

AGENDA PACKET

JANUARY 24, 2019 MEETING

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<u>TOWN BOARD TO AMEND SECTIONS 220-2, 220-23(A), 220-32(B) AND TO ENACT SECTION 220-43.6</u>		
No new materials		-
<u>WILDER BALTER PARTNERS, NY STATE ROUTE 22, GOLDENS BRIDGE</u>	Cal #10-15 PB	Cal #05- 17SW
Dept. of Environmental Conservation (DEC), General Permit – Groundwater Discharge of Treated Sanitary Sewage, December 19, 2018	Cal #20- 17WP	3

**TOWN OF LEWISBORO
Westchester County, New York**



**Planning Board
79 Bouton Road
South Salem, New York 10590**

**Tel: (914) 763-5592
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Email: planning@lewisborogov.com**

AGENDA

Thursday, January 24, 2019

**79 Bouton Road, South Salem
Justice Court**

Note: Meeting will start at 7:00 p.m. and end at or before 11:00 p.m.

I. MOTION TO CONVENE EXECUTIVE SESSION – (Anticipated Executive Session from 7 p.m. to 7:30 p.m.)

II. DISCUSSION OF TOWN BOARD PROPOSAL TO AMEND LEWISBORO TOWN CODE

Town Board to amend Sections 220-2, 220-23(A), 220-32(B) and to enact Section 220-43.6 - in order to allow accessory winery as a Special Use in residential districts.

III. SITE DEVELOPMENT PLAN

Cal #10-15 PB, Cal #20-17WP, Cal #5-17SW

Wilder Balter Partners, NY State Route 22, Goldens Bridge, NY 10526, Sheet 5, Block 10776, Lots 19, 20 & 21 (Property Group Partners, LLC, owner of record) – Application for a 42-unit MF development on a ±35.4-acre parcel.



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-0-15-001
Groundwater Discharge of Treated Sanitary Sewage

Permittee and Facility Information

Permit Issued To:
PROPERTY GROUP PARTNERS LLC
375 PARK AVE FL 35
NEW YORK, NY 10152
(212) 490-2626

Facility:
WB LEWISBORO AFFORDABLE HOUSING
RTE 22 - N OF TODD RD
GOLDENS BRIDGE, NY 10526

WILDER BALTER PARTNERS INC
480 BEDFORD RD
ATTN: JOHN BAINLARDI
CHAPPAQUA, NY 10514 (914) 610-3638

Applicable DEC Region(s): 2, 3, 4, 5, 6, 7, 8, 9

General Permit Authorized Activity: Discharge to groundwater of 1,000 gallons per day (gpd) or more, and less than 10,000 gpd per outfall of treated sanitary sewage without the admixture of industrial wastes from on-site wastewater treatment systems serving private, commercial and institutional facilities, and using the Standard or Alternative Technologies referenced in:

- a. the Design Standards for Intermediate-sized Wastewater Treatment Systems (NYSDEC, 2014), or
- b. for facilities in the Lake George Basin, the Design Standards for Wastewater Treatment Works in the Lake George Basin (NYSDEC, 2015).

A facility with multiple outfalls discharging from 1,000 gpd up to but less than 10,000 gpd each, having a combined design flow less than 30,000 gpd, and discharging to groundwater, is eligible for coverage under this General Permit.

Facilities serving, or intended to serve, more than one separately owned property can only be authorized to a government agency, municipality, or sewage disposal corporation formed and regulated pursuant to Article 10 of the Transportation Corporations Law.

Permit Coverage for Discharges Authorized Under GP 0-05-001 As of the effective date of GP-0-15-001, a facility with prior coverage under GP-0-05-001 shall be authorized to discharge in accordance with GP-0-15-001 unless otherwise notified by the Department.

Exclusions From Coverage Under this Permit Facilities located in the following areas are NOT eligible for coverage under this General Permit, but may apply for an individual SPDES permit:

- Areas of special (100-year) flood hazard as defined in ECL Article 36 ;
- Freshwater and Tidal Wetlands and their adjacent areas as defined in ECL Articles 24 and 25, respectively;



- Coastal Erosion Hazard Areas as defined in ECL Article 34;
- Wild, Scenic, and Recreational River corridors as defined in ECL Article 15, Title 27;
- Kings, Nassau, Queens and Suffolk Counties.

