permanently protect the open space; and
- (6) No subdivision or site plan approvals shall be granted by the Planning Board until yield maps are provided for Oheka Castle and the Cold Spring Country Club that show that the proposed subdivision or site plan would not make the parcels and the uses nonconforming to any section of the Town of Huntington Zoning Code, unless the Zoning Board of Appeals has first granted variances or special use permits to legalize the nonconformities; and
- (7) All garbage produced by the development, whether collected by the Town or a private carter, must be brought to the Town's Resource Recovery Facility for disposal; and

- (8) The developer shall consult the Suffolk County Planning Commission Guidelines with respect to Energy Efficiency and Public Safety; and
- (9) The Landscape Plan submitted with the site plan application for the new residences shall identify irrigation, fertilization, and pesticide practices that will be followed in order to reduce or eliminate any potential environmental impacts; and
- (10) No construction of the new residential community shall commence until the site plan has been approved, building permit(s) have been issued, and proof provided to the Town Attorney that the development rights, or portion thereof, necessary for the construction and contemplated hereby have been conveyed to the applicant.

* * *

Section 2. Severability

If any clause, sentence paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing in the Offices of the Secretary of State of New York.

* * * INDICATES NO CHANGE TO PRESENT TEXT.
ADDITIONS ARE INDICATED BY UNDERLINE.
DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule "A"

2012-91

RECEIVED
TOWN CLERK
TOWN OF HUNTINGTON NY

2011 JUL 11 P 3:54
SUGGESTED DESCRIPTION OF
PROPERTY SUBJECT TO A
REZONE, SITUATED AT
HUNTINGTON, TOWN OF
HUNTINGTON, COUNTY OF
SUFFOLK, STATE OF NEW YORK.

SCTM: DISTRICT 0400; SECTION 132; BLOCK 04; LOTS 7, 8, 9
DISTRICT 0400; SECTION 188; BLOCK 01; LOTS 1, 2, 5, 23.1,
24.1, 24.2, 57.1, 109, P/O 25.1

PARCEL A

BEGINNING at the southerly end of a curve connecting the northerly side of Colonial Drive with the easterly side of East Gate Drive.

RUNNING THENCE along the northerly side of Colonial Drive; Westerly along the arc of a circular curve bearing to the left, having a radius of 1,522.73 feet, and length of 144.23 feet;

THENCE the following fifteen (15) courses:

1. N 51° 05' 20" W, 65.79 feet;
2. S 80° 27' 50" W, 282.54 feet;
3. N 58° 38' 20" W, 167.61 feet;
4. N 75° 14' 10" W, 141.12 feet;
5. Northerly along the arc of a circular curve bearing to the left, having a radius of 50.00 feet, and a length of 157.08 feet;
6. S 73° 08' 05" W, 225.35 feet;
7. S 51° 43' 00" W, 48.42 feet;
8. S 23° 42' 50" W, 591.81 feet;
9. S 18° 09' 15" W, 75.14 feet;
10. S 07° 35' 10" W, 163.05 feet;
11. S 34° 34' 20" W, 105.82 feet;
12. S 02° 22' 50" W, 206.01 feet;
13. N 69° 23' 10" W, 586.17 feet;
14. S 18° 03' 30" W, 50.00 feet;
15. N 63° 45' 10" W, 233.25 feet tot the easterly side of West Gate Drive.

RECEIVED
JUL 15 2011

TOWN OF HUNTINGTON
DEPARTMENT OF PLANNING
& ENVIRONMENT

2012-91

THENCE along said road line; the following two (2) courses:

1. Northerly along the arc of a circular curve bearing to the left, having a radius of 931.96 feet, and a length of 52.81 feet;
2. N 03° 42' 30" E, 426.54 feet;

THENCE the following seventeen (17) courses:

1. N 38° 06' 30" E, 498.44 feet;
2. N 24° 17' 10" E, 470.95 feet;
3. N 33° 14' 30" E, 117.55 feet;
4. N 50° 49' 50" E, 82.79 feet;
5. N 46° 18' 50" E, 398.77 feet;
6. N 43° 41' 10" W, 637.17 feet;
7. S 55° 10' 10" W, 196.00 feet;
8. S 34° 52' 30" W, 353.73 feet;
9. S 55° 07' 30" E, 25.00 feet;
10. S 32° 50' 20" W, 197.12 feet;
11. S 34° 52' 30" W, 264.15 feet;
12. S 87° 49' 10" W, 129.93 feet;
13. N 73° 58' 30" W, 223.01 feet;
14. N 65° 10' 05" W, 45.79 feet;
15. S 88° 37' 10" W, 301.10 feet;
16. S 02° 55' 40" E, 697.87 feet;
17. N 56° 20' 50" E, 461.70 feet to the southerly side of Whitewood Court.

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 TOWN OF NORTHON
 JUN 11 P 3 54

THENCE along said road line; S 66° 32' 30" E, 275.13 feet;

THENCE the following three (3) courses:

1. S 28° 01' 40" W, 621.26 feet;
2. S 09° 45' 20" W, 148.26 feet;
3. N 84° 43' 30" E 390.31 feet; to the westerly side of West Gate Drive.

THENCE along said road; the following four (4) courses:

1. S 03° 42' 30" W, 191.68 feet;
2. Southerly along the arc of a circular curve bearing to the right, having a radius of 881.96 feet, and a length of 215.59 feet;
3. Southerly along the arc of a circular curve bearing to the right, having a radius of 168.75 feet, and a length of 149.60 feet;
4. S 68° 30' 30" W, 324.13 feet;

THENCE the following two (2) courses:

1. S 32° 29' 00" W, 553.40 feet;
2. N 73° 52' 50" W, 236± feet; to the county line;

THENCE in a northerly direction along said county line 3,078± feet;

THENCE the following nine (9) courses:

1. S 83° 29' 00" E, 128± feet;
2. N 80° 05' 00" E, 346.89 feet;
3. N 01° 57' 00" W, 159.32 feet;

3-12-2012

- 4. N 03° 46' 00" W, 81.90 feet;
- 5. N 01° 16' 10" E, 150.00 feet;
- 6. N 44° 16' 10" E, 579.03 feet;
- 7. N 70° 37' 40" E, 58.11 feet;
- 8. S 47° 03' 10" E, 207.33 feet;
- 9. N 89° 46' 10" E, 204.03 feet; to the easterly side of East Gate Drive.

