

**21297**

Date: September 15, 2011

To: The Board of Acquisition and Contract

From: Thomas J. Lauro, P.E., Commissioner  
Department of Environmental Facilities

RE: Resolution adopting a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA") in connection with an agreement with Yeshiva Ohr Hameir to issue of an Out-of-District Wastewater Discharge Permit

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There is currently pending before your Honorable Board a resolution to authorize the County, acting by and through the Department of Environmental Facilities (the "Department"), to enter into an agreement (the "Agreement") with Yeshiva Ohr Hameir (the "Permittee") pursuant to which the County would issue to Permittee an Out-of-District Wastewater Discharge Permit (the "Permit") which would allow Permittee to discharge sanitary wastewater from Permittee's property, known as 141 Furnace Woods Road, Cortlandt Manor, New York, designated as Section 44.12, Block 1, Lot 3, into the local sewer system tributary to the County trunk sewer serviced by the Peekskill Sanitary Sewer District ("District").

With the assistance of the Planning Department, it was determined that the issuance of the Permit as authorized by the proposed Agreement would constitute an Unlisted Action as defined in section 617.2 of Title 6 of the New York Code of Rules and Regulations ("NYCRR"). Unlisted Actions require an appropriate environmental review. Transmitted herewith is a Short Environmental Assessment Form prepared by the Department of Planning to assist this Board in making a determination as required by SEQRA which is necessary prior to any action by this Board to authorize the Agreement (See 6 NYCRR section 617.3(c)).

Your Honorable Board should carefully consider the proposed Agreement and review the attached Short Environmental Assessment Form and the criteria contained in Section 617.7 of 6 NYCRR Part 617 to identify the relevant areas of environmental concern.

Once you have thoroughly analyzed the identified relevant areas of concern, you must determine if the proposed action may have a significant impact on the environment. For the reasons set forth in the attached proposed Negative Declaration, the Planning Department believes that the proposed action will not have any significant impact on the environment and accordingly recommends passage of the annexed Resolution. Your Honorable Board may rely on expert opinion and analysis in making your required determination under the applicable SEQRA regulations.

TJL/MP/JPG

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/06/2011 - JOMARY ALBERTS SECRETARY

## RESOLUTION

**WHEREAS**, there is pending before this Honorable Board a resolution to authorize the County to enter into an agreement (the "Agreement") with Yeshiva Ohr Hameir (the "Permittee") pursuant to which the County would issue an Out-of-District Wastewater Discharge Permit (the "Permit") to Permittee which would allow Permittee to discharge sanitary wastewater from Permittee's property, known as 141 Furnace Woods Road, Cortlandt Manor, New York, designated as Section 44.12, Block 1, Lot 3, into the County trunk sewer serviced by the Peekskill Sanitary Sewer District; and

**WHEREAS**, this Honorable Board has determined that the proposed issuance of the Permit, as authorized by the proposed Agreement, would constitute an action under Article 8 of the Environmental Conservation Law ("SEQRA"), requiring this Honorable Board to make findings of environmental significance or non-significance according to the criteria set forth in the regulations of the Department of Environmental Conservation; and

**WHEREAS**, the County of Westchester has assumed the role of Lead Agency in this matter; and

**WHEREAS**, an Environmental Assessment Form has been prepared by the Department of Planning to assist this Board in complying with the County's responsibilities under SEQRA; and

**WHEREAS**, this Board has carefully considered the proposed action and has reviewed the attached Environmental Assessment Form and the criteria contained in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified the relevant areas of environmental concern as are fully set forth in the attached "Negative Declaration" to determine if the proposed action will have a significant impact upon the environment.

