

RESOLUTION # 12-2024-18

RESOLUTION RESTRICTING NEW AND EXPANDED SEWER CONNECTIONS

WHEREAS, the Village of Greenport sanitary sewer collection and treatment system (the “System”) has been built out in piecemeal fashion, with the initial construction occurring in the 1850s, and

WHEREAS, on December 5, 2023, the primary sewage collection system piping sustained damage that resulted in a leak requiring emergency repairs and the suspension of sewage collection service, and

WHEREAS, the same primary piping sustained damage approximately 2 years prior to the December 2023 damage, and

WHEREAS, as a result of these System failures, the Board of Trustees, adopted resolutions in January 2024 and again in June 2024 providing for 6-month restrictions on new connections or expansion of previously approved sewage flow from existing connections, which restriction is set to expire on December 3, 2024, and

WHEREAS, at the same time as the adoption of the initial 6-month restriction, the Board retained J.R. Holzmacher P.E., LLC, a consulting engineering company (the “Engineer”), to provide the Board with an engineering report to (a) analyze the current condition of the System and its components, (b) evaluate necessary repairs and/or replacement, (c) provide costs of any necessary or appropriate work, and (d) ensure adequate planning for present and future demands of the System, and

WHEREAS, the Engineer has provided the Board with significant information relating to its analysis of the System and also verbally communicated to the Board and the public at a Board meeting regarding its findings, and

WHEREAS, the Engineer reported that the recurrence of infiltration and inflow (I/I), particularly during storm events occurring at high tide with east winds, results in wastewater flow rates that has significantly overloaded the System and resulted in discharge without effective treatment, and

WHEREAS, such discharge creates a potential environmental hazard and renders the Village out of compliance with permitted regulatory discharge flow amounts and violations of New York State Department of Environmental Conservation and Suffolk County Department of Health Services regulations and standards, and

WHEREAS, such discharge poses an imminent threat to the health and safety of persons residing in the Village and the surrounding areas and waterways, and

WHEREAS, the Engineer has advised the Board against permitting any wastewater flow increases, which includes new connections and expansion of existing connections, until certain improvements are made to the System to prevent the recurrence of infiltration and inflow (I/I),

WHEREAS, the Engineer also has reported that the System components are old and require an intensive replacement program to remain in reliable service, and

WHEREAS, the prevention of future I/I events will require improvements within the collection system which will take a long time to fully implement, and

WHEREAS, the Engineer has reported that the sanitary sewer flow rates observed during the first half of 2024 are significantly above average for prior year which may result from I/I sources, and

WHEREAS, additional sewage flow resulting from new or expanded connections poses an imminent threat to the public's health, safety and welfare, and

WHEREAS, in accordance with the police power delegated to the Village by New York State and the Village's standing as the stewards of the Village's health, safety and environment, the Village is obligated to take steps necessary to protect the health, safety and welfare of the Village and its residents and of the Village's resources and natural environment, and

WHEREAS, the Board of Trustees has determined that the continuation of the temporary restriction on new connections or expansion of previously approved sewage flow from existing connections is necessary to preserve the public health, safety and welfare and to protect against the imminent threat to the health and safety of persons residing in the Village and its immediate surroundings, and the aforesaid recitals taken together constitute the rationale of such necessity and urgency.

NOW, THEREFORE, BE IT RESOLVED

1. The Board of Trustees finds and determines that the foregoing recitals are incorporated herein as set forth in full.
2. The Board of Trustees finds that the adoption of this resolution is an Unlisted Action under the New York State Environmental Review Act (SEQRA), that the Board has reviewed a short environmental assessment form and the text of this resolution, and finds and concludes that the Board of Trustees as lead agency with respect to environmental review of the proposed resolution:
 1. the Board has thoroughly reviewed the Short Environmental Assessment Form (Short EAF);
 2. the Board also has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:
 - (a) the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor

create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

(b) the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

(c) the proposed action would not impair the environmental characteristics of any Critical Environmental Area;

(d) the proposed action would not conflict with the community's current plans or goals as officially approved or adopted;

(e) the proposed action would not impair the character or quality of important historical, archaeological, architectural or aesthetic resources or of existing community or neighborhood character;

(f) the proposed action would not result in a major change in the use of either the quantity or type of energy;

(g) the proposed action would create a hazard to human health;

(h) the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(i) the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

(j) the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

(k) the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

(l) the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;

(m) the proposed action would enhance the protection of the environment in the Village, in that it would preserve and maintain the existing character of the Village;

(n) the proposed action would not have a significant adverse effect environmental impact;

(o) no further environmental review is required with respect to the proposed action, and

(p) the Mayor, or his designee, is authorized to execute the Short EAF in a manner consistent with the foregoing findings concluding that the proposed action will not result in a significant adverse environmental impact

3. From today, and for a period of six (6) calendar months, there shall be no new connections to the Village of Greenport sanitary sewer system, including but not limited to the Village's sanitary sewer collections system, or modifications to existing connections where such modification may result in increased production of waste from a site with an existing connection to the Village's sewer facilities or changes in use that result in a potential for increased sanitary discharge, except as follows:

(a) Replacement of existing sewer connection laterals shall be permitted upon approval by the Superintendent of the GSTP or his designee in accordance with Chapter 105 of the Code of the Village of Greenport,

(b) All connections for work authorized by a previously issued and currently open permit providing for a sewer connection or expansion, and

(c) New sanitary sewer connections that may be approved by the Board of Trustees upon recommendation from the Superintendent of Public Works of the Village of

Greenport in accordance with Chapter 105 of the Code of the Village of Greenport.

4. Within the Village, any person, entity or applicant for a property development approval whose application has been filed as of the date of the initial January 2024 restriction may submit a written application to the Board of Trustees requesting relief from this connection restriction setting forth the reasons why the restriction should not apply to their proposed connection. Such application must identify the quantity of expected or anticipated wastewater and the reason why the restriction should not apply. Upon receipt of such request, the Board will make a determination either approving or denying the request.