THENCE along said road line; Southerly along the arc of a circular curve bearing to the left, having a radius of 483.00 feet, and a length of 107.37 feet;

THENCE the following seven (7) courses:

- 1. N 49° 50' 50" E, 50.00 feet;
- 2. S 40° 09' 10" E, 29.99 feet;
- 3. Northerly along the arc of a circular curve bearing to the right, having a radius of 20.17 feet, and a length of 36.65 feet;
- 4. S 68° 15' 40" E, 872.84 feet;
- 5. N 28° 50' 20" E, 100.05 feet;
- 6. S 75° 09' 00" E, 139.00 feet;
- 7. N 11° 15' 30" E, 149.85 feet; to the southerly side of Green Meadow Lane.

THENCE along said road line; the following four (4) courses:

- 1. Easterly along the arc of a circular curve bearing to the left, having a radius of 1,435.00 feet, and a length of 77.68 feet;
- 2. Easterly along the arc of a circular curve bearing to the right, having a radius of 600.00 feet, and a length of 184.62 feet;
- 3. S 66° 30' 00" E, 300.04 feet;
- 4. Southerly along the arc of a circular curve bearing to the right, having a radius of 109.79 feet, and a length of 117.62 feet; to the westerly side of Forestdale Drive.

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 COUNTY CLERK
 HONOLULU, HAWAII

THENCE along said road line; the following three (3) courses:

- 1. Southerly along the arc of a circular curve bearing to the left, having a radius of 597.03 feet, and a length of 83.36 feet;
- 2. S 13° 07' 10" E, 650.01 feet;
- 3. Southerly along the arc of a circular curve bearing to the left, having a radius of 260.00 feet, and a length of 157.92 feet;

THENCE the following four (4) courses:

- 1. S 46° 13' 30" W, 84.07 feet;
- 2. S 15° 06' 20" E, 106.15 feet;
- 3. S 01° 50' 10" E, 462.89 feet;
- 4. S 35° 47' 50" W, 210.74 feet; to the northerly side of East Gate Drive.

THENCE along said road line; the following five (5) courses:

1. N 38° 46' 10" W, 318.90 feet;
2. N 40° 35' 10" W, 377.42 feet;
3. N 38° 19' 10" W, 190.07 feet;
4. N 33° 42' 40" W, 89.20 feet;
5. N 53° 31' 00" W, 128.02 feet;

THENCE the following ten (10) courses:

1. N 58° 15' 20" E, 415.75 feet;
2. N 25° 46' 20" W, 103.77 feet;
3. N 00° 07' 50" W, 81.94 feet;
4. S 89° 23' 50" W, 117.75 feet;
5. N 14° 32' 30" W, 33.34 feet;
6. N 34° 16' 40" W, 19.01 feet;
7. N 71° 04' 20" W, 19.01 feet;
8. S 89° 22' 10" W, 246.13 feet;
9. N 69° 35' 00" W, 471.80 feet;
10. S 78° 56' 00" W, 57.28 feet; to the westerly side of East Gate Drive.

THENCE along said road line; the following eight (8) courses:

1. S 40° 15' 40" E, 732.66 feet;
2. S 45° 15' 50" E, 78.78 feet;
3. S 53° 31' 00" E, 158.90 feet;
4. S 33° 42' 40" E, 82.48 feet;
5. S 38° 19' 10" E, 193.07 feet;
6. S 40° 35' 10" E, 377.62 feet;
7. S 38° 46' 10" E, 414.72 feet;
8. Southerly along the arc of a circular curve bearing to the right, having a radius of 50.00 feet, and a length of 95.05 feet; to the POINT or PLACE of BEGINNING.

Containing within said bounds: 154.91 acres

201291

PARCEL B

BEGINNING at a point on the easterly side of West Gate Drive, said point being distant approximately 165 feet (per SCTM) along the easterly side of West Gate Drive from the northerly end of a curve connecting said road line with the northerly side of Promenade Avenue.

RUNNING THENCE along the easterly side of West Gate Drive the following two (2) courses:

1. N 32° 29' 00" E, 522.46 feet;
2. N 68° 30' 30" E, 246.81 feet;

THENCE the following five (5) courses:

1. S 59° 20' 00" E, 638.58 feet;
2. S 01° 21' 20" E, 140.00 feet;
3. N 85° 37' 20" E, 24.47 feet;
4. S 01° 21' 20" E, 180.00 feet;
5. S 38° 56' 30" E, 294.42 feet; to the northerly side of Jericho Turnpike (NYS Route 25);

THENCE along said road line; the following two (2) courses:

1. Westerly along the arc of a circular curve bearing to the right, having a radius of 1,007.07 feet, and a length of 451.31 feet;
2. S 88° 03' 55" W, 119.21 feet;

THENCE the following four (4) courses:

1. N 01° 40' 10" W, 311.19 feet;
2. N 27° 56' 00" W, 22.60 feet;
3. S 89° 51' 40" W, 257.52 feet;
4. N 73° 52' 50" W, 465.81 feet; to the POINT or PLACE of BEGINNING.

