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## MEMORANDUM

DATE: 12/29/2020

TO: Chairman Thomas Burt  
Commissioners of the Harbor Coastal Zone Management Commission

FROM: Mr. Richard P. Cordone, JMC  
Mr. Stephen Spina, JMC

RE: JMC Project 18100  
1165 Greacen Point Road  
Village of Mamaroneck, NY

SUBJECT: **Sanitary Sewer Feasibility**



JMC is in receipt of a memorandum prepared by Kellard Sessions Consulting, PLLC to the Village Harbor Coastal Zone Management Commission, dated November 18, 2020, and offer the following in response:

The Applicants have explored options to bring a sewer line to the subject property for nearly three years. We note that while the November 18<sup>th</sup> memorandum advises that constructing an additional sewer line in Greacen Point Road is possible from an engineering standpoint, there is no discussion on if it would be advisable.

The Applicants and their consulting team have had many discussions with the previous Village Engineer, Hernane De Almieda, PE, who was vehemently opposed to the installation of another private sewer line in Greacen Point Road for the reasons outlined below, which our office is also concerned about:

**Infrastructure Crowding and Future Planning:** There are 11 separate private force