**NOW, THEREFORE**, be it resolved by the Board of Acquisition & Contract of the County of Westchester, State of New York, as follows:

**RESOLVED**, that based upon this Honorable Board's review of the Environmental Assessment Form, this Board finds that there will be no significant impact on the environment in connection with the proposed action as described above; and be it further

**RESOLVED**, that the Secretary of the Board of Acquisition and Contract is authorized and directed to sign the Determination of Significance in the attached Short Environmental Assessment Form as Responsible Officer in Lead Agency; to execute and issue the attached Negative Declaration on behalf of this Board pursuant to Article 8 of the Environmental Conservation Law and to immediately transmit same to the Commissioner of Planning to be filed and made available pursuant to the requirements of Part 617 of the New York Code of Rules and Regulations; and be it further

**RESOLVED**, that this Resolution shall take effect immediately.




## Appendix C

## State Environmental Quality Review

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR Yeshiva Ohr Hameir	2. PROJECT NAME Yeshiva Ohr Hameir Sewer Connection
3. PROJECT LOCATION: Municipality Cortlandt (T) County Westchester	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) The pump station will be located at 141 Furnace Woods Road. The force main will begin at the proposed pump station and run along Furnace Wood Road, Maple Avenue, and Lafayette Avenue. The line will terminate at the existing gravity sewer manhole located on Lafayette Avenue, just south of route 202.	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY Yeshiva Ohr Hameir is proposing to construct a sewage pump station to eliminate the existing subsurface disposal system. The project consists of a 180 sq. ft. pump station building, an underground 8 foot diameter wet well, and 7,700 linear feet of 4" force main predominately within Town of Cortlandt right of ways. The force main will be under existing pavement for most of the route.	
7. AMOUNT OF LAND AFFECTED Initially <u>0.75</u> acres Ultimately <u>0.75</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe Yeshiva Ohr Hameir is located on the site of a former dude ranch which is surrounded by single family homes.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: Town of Cortlandt Site Development Plan Amendment Town of Cortlandt Street Opening Permit and Sewer Permit	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: NYSDEC Wetlands Permit, Town of Cortlandt Site Development Plan Approval and Special Use Permit.	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name <u>Daniel A. Garcia</u> Date: <u>8-1-11</u> Signature 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

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Reset

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

**PART II - ENVIRONMENTAL ASSESSMENT**

**A. DOES THE ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?** If yes, coordinate the review process and use the Full EAF.

Yes       No

**B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?** If no, a negative declaration may be superseded by another involved agency.

Yes       No

**C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:**

**C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:**

With the exception of minor impacts to traffic during sewer installation, the proposed action will not adversely affect any of the above. On the contrary, the action will serve to protect wetlands and water quality. The property is currently served by septic systems that have been subject to repeated failure. The project would replace a proposed sewage treatment plant that would be built within a wetland buffer zone and discharge to state-regulated wetlands. The proposed pump station and wet well will be a small facility that will be constructed within a developed portion of the property near the road, outside of the wetland and wetland buffer. The proposed sewer line will be installed primarily within the roadway pavement of local roads. Traffic will be maintained on these roads during construction.

**C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:**

The proposed connection will alleviate a current health hazard associated with failing septic.

**C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:**

There will be no impact on wildlife since all of the proposed sewer improvements will occur within developed areas. The project will provide an alternative to an onsite sewage treatment plant that would be built near and discharge to state-regulated wetlands.

**C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:**

The Town recently approved the reconstruction of an existing building into classrooms and dormitories and related site improvements, including the construction of a wastewater treatment plant on the Yeshiva property. The proposed sewer connection will merely replace the need for the wastewater treatment plant.

**C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:**

None. The permit is limited to the subject property as well as to a maximum discharge of 23,000 gallons per day.

**C6. Long-term, short-term, cumulative, or other effects not identified in C1-C5? Explain briefly:**

None. Both the County trunk mains and the Peekskill Wastewater Treatment Plant have sufficient capacity to handle this additional sewage. The property is estimated to generate, on average, approximately 20,385 gallons of sewage per day. The Peekskill Wastewater Treatment Plant was designed for 10 million gallons per day (MGD), but is currently operating at an annual average of 6.6 MGD. The permit is temporary and must be renewed after 3 years.

**C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:**

None.

**D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?**

Yes       No      If yes, explain briefly:

**E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?**

Yes       No      If yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE**

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments, as necessary, the reasons supporting this determination:

Westchester County Board of Acquisition and Contract  
Name of Lead Agency

JoMary Vieira  
Name of Responsible Officer

Secretary  
Title

JoMary Vieira  
Signature of Responsible Officer

[Signature]  
Signature of Preparer

10/6/11  
Date