Containing within said bounds: 14.62 acres

3-12-2012

**ENVIRONMENTAL ASSESSMENT FORM
PARTS II & III**

RESIDENCES AT OHEKA (#2011-ZM-387) REZONING

PROJECT DESCRIPTION: The project involves the land of the Cold Spring Hills Country Club and Oheka Castle. The purpose of the R-OSC zone is to allow development of large open space properties without losing the open space. The application proposes to accomplish this by transferring the development rights from the golf course and undeveloped land to a proposed 18.38-acre parcel in between the golf course clubhouse and the mansion. On this parcel would be built a single building complex containing up to 190 residential condominium units. The density transfer would result in the permanent preservation of approximately 150 acres from future development. The golf course use is allowed to remain, and Oheka would continue to operate as a catering hall and hotel. The residential development would be accessed from East Gate Drive, and the Expanded Environmental Assessment Form (EEAF) submitted by the applicant indicates that a traffic signal would be installed at the intersection of Jericho Turnpike (NYS 25) and East Gate Drive to better handle the increased traffic flow projected with the development.

All of the residential units are proposed to be sold as condominiums. The units will range in size from a 1,000 sq. ft one-bedroom to a 2,400 sq. ft. four-bedroom. The proposed breakdown of unit sizes is as follows: 37 one-bedroom with den, 48 two-bedroom, 57 two-bedroom with den, 29 three-bedroom with den, and 10 four-bedroom. The EEAF lists high anticipated prices for these units. The estimated tax assessments are based on a sale price of almost \$1 million for a one-bedroom unit, increasing in price to almost \$2.5 million for a four-bedroom unit. As a result of these high prices significant tax revenue will be generated, projected to be slightly more than ten times the current amount on the golf course alone. The tax estimate does include a 40% reduction in assessment because of its condominium ownership status. Since the units are being developed as shared-building condominiums instead of detached single-family homes, the number of schoolchildren is expected to be lower than the amount that would be generated from conventional single-family home subdivision development. A tax surplus of \$2,748,717 is projected for the South Huntington School District.

There is a significant difference in elevation between the mansion and clubhouse, with the mansion sitting on the top of a hill. The draft site plan shows a vertical difference of 72 feet between the northwest and southeast limits of proposed construction activity. The residential building is comprised of four sections, each with a base elevation ten (10) feet above or below the adjacent section(s). The building would be four stories along most of its length, except for a section in the middle that would have three stories with a swimming pool instead of the fourth story. The highest point of the building would be similar in elevation to the base of Oheka Castle. The floor plans show 262 parking spaces in the cellar of the building, in addition to 130 surface spaces in a lot. There are also 74 parking spaces in a lot that would be built into the hillside under a raised deck with tennis courts.

RESIDENTIAL YIELD ISSUES: The project as proposed contains 190 residential dwelling units. A review of the yield calculations prepared by the applicant shows residential units being generated from the entire Cold Spring Country Club property, as well as the new residential lot composed of land from both Oheka Castle and the country club. The project may not be able to achieve the proposed yield since this calculation includes land in the Town of Oyster Bay and property that is being used for the country club, including the buildings, parking lot, and surrounding grounds. The same is true for any land providing required parking for Oheka Castle.

The land proposed for development currently contains a parking lot used by the Country Club. While the EAF describes this as an overflow parking lot, parking calculations for the Country Club would have to be provided to determine if this is the case. It is noted that the new residential development will provide parking in excess of the Zoning Code requirements, and that some of this parking will be open for use by the Country Club. However, according to existing site conditions and the proposed plans the new development would reduce the available parking for the Country Club. Some of this shortage could be ameliorated by landbanking additional parking spaces on the new development parcel.

The land that Oheka is giving to the new development is shown on their site plan (revised 6/15/04) as providing 436 landbanked parking spaces for the catering hall and hotel uses. Only 179 of those spaces were shown as required spaces; the other spaces were shown as optional spaces in excess of the Town Code requirements. The landbanked parking spaces could be moved elsewhere on the Oheka property, but since most of the open space around the facility is sloped, the provisions of the Steep Slopes Conservation Law (Article X of the Zoning Code) would apply. However, based upon the topography shown on the previous site plan, it is believed that the majority or all of the required landbanked parking spaces could be relocated on the smaller proposed Oheka lot.

The overall residential density of the project by itself conforms to Suffolk County Department of Health Services' standards for the installation of septic systems, but when the retention of the golf course, clubhouse, and catering hall/hotel are considered, it is likely that the permitted yield using septic systems would be greatly diminished in accordance with the Health Department's General Guidance Memorandum #17 – Agricultural and Golf Course Density. The tightly clustered design of all of the housing units in one location would also make septic systems infeasible, especially due to the project's location in the West Hills-Melville Special Groundwater Protection Area (SGPA). The developer has proposed connecting to the Nassau County sewer system to handle the wastewater flow. As part of the project Oheka Castle and the clubhouse would also be connected to the Nassau sewer system.

COMPREHENSIVE PLAN: The Horizons 2020 Comprehensive Plan Update Future Land Use Map recommends future land use of the property as Parks, Recreation & Conservation Land, Low-Density Residential, and Commercial, matching the existing zoning or land use. The

Comprehensive Plan Map almost always follows the existing zoning and land use, but that does not mean that zoning should not be changed in accordance with other non-location specific recommendations in the Plan. One of the major focal points of the Comprehensive Plan was focusing development in appropriate locations, making good use of existing infrastructure and development patterns and preserving environmentally sensitive land and open space resources. The following Comprehensive Plan strategies are applicable to the proposed development:

A.1.6 – Require minimum open space acreage (e.g., 20-30%) within new developments (see Environmental Resources and Open Space Policy A.8).

A.8.1 – Require a minimum open space set aside (e.g., 20-30%) within new developments, together with standards to ensure that the open space is meaningful (e.g., central greens or greenway linkages) and publicly accessible.

A.8.2 – Encourage voluntary open space dedications through conservation subdivisions (see Environmental Resources and Open Space Policy A.1).

