

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of **The Incorporated Village of Patchogue**

Town

Village

Local Law No. 11 of the year 2023.

A LOCAL LAW OF THE VILLAGE OF PATCHOGUE

The Added Sections 353-3 and 353-9(B) (1) through (7), inclusive, of the Village Code shall read as follows:

§353-3 Definitions and Word Usage.

IMPACT FEE

On any parcel proposed for a change of use, a one-time fee imposed upon a parcel for the parcel's proportionate use of the district's flow capacity beyond the existing flow allowance if the proposed design flow for the parcel will increase the parcel's existing flow as approved by the Suffolk County Department of Health Services.

§353-9

B.

- (8) A one-time Impact Fee shall be charged to parcel whose proposed design flow rate based on Suffolk County Department of Health standards will increase from the existing/combined parcels allowance. Properties for which a fee will be charged shall include, but shall not be limited to, those serviced by the District and located outside the boundaries of a District; those creating increased hydraulic demands upon the District in excess of existing parcel flow allowance; those creating increased treatment demands; parcels which have been granted a variance, a change of zone or other approval which will result in the generation of a higher quantity of wastewater than the property would have contributed without the approval.
- (9) Impact fees shall be calculated as follows:
 - a. Parcels within district boundaries: The amount of twenty (\$20) dollars per gallon if the design flow exceeds the current parcel sanitary flow allowance.

- b. Parcels outside district boundaries: The amount of thirty (\$30) dollars per gallon for the design flow. Out of district parcels have no flow allowance, and also remain subject to applicable Key Money Charges.
- (10) Impact fees are payable to the Village of Patchogue by certified or bank check or money order at the time an applicant submits his technical plans and specifications to the Superintendent for review.
- (11) Application requirements. An original and three (3) copies of an application by the property owners shall be filed in the Department of Public Works requesting permission to connect to district facilities and providing a detailed reason for the request. A petition shall be accompanied by the following:
- ix. A copy of the latest deed.
 - x. A copy of the latest survey.
 - xi. A copy of any covenants and restrictions filed against the property.
 - xii. A plan view drawing, drawn to scale, showing the location of the current and proposed plumbing and sanitary system connections.
 - xiii. A plan view drawing, drawn to scale, of the proposed construction.
 - xiv. A plan view drawing, drawn to scale, of the current and proposed grading of the property and MSL elevations.
 - xv. Detailed technical specifications of the proposed connection to the collection system of the district, including existing and proposed design flow based on Suffolk County Department of Health Services standards.
 - xvi. Any other plan, survey or document deemed necessary by the Department or district to properly evaluate the application.
- (12) If the application meets the criteria established by the Board for connection to the district, the Department shall review the application with the assistance of the district engineers and provide its findings and recommendations to the Board. Such findings shall include, but shall not be limited to, a statement that one or more of the Board's criteria for connection has been established; a statement as to strength and characteristics of the flow proposed for discharge to the district; and its anticipated impact, if any, on the capacity of the district and district facilities. The applicant shall be required to pay for special engineering reports, surveys and studies, if necessary to determine whether existing sewer lines can convey the additional flow and there is sufficient capacity to connect the parcel. In these cases, the applicant shall pay an amount determined by the Department as sufficient to cover the cost of such services. These funds shall be placed in a non-interest-bearing village escrow account.
- (13) Action by the Board. The Village Board may, but is not required to, entertain out-of-district applications forwarded by the Department of Public Works as it deems appropriate. If an application is considered by the Board, it may adopt or reject the findings and recommendations of the Department in whole or in part, and may, at its discretion, approve or deny the petition as the Board deems advisable. The Board may condition its approval as it deems necessary in the interests of the District. Failure to abide by a condition or restriction imposed by the Board shall be deemed a violation of this chapter and cause for revocation of any permit issued as a result of the approval.
- (14) Conditions of approval. All approvals by the Board shall be deemed subject to the further approval of the Superintendent of Public Works as to the nature, scope and

method of connecting to district facilities, and the equipment and materials to be used by the applicant. Village Board approvals shall also be conditioned on the following, whether or not specifically referenced in the resolution of the Board:

- viii. The applicant shall execute a Connection Agreement establishing flow limits and agreeing to the terms and conditions established by the Board, which shall be filed in the office of the Suffolk County Clerk at the applicant's own cost as covenants and restrictions against the property. Proof of filing, in a form acceptable to the Village attorney, shall be provided by the applicant before the Superintendent will approve a connection or issue a permit.
- ix. When deemed necessary by the district and at the applicant's expense, the installation and maintenance of a sampling station to monitor the strength and characteristics of the wastewater and a permanent flow meter to measure the volume of sewage from the premises. The flow meter shall be calibrated annually by the applicant and proof thereof shall be provided to the district.
- x. When deemed necessary by the district, discharge monitoring reports and daily flow readings shall be provided monthly to the district by the applicant. If discharge monitoring reports reveal the existence of abnormal sewage, the applicant shall pay an additional monthly fee, as billed by the district, until no trace of abnormal sewage is found.
- xi. The placement of funds in a non-interest bearing village escrow account, in an amount determined by the district, sufficient to cover the costs of reviewing the sewer connection plans and inspections during construction by district engineers and consultants.
- xii. Payment of impact fees as set forth in this chapter and an annual user's fee to off-set the cost of processing and treating the wastewater. The user's fee shall be based on the most recent assessed valuation of the property and the latest sewer tax rate, and shall be incorporated as part of the real property tax bill of the owner and collected at the same time and in the same manner as other Village levies.
- xiii. Payment of the parcel's proportional share of the cost of upgrading, altering, repairing or installing sewer facilities, if necessary, to accommodate the applicant's additional flow, including the cost of all engineering studies, contractors and consultants deemed necessary by the district.
- xiv. Full compliance with the requirements of this chapter, district regulations and agreement for connection to the district.

353-9(L): Storage and flow control facilities: Each user discharging in excess of one hundred thousand (100,000) gallons per day to the district, or greater than ten (10%) percent of the average daily flow to the district, whichever is less, shall install and maintain, on their property at their expense, a suitable storage and flow control facility to ensure equalization of flow over a twenty-four hour period.

353-9(M): Laundromats and Vehicle Washes. All laundromats and vehicle washes which are renovated or modified increasing the design flow capacity, as determined by the Superintendent, and any new application for laundromats or vehicle washes shall be required to utilize water-recycling systems or equipment which will reduce water usage by seventy-five (75%) percent. The engineering and design specifications of the systems or equipment to be utilized shall be submitted to the sewer district for review and approval as part of the sewer connection application. For the purpose of calculating the impact fee due pursuant to this chapter, the design flow shall be reduced by the percentage of the water reduction achieved by the water recycling equipment.

Effective Date:

This Local Law shall take effect immediately.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No.11 of 2023 of the Incorporated Village of Patchogue was duly passed by the Village Board on December 11, 2023 in accordance with applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the matter indicated in paragraph 1 above.



Lori B. Devlin, Village Clerk

(Seal)

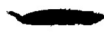

Dated: December 11, 2023

(Certification to be executed by Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Dated: December 11, 2023

Signature: Brian T. Egan
Title: Village Attorney

Clients / Patchogue Village/ 2023 / L.L. _____ 2023 Amend Chapter 223