NYSDEC retains the right to exclude an activity from authorization under this General Permit and to require an applicant to obtain an individual SPDES permit.

Facility Location: in LEWISBORO in WESTCHESTER COUNTY

Facility Principal Reference Point: NYTM-E: 610.763 NYTM-N: 4571.105

Specific Activities Authorized for this Permit: This permit authorizes the subsurface discharge of up to 9,240 gallons per day (gpd) of treated wastewater from Outfall 001 using standard septic tanks with absorption trench treatment system to serve WB Lewisboro Affordable Housing facility located in the Town of Lewisboro, Westchester County.

Permit Authorizations

P/C/I SPDES- Groundwater Discharge - Under Article 17, Titles 7 & 8

Permit ID 3-5530-00223/00002

New Permit

Effective Date: 5/15/2018

Expiration Date: 5/10/2025

Modification # 1

Effective Date: 12/19/2018

Expiration Date: 5/10/2025

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

General Permit Authorized by

Permit Administrator: STUART M FOX , Deputy Chief Permit Administrator

Address: NYSDEC Headquarters
625 Broadway
Albany, NY 12233

Date: 04/29/2015

This permit is not effective without the signature below:

Validation under this General Permit

Authorized By: REBECCA S CRIST , Deputy Regional Permit Administrator

Address: NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY 12561

Authorized Signature: _____

Date 12/19/18



Distribution List

Vladimir Berezanskiy, NYSDEC Division of Water Region 3
Aparna Roy, NYSDEC Division of Water Region 3
Vijay Gandhi, NYSDEC Division of Water Region 3
Donald Canestrari, DEC GP Coordinator
Cheri Jamison, NYSDEC Division of Water, Albany
Deborah DeGraw, NYCDEP Wastewater Programs Manager
Andrew Stor, NYCDEP
Jeffrey Contelmo, Insite Engineering
Town of Lewisboro Town Clerk
Westchester County Department of Health

Permit Components

P/C/I SPDES- GROUNDWATER DISCHARGE

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

P/C/I SPDES- GROUNDWATER DISCHARGE PERMIT CONDITIONS

1. Request for General Permit Authorization Prior to the use of this General Permit for modification, construction and operation of the discharge point(s) at a facility, an applicant must submit the following information to the NYSDEC Regional Permit Administrator:

- Application for State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-15-001.
- Engineering design and site plan signed and stamped by a Professional Engineer licensed to practice in New York State. One printed copy and one electronic copy (PDF format) of the engineering design and site plan shall be submitted to the Department.
- A Design Certification of On-Site Treatment Works signed and stamped by the Professional Engineer certifying that the wastewater treatment system is designed in accordance with the Design Standards referenced in the "General Permit Authorized Activity" section of this permit.

2. Department-validated General Permit Authorization Upon review of the project, the Department will determine if the project can be authorized under this General Permit. No work may proceed prior to receipt of the Department-validated General Permit.



The Department-validated General Permit will authorize the specific outfall (i.e., type of on-site treatment system and design flow) described in the Application, Design Certification of On-Site Treatment Works, and site plan.

Following receipt of the Department-validated General Permit, the permittee may proceed with construction of the on-site treatment system.

3. Approval to Discharge Wastewater discharge from the system authorized by the Department-validated General Permit is approved when the following appropriate action is taken:

- At the completion of facility construction and prior to commencing a discharge, the permittee must submit a Post Construction Certification of On-site Treatment Works form, signed by a professional engineer certifying that the treatment system has been constructed in accordance with the originally approved engineering design and site plan, to the Department's NYSDEC GP-0-15-001 Coordinator. The certification must include the date that the treatment system will be placed into service and become operational.
- If modifications were made to the originally approved engineering design and site plan, the permittee must submit electronic as-built site plan (PDF and CAD format) noting any deviation from the originally approved site plan to the Department's NYSDEC GP-0-15-001 Coordinator.

For conversion of a facility that has been constructed and is operating in accordance with an individual SPDES permit to this General Permit, the Application for General Permit does not need the above-described certifications and as-built plans, unless requested by the Department.

4. Maximum Flow, Strength and Character The treatment system must not receive, or be committed to receive, sanitary wastes without the admixture of industrial wastes that:

- a. exceed the treatment system design flow, or
- b. have a strength or characteristic beyond the design capability of the treatment system.