A.9.1 – Work with private landowners and non-profit land conservation organizations (e.g., the North Shore Land Alliance) to protect privately owned open space through techniques such as conservation easements and limited development options.

A.9.3 – Investigate use of the Transfer of Development Rights program enabled by the Town Code to preserve open space.

In addition, there are two action items that would apply to the development proposal in a R-OSC zoning district:

A.14 – Work with private landowners and land conservation organizations to protect privately owned open space.

A.20 – Establish new open space/recreational and institutional zoning districts.

SURROUNDING LAND USE, ZONING AND DEVELOPMENT: The subject property is located in a residential neighborhood just north of Jericho Turnpike (NYS 25). The Cold Spring Hills Country Club golf course is set among homes in a residential community with the same Cold Spring Hills name, and a mix of R-10, R-20, R-40, and R-80 zoning, although R-20 zoning covers more area than the other three residential zones combined. Oheka Castle is a catering hall and hotel set approximately in the middle of the golf course. The clubhouse and a wholesale greenhouse operation are on the eastern side of the property; it is in this area that the C-6 General Business zoning is found. The greenhouse parcels are not part of this zone change application. The far western edge of the golf course is in the Town of Oyster Bay / Nassau County.

To the west in the Town of Oyster Bay is a residential neighborhood with 1-acre lot sizes. To the east, a thin strip of the R-20 Cold Spring Hills community abuts R-5 and R-7 zoning along streets named after famous military commanders. South of the development is Jericho Turnpike, which in this section is zoned residential on the north side of the street and C-6 General Business on the south side of the street. No homes have driveway access from Jericho Turnpike. The largest grouping of Cold Spring Hills homes lies to the north of the golf course. They are bounded on the north by railroad tracks and the Cold Spring Harbor railroad station on the north side of the tracks. Further north is low-density residential zoning and development.

SEQRA CLASSIFICATION: The Town Board action is hereby classified as **Type I** pursuant to SEQRA, 6 NYCRR 617.4(b)(9), since the action involves an Unlisted action (zone change application) proposing the construction of 190 dwelling units on property adjacent to a site on the National Register of Historic Places. The Town Board will be established as Lead Agency for the purpose of complying with SEQRA (6 NYCRR 617.6(b)(1)). The action has been coordinated with all identified involved agencies, including the Town's Planning Board, which has jurisdiction over the subdivision and site plan approval processes that are necessary to develop the property as proposed.

Should the Town Board determine the action will not be further entertained, then it may be reclassified as a Type II action per 6 NYCRR 617.5(c)(37) and no further SEQRA review shall be required.

SEQRA RECOMMENDATION: It is suggested that the proposed rezoning of the Cold Spring Country Club property and a portion of the Oheka Castle property to the R-OSC zone for The Residences at Oheka project be issued a ***negative declaration*** pursuant to SEQRA as the proposed property rezoning will not have significant environmental impacts as identified in the following sections. The rezoning would decrease the potential development density of the rezoned land and would allow it to be developed while at the same time preserving the open space and recreational assets of the golf course. It is able to connect to the public sewer system in Nassau County, and will also connect to the existing golf course clubhouse and Oheka. It meets the intent of the recently-created R-OSC zone.

If the Planning Board or Town Board believes that certain elements of the Plan, such as the building design and its impact on community character, aesthetics, traffic, and historic resources is a serious issue, it may want to consider a positive declaration.

This assessment considers possible implementation of the proposed rezoning and the future subdivision and site plan as best as can be anticipated at this time by review of potential impacts explored in the applicant's Expanded Environmental Assessment Form, dated November 2011, prepared by Nelson, Pope & Voorhis, LLC, as well as the proposed subdivision map and site plans included in the Expanded EAF.

IMPACT ON LAND:

1. Will the proposed action result in a physical change to the project site?

*Yes. There will be significant land disturbance within the 18.38-acre parcel that will be created for the new residential units. Approximately 6.7 acres will be regraded, with a planned net removal from the site of 113,000 cubic yards of soil. This will include cuts of up to 12 feet deep and areas raised by up to 18 feet high. The predominant area of grading work is on the slopes leading down from Oheka to the residential development, and the reconstruction of the existing driveway in this location along with the planned parking lot with tennis courts on top. The sloped area proposed for disturbance is classified as CuC (Cut and fill land, 8% to 15% slopes) soil. This indicates the soil here was previously manipulated, likely during the construction of Oheka Castle and its grounds. With the exception of the edges of the lot, most of the undisturbed ground will be on the north end of the new lot, which is a mostly forested area of CpE (Carver and Plymouth sands, 15% to 35% slopes) soils. The EEAF indicates that 3.47 acres will remain undisturbed. This area is not recommended for any type of development, whether it be housing, parking, landscaping, or golf course.

Approximately a quarter of the residential lot is open lawn area that was part of the Oheka property and was available for overflow parking. This area will be the least changed, as the proposed grading will be minimal, and except for a large building area a lot of this land will remain or be redeveloped as lawn. The remaining flat portions of the lot were used by the country club for maintenance buildings and parking and clubhouse parking. All existing developed areas will be demolished for the new development. Any possible replacement of the maintenance buildings and parking on the Cold Spring Country Club lot should be considered at this time because any land that is encumbered with a conservation easement could not be used for parking or building construction. Reserving land for future construction would further reduce the potential yield of the residential development.

While there will be some changes to the physical characteristics of the site, it will be minimal compared to the physical changes that would be required if the country club was closed and redeveloped in accordance with existing zoning. A subdivision application could include 178 acres of land, more than ten times the current application. Significant grading would also likely occur. The intent of the R-OSC zone is to avoid this major impact on land. The greater land impact would also increase almost all of the impacts identified below in this EAF.

2. Will there be an effect to any unique or unusual land form(s) found on the subject site? (i.e., cliffs, dunes, etc.)

*No.

IMPACT ON WATER:

3. Will the proposed action affect any body of water designated as protected under Articles 15, 24, 25 of the NYS Environmental Conservation Law or Town of Huntington Marine Conservation Law?

*No. There are no protected bodies of water on site or in the immediate vicinity. Wastewater from the project will be treated by the Cedar Creek Sewage Treatment Plant in Nassau County before discharge into the ocean.

4. Will proposed action affect any non-protected existing or new body of water?

*No. There is a small man-made pond / water hazard on the golf course to the south and downhill of the proposed development. While the project removes wooded areas uphill of the pond, this should not impact the pond because the project will be required to maintain all drainage on site. The land will be graded to minimize offsite runoff, and formal drainage systems will be installed where needed.

5. Will the proposed action affect surface or groundwater quality or quantity?

Surface Water: *No. See #3 and #4 above.

Groundwater: *Yes. The overall impact of the proposal should be positive on groundwater quality but negative on groundwater quantity. The water pumped out of the ground and used by the new residents will not be returned to the ground because it will be sent into the Nassau County sewer system. That can be considered a negative impact because of its location in the West Hills-Melville Special Groundwater Protection Area (SGPA). The SGPAs are supposed to be areas that promote recharge of the groundwater supply by limiting water use and maximizing natural flow into the ground. The sewer connection provided to the project, however, will have a benefit on groundwater quality. It will eliminate nitrogen discharges and other household chemicals from reaching the ground through septic systems. The Long Island Comprehensive SGPA Plan identifies this tradeoff between quantity and quality and recommends that open space areas, where developed, cluster the development and use public sewers to dispose of wastewater outside of the SGPA. This is the best option for water quality. Water quantity, while decreased, does benefit by having a greater land area for natural recharge. This is most specifically stated as a recommendation for the West Hills-Melville SGPA on Page 3-39: "The Town of Huntington should facilitate the transfer of development rights and the use of clustering wherever feasible, to preserve the maximum amount of open space."

The most significant improvement in water quality in this case is that the public sewer line would also be connected to Oheka Castle and the country club clubhouse. These are significant peak load sanitary users that produce a lot of wastewater from food service and cleaning operations. Right now they are discharging their wastewater to septic systems. Although these sites are not directly involved in the current application, the owners of these sites are the involved parties in

this application, so it would not be unreasonable to require their connection to the Nassau County sewer system as a condition of zone change approval.

When the SGPA Plan recommended cluster development on large open space parcels, it was anticipated that the clustering would result in the creation of open space areas that were left fallow to maximize groundwater recharge quantity and quality. That is not the case here. The continued operation of the golf course means that they will continue to use fertilizer and other chemicals on the grounds, and their irrigation well, which likely provides water from the Upper Glacial aquifer to maintain the greens and fairway. So the benefit of having the open space from a groundwater perspective is not realized. The way to improve this situation would be to decrease irrigation use and reduce the utilization of fertilizers and chemicals that impact groundwater in the current operation of the golf course.

Based upon the long-term golf course use on the property and the presence of maintenance buildings in the area to be developed, Phase I and Phase II Environmental Site Assessments (ESAs) were conducted to determine if any soil contamination (and therefore groundwater contamination) issues existed (this will be described in detail in the Impact on Public Health section). The soil testing found contaminants in several locations, including various semi-volatile organic compounds, a pesticide, and three toxic heavy metals. Mercury was the most common contaminant of concern found. All locations where contaminants were found will have to be cleaned up as part of the development of the property. The test results indicate that there could be groundwater contamination concerns from the golf course use, although it should be noted that all of these contaminants do not migrate down through soil into groundwater. The cleanup will remove any further concerns from the residential development area. Strict adherence to the Suffolk County Health Code should address future groundwater concerns if the use of these chemicals continues in the maintenance and operation of the golf course at another location.

Public Water Supply

The subject area lies within a supply area of the South Huntington Water District. The Water District has been informed of the application and has indicated that improvements may have to be made to the system based upon the age, size, and layout of the existing pipe network. This may result in significant costs to the developer. It is not anticipated that this project, by itself, would affect supply well capacity.

6. Will proposed action alter drainage flow or patterns of surface water run-off?

*Yes. The property currently depends on the natural recharge of precipitation through the ground. Due to the large amount of open space and limited human use of the property, especially during inclement weather, drainage issues have not been a concern. The area of the site that will be redeveloped will use an engineered drainage system designed to capture all runoff from storm events. This is necessary because of the large increase in impervious surface, the slopes of the property, and the constant presence of people in a residential setting. The new drainage system

will reduce any downhill runoff that was occurring on the property.

IMPACT ON AIR:

7. Will proposed action affect air quality?

*Yes. Actual property development as proposed, particularly excavation and earth moving activity, may pose temporary impacts to air resources through dust loading and motor vehicle emissions. The EEAF indicates that a large amount of soil, approximately 113,000 cubic yards, will be removed from the property. This will require heavy equipment usage and numerous truck trips into and out of the site, which can temporarily impact local air quality. Proper use of control agents with cover (vegetative or structural, e.g., seeding, tarps, wetting) and retention of mature vegetation along property lines can mitigate dispersion of dust off-site to surrounding properties. The Cold Spring Country Club would be the most impacted by the grading activity. The closest residences to the construction activity are partially protected by a forested buffer along the edges of the golf course; while ideally this should be permanently retained, it is especially important to keep these trees until the completion of construction.

The increase in the number of residential units will result in an increased number of automobiles on the property, although this number would not be considered high enough to have an air pollution impact. The additional traffic will be a small percentage of the daily traffic on Jericho Turnpike. The multifamily condominium building proposed for the project would be expected to produce much less traffic than a development of detached single-family homes. The proximity to the Cold Spring Harbor train station could result in fewer and shorter trips than would be expected of the typical residential development, but that would not have an impact on air quality because of the small number of trips involved. Mass transit produces fewer impacts on air quality than automotive use.

IMPACTS ON PLANTS AND ANIMALS:

8. Will the proposed action affect any threatened and/or endangered species? (as per Federal or State Law)

*No.

9. Will proposed action substantially affect non-protected, non-threatened or non-endangered species?

*No. The area that is proposed for development has flora and fauna typical of the surrounding community. Most of the area has seen some degree of human disturbance and manipulation. The buffers should maintain existing vegetation where possible, and use native plant materials for new plantings to reduce future water, fertilizer and pesticide demand, as well as provide habitat for native species.

IMPACT ON AGRICULTURAL LAND RESOURCES:

10. Will the proposed action affect agricultural land resources?

*No. Due to the forested steep slopes and existing improvements on the site, this property is unlikely to be used for agriculture.

IMPACT ON AESTHETIC RESOURCES:

11. Will proposed action affect aesthetic resources?

*Yes. The new proposed building would be a noticeable structure at 498,574 sq. ft. in size and would be the largest residential building in the Town of Huntington. For comparative purposes, the Oheka Castle is approximately 109,000 sq. ft. in size. Oheka is a historic estate on the National Register of Historic Places and a Town of Huntington Historic Landmark under Article VI of the Zoning Code. The new residential building would be linear, as the building is designed with a central hallway and units on both sides, with a width of 95 feet along most of its frontage. It is not straight, as there are three points at which the walls change direction. Oheka looks more like a square, especially with the court in front of the main entrance, but the main building mass is "I" shaped, with a rectangular main section and two perpendicular wings at the ends. But while the shape is different, the preliminary architectural drawings show that the architecture will be similar. The new condominium building follows some of the basic design elements of the mansion, such as the tall, steep hipped roof, the arched full-story windows in a few locations, the tall casement windows, the numerous rectangular chimneys at the top of the roof, and numerous window projections in the roof. But there are slight differences. The new building windows barely project from the roof, while the Oheka windows are clearly in dormers. Oheka had lines of windows breaking the cornice line, while the new building has none. The new building shows shutters. One element that will affect the aesthetic appearance of the site is the vertical separation between Oheka and the new residential building. The Site Section provided in the EEAF shows that the peak of the new building roof will be at approximately the same elevation as the base of Oheka Castle. The horizontal separation is approximately 400 feet.

The Town Board, with the assistance of the Historic Preservation Commission, will have architectural review over the new building because it is being built on a portion of the Oheka property and the Oheka landmark designation extends throughout the entire existing parcel of land. As a result the Town will be able to comment on whether the close relationship between the two buildings architecturally is desirable or not. It should be noted that the Planning Board also has architectural review powers in this case. The building height limit can only be increased from 35 feet to 50 feet in accordance with Town Code Section 198-21.3(E)(3).

There is also an aesthetic impact on nearby residences from the large building. The closest residence is approximately 450 feet away. The elevation difference is not known at this time. While the site photographs and aerial photographs show a forested buffer along the country club

property lines, it is also noted that most of the trees are deciduous. There may be different aesthetic impacts in the summer and winter. Local residents may have varying opinions on the aesthetic impact of the introduction of a building of this scale and design into the community. If the building was smaller or more spread out, it might have to be moved closer to the adjacent residents. There would also be a much different aesthetic impact if the property were subdivided into conventional single-family home lots. That would place houses much closer to neighbors, and it would eliminate the view of the golf course

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES:

12. Will the proposed action impact any site or structure of historic, prehistoric or paleontological importance?

*Yes. The new residential building will be close to Oheka Castle, a historic estate on the National Register of Historic Places and a Town of Huntington Historic Landmark under Article VI of the Zoning Code. As was covered in the previous section, this could have an impact on aesthetics. Oheka Castle, when built, was the second largest private home in the United States (after the Biltmore Estate in North Carolina). The proposed residential building would be significantly larger in size at 498,574 sq. ft., relative to the existing 109,000 sq. ft. Oheka Castle. The Town Board will have to take into consideration how the vertical and horizontal separation between the proposed building and Oheka Castle will affect its historic characteristics. As noted earlier, the Town Board will have architectural control over the design of the new building.

An archaeological study was prepared to investigate any potential archaeological resources on the property. The study found no evidence of buildings on the property until the 20th century. Construction started on Oheka in 1917. No artifacts were found during shovel testing.

IMPACT ON OPEN SPACE AND RECREATION:

13. Will the proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities?

*Yes. The subject parcel is shown on the Town's Open Space Index as Parcel #NW44. Although there are scattered patches of woodland, the property's value as open space is for recreational use with the golf course. The Cold Spring Country Club operates a full 18-hole course with a clubhouse. The proposed zone change to R-OSC Residence-Open Space Cluster zone would permanently protect the open space on the property, both the golf course and much of the woodland area. Although this land is privately owned, it does provide an important recreational resource to its members. The land will never be under threat of development.

Some of the land will be lost to the residential development. However, the loss of this land does not damage the recreational resource or harm the environment. Much of this land was likely cleared and regraded as part of the construction of Oheka Castle. There is some woodland, lawn

area, and parking and maintenance facilities for the golf course. Some of this area contains environmental contaminants that will be cleaned as part of the development, preventing them from entering the groundwater or spreading onto the recreational land. If the land was developed as a conventional residential subdivision, most of the open space would be lost, with the only likely exception the 10% of the property that the subdivider would have dedicate as parkland in accordance with New York State Town Law.

IMPACT ON CRITICAL ENVIRONMENTAL AREAS:

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?

*No.