5. Inspect Septic Tanks A septic tank installed as part of the treatment system shall be inspected by the permittee or his agent for scum and sludge accumulation at intervals not to exceed one year's duration. The permittee shall remove scum and sludge accumulations before the depth of either exceeds one-fourth of the liquid depth so that no settleable solids or scum will leave in the septic tank effluent. Septage materials shall be removed, transported and disposed of in accordance with applicable law and regulation.

Such inspections may be performed by the permittee, an engineer licensed to practice in New York State, a National Association of Wastewater Transporters (NAWT)-certified inspector, or a New York Onsite Wastewater Treatment Training Network (OTN)-registered inspector. Records of annual septic tank inspection and pumping information shall be retained onsite and maintained for five years for review by the NYS Department of Environmental Conservation.

6. Maintain Facility The permittee must maintain the treatment system in effective working condition.

7. No Violation of Water Quality Classifications and Standards The discharge must not cause or contribute to a violation of water quality classifications and standards as contained in New York Codes, Rules, and Regulations (NYCRR) Title 6, Chapter X, Parts 700-703.



8. Maintain Records The permittee shall maintain a copy of the engineer-certified treatment facility site plan and engineering design, as-built drawings, required health agency approvals, and other related documents for inspection by the NYS Department of Environmental Conservation.

9. Annual Regulatory Fee Permittees are responsible for payment of the annual regulatory fee billed by the Department. Failure to pay can result in imposition of penalties or revocation or suspension of this permit. The permittee is responsible for payment of the fee until the discharge ceases and the permittee requests and receives Department concurrence for termination of coverage under the permit or the Department approves a transfer of the permit to a new permittee.

10. Permit Transfers The permittee must submit a written application to the Department for transfer of this permit prior to actual transfer of ownership. Such application must include any forms or supplemental information the Department requires. Submission of the transfer of ownership application must be provided to the Department 30 days prior to the new permittee taking ownership of the facility. Failure to properly transfer the facility ownership is a violation of 6NYCRR Part 750-1.17(b) and subjects the permittee to a civil penalty of up to \$37,500 per day for each day that the violation continues under ECL section 71-1929(1). The most current permittee in the Department's database records is responsible for compliance with all the permit terms and conditions in this General Permit, the permit fee and all applicable state and federal laws and regulations.

Any transfer granted by the Department must be in writing.

11. Operating in Accordance with SPDES Rules The permittee is authorized to discharge in accordance with effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and NYCRR Title 6, Chapter X, State Pollutant Discharge Elimination System (SPDES) Permits Part 750.

12. GP-0-15-001 Coordinator As referenced in this permit, the GP-0-15-001 Coordinator can be contacted at:

DEC GP-0-15-001 Coordinator
New York State Department of Environmental Conservation
Division of Water
625 Broadway
Albany, NY 12233-3505

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.



A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY12561

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: P/C/I SPDES- Groundwater Discharge.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS



Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Item E: Referenced Materials Forms and regulations referenced in this permit are available at the NYS Department of Environmental Conservation's regional offices and on our website: www.dec.ny.gov.

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, NY 12561

Phone: (845) 256-3054 • FAX: (845) 255-3042

Website: www.dec.ny.gov



Department of
Environmental
Conservation

IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

The DEC permit number and program ID number noted on page 2 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with the facility/project area.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

SP

Sarah Pawliczak, Environmental Analyst
Division of Environmental Permits, Region 3
Telephone 845-256-3050

Reminder: At the completion and prior to discharge, Permit Condition 3 requires the permittee to send the Post-Construction Certification of On-Site Treatment Works to:

DEC GP-0-15-001 Coordinator

NYSDEC Division of Water, 625 Broadway, Albany, NY 12233-3505

Email: PCLGeneralPermit@dec.ny.gov

- ☒ Applicable only if checked for STORMWATER SPDES INFORMATION: We have determined that your project requires coverage under the General Stormwater SPDES Permit. You must file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at <http://www.dec.ny.gov/chemical/43133.html>
- ☒ Applicable only if check – MS4 Areas: This site is within an MS4 area (Municipal Separate Storm Sewer System), therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505; in addition, DEC requests that you provide one electronic copy of the approved SWPPP directly to NYS DEC, 100 Hillside Avenue - Suite 1W, White Plains, NY 10603-2860.