***IMPACT ON TRANSPORTATION:**

15. Will there be an effect to existing transportation systems?

The Expanded EAF includes a traffic study that examined Jericho Turnpike and several nearby intersections that have traffic signals, as well as the unsignalized intersection with East Gate Drive, which is proposed for a traffic signal as a result of this project. It should be noted that the volume count data was obtained prior to the recent NYSDOT restriping project that converted a shoulder on the southern side (eastbound) of the road to a "suicide" two-way left turn lane in the center of the road. The data and review of the traffic issues are grouped by topic below:

Generation

The 190 residential units are expected to generate 86 total vehicle trips during the AM peak hour, 102 trips during the PM peak hour, and 98 trips during the Saturday peak hour. These estimates assume that nobody will walk to the nearby bus or train station (discussed further in mass transit section below).

Level of Service

The Level of Service calculations show no real affect on the existing signalized intersections in the neighborhood. While the AM peak hour grade of the intersection of Jericho Turnpike with West Gate Drive and Avery Road changes from "B" to "C", the actual timing change is insignificant at 0.3 seconds per vehicle. The only major Level of Service change is at the Jericho Turnpike and East Gate Drive intersection. The existing intersection grades for southbound traffic are a "D", "E", and "F" during the three peak-hour measurements. But they all easily become "F" with the traffic from the proposed project factored in to the calculations. This is understandable because of the high volume and speeds of traffic on Jericho Turnpike. The poor ratings led to the recommendation for a traffic signal at this intersection. With the signal added as mitigation the Level of Service grades for southbound traffic become a "B", "C", and "C" during the three peak hour measurements.

Accident History - Safety

Accident data at the intersection of Jericho Turnpike and East Gate Drive shows that three of the six crashes between 2004 – 2007 were rear-end accidents. It is likely that at least one of these crashes was due to vehicles stopped in an eastbound lane of traffic waiting to make a left turn onto East Gate Drive. The recent lane restriping on this section of Jericho Turnpike should eliminate this problem because a left turn lane is now available. The accident data also only shows two collisions in three years on East Gate Drive between Jericho Turnpike and Colonial Drive. This appears to contradict the testimony of neighbors that this section of the road is dangerous because of the short distance to the stop sign.

Mass Transit

The property is located within walking distance of bus routes on Jericho Turnpike and the Cold Spring Harbor train station, which is half a mile away. There is a pedestrian connection from the train station to the Cold Spring Hills neighborhood, but it can also easily be reached by car. The proximity to the train station should be a desirable feature for potential residents.

IMPACT ON ENERGY:

16. Will the proposed action have an adverse effect on the community's sources of fuel or energy supply?

*No. Although the site will require new utility service, the residential development should not have a significant effect on the Town's energy supply.

NOISE AND ODOR IMPACTS:

17. Will there be objectionable odors, noise or vibration as a result of proposed action?

*Yes. The construction activity required for the proposed action will result in temporary impacts to the surrounding community during site development, particularly due to the grading work and the large amount of soil that will have to be transported off of the site. Noise, odors, and vibration can all be expected from heavy trucking activity. This will affect the residential neighbors as well as visitors to the country club and Oheka. Noise can typically be expected from any construction activity. A conventional single-family subdivision would produce noise, odors, and vibration for a longer period of time because of the additional land that would be developed, and it would also occur closer to neighboring residences.

Once the development is complete the community will produce noise and odor impacts similar to any other residential neighborhood. The clustered community will have many people and vehicles that may produce impacts, but the lack of private outdoor space should result in less noise than the typical single-family dwelling. There will likely be less outdoor activity, with the exception of the outdoor pool on the top of the building. The parking garage under the building should reduce a lot

of auto-related noise. It also helps that the bulk of the building screens most of the outdoor parking from neighboring residences.

The one item that may be a concern is the location of any outdoor utilities or equipment. With such a large building it can be expected that there will be significant support equipment that could raise noise concerns. Any outdoor equipment needs to be shown on the future site plan and it must be screened to limit noise transmission towards neighbors, or moved inside or covered wherever possible. This may require false walls or structures with added soundproofing, or additional landscaping.

IMPACT ON PUBLIC HEALTH:

18. Will proposed action adversely affect public health and safety?

*No. The various required mitigation measures for the project should improve public health and safety. As previously indicated, due to the golf course use, maintenance activity, and visible evidence of dumping / debris piles, Phase I and II ESAs were prepared and included in the EAAF. The sites sampled included four locations where dumping was believed to have occurred (two samples from each pile), three locations near where golf course equipment was being washed down, two leaching pools providing drainage for the parking lot, and the two septic systems on the property to be redeveloped. With the exception of one of the septic systems, every other test site showed results that require the soil to be remediated (although three of the eight dump site samples did not violate any standards). Three of the test sites exceeded standards for various polycyclic aromatic hydrocarbons (PAHs), which are commonly found as byproducts of coal or petroleum combustion. They could have come from oil leaks and spills or asphalt paving and sealing, so it is not a surprise that they were found in both of the parking lot leaching pools. Chlordane, a pesticide, was found exceeding standards in one of the equipment washing area test sites. Arsenic and lead were each found in one of the dump pile tests in excess of cleanup standards, although lead was also found in other test samples slightly under the established standard. Mercury was found exceeding standards in six of the fifteen test sites, including the dump piles, equipment washing areas, and one of the septic tanks. Some of these locations greatly exceeded the action limit, and other locations found high levels but under the maximum allowed level.

The Town handles soil contamination issues by requiring the applicant to submit a Soil Management Plan prepared in accordance with SCDHS & NYSDEC guidelines. The Plan will be reviewed by consultants hired by the Town, at the applicant's expense, to review and approve mitigation measures for the soil contamination, which could include burial and capping or excavation and removal from the site to an approved disposal facility. The implementation of the Soil Management Plan, as well as installation of erosion and sedimentation control measures as outlined in the Expanded EAF and required by Town regulations, will eliminate any potentially significant adverse impacts associated with the soil.

The project proposes the installation of a traffic signal at the intersection of Jericho Turnpike and

East Gate Drive. Due to the high speeds of travel on Jericho Turnpike, the provision for protected turning movements out of East Gate Drive should improve traffic safety. Also providing a traffic safety benefit is the recent restriping of Jericho Turnpike to provide a left turn lane for eastbound Jericho traffic to enter East Gate Drive. Several residents have complained to the Town about traffic safety issues at the intersection of East Gate Drive and Colonial Drive, which is halfway in between Jericho Turnpike and the proposed development. This intersection is controlled by stop signs from all directions. The most common complaint is that vehicles are not stopping for the stop signs, particularly high-speed traffic coming from Jericho Turnpike. There is little that the Town can do if traffic control devices are being ignored. Enforcement would have to come from the Suffolk County Police Department. Contrary to the belief of the residents, however, greater traffic through the intersection is likely to improve safety, not decrease safety, because additional vehicles on the road will force other drivers to go slower.

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD:

19. Will the proposed action affect the character of the existing community?

*Unknown. The new development is a large one compared with the surrounding Cold Spring Hills community. The proposed building is large in size and will have many residents. But there may be limited interaction with the surrounding community because there are few homes along East Gate Drive between the project and Jericho Turnpike, which is going to be the traffic outlet for most trips. A key factor for community impact is going to be the number of homes that can see the new residential building. If it is visible to many people, than it could have an impact. But many residents should not notice that it is there.

A conventional subdivision would likely have an even greater impact. The golf course does provide an identity to the neighborhood. All of the golf course views would be gone, and there would be limited open space in the neighborhood. Traffic would likely be dispersed among several intersecting roads. There would be a long period of construction, possibly over several years.

There are no other properties in this neighborhood to which the R-OSC zoning could be applied, so it would not have an effect on future development applications in the area. There are other golf courses in the Town to which it could be applied, but a lack of public sewers is likely to be a problem at most of them, unless the golf course use was abandoned or the residential development was not built to full site density.

The *Principles of Smart Growth and Livability* checklist adopted by the Town Board on October 5, 1999 (see attached) shows that the zone change proposal both meets several of the adopted principles. The development application was anticipated by the Town and the R-OSC zone was created in anticipation of golf course development. The project preserves open space and has access to public sewer, although it does bring sewer into a greenfield area far from neighborhood centers. The proposed housing serves a limited portion of the population.

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts that may result if the proposed action is implemented?

*Yes. Several residents have raised concerns about the application, particularly in regard to traffic flow and safety.

January 11, 2012

Huntington Town Department of Planning and Environment

THE PRINCIPLES OF SMART GROWTH & LIVABILITY
CONSISTENCY CHECKLIST FOR THE RESIDENCES AT OHEKA REZONING

Town Board resolution 1999-610 of October 5, 1999 accepted *The Principles of Smart Growth & Livability*, as adopted by the Huntington Smart Growth Steering Committee, and advised Departments and Boards in the Town to consider these principles in their review of applications, land use decisions and amendments to the Town Code and regulations.

Check if proposed action/project meets Smart Growth & Livability Principle(s). Otherwise, indicate if principle is not applicable (NA) to or inconsistent (IC) with the proposed action/project or if there is not sufficient information (NSI) to make a determination.

√ The proposed action/project encourages comprehensive land use planning that is ongoing, community-based and consistent with the needs and objectives of the local community, adjacent communities, and the region as a whole.

The R-OSC zone was created in anticipation of golf courses coming in for development. The applicants have met with members of the community before submitting the application.

NA The proposed action/project encourages development that contains a mix of uses essential to the daily life of its residents, which includes housing, shops, work places, schools, parks, and civic facilities ideally situated within easy walking distances of each other or otherwise within short travel distances.

√ The proposed action/project encourages land uses that link economic development decisions with environment and quality of life, and protect the property values of its residents.

The property is being developed to its full capacity while preserving open space and recreational resources.

NA The proposed action/project encourages efficient development that is pedestrian-friendly, is attractive, reduces automobile dependency, provides transportation alternatives, and is focused around existing or newly designed transportation centers.

√/IC The proposed action/project encourages development that enhances existing communities, and which particularly targets downtown and neighborhood centers for expanded or new development. The proposed action/project is directed to areas of existing infrastructure or where infrastructure can be upgraded or introduced to foster redevelopment, rather than toward areas of open spaces, and, when consistent with the community goals, include recycling of existing structures.

IC The proposed action/project encourages a sufficiency of housing to meet the needs of the residents of the Town, and which includes a natural diversity of housing types and facilities to enable citizens from a wide range of age groups, ethnic backgrounds, and economic levels to live within the neighborhood boundaries and interact.

NA The proposed action/project encourages planning, decision-making, and development practices that emphasize extensive and broad-based community participation, dialogue, the use of visual models, consensus-building and envisioning.

Consistent with the principles of Smart Growth & Livability, the proposed action/project results in:

- | | | |
|-------------------------------------|---|---|
| <input checked="" type="checkbox"/> | Protection of open space and the environment | Permanent preservation of golf course |
| <input checked="" type="checkbox"/> | Strengthening of the local economy | Numerous construction jobs expected in short term, tax revenue increase in longer term |
| <input type="checkbox"/> | An improved sense of community | NA |
| <input type="checkbox"/> | A decrease or stabilizing of traffic congestion | NA |
| <input type="checkbox"/> | A reduction in auto dependency | NA |
| <input type="checkbox"/> | Preservation of historic structures | NA |
| <input type="checkbox"/> | Enhancement of the community character and aesthetics | NA |
| <input type="checkbox"/> | Efficient use of public money | NA |
| <input type="checkbox"/> | Safe and secure communities | NA |
| <input type="checkbox"/> | An improvement in the overall quality of life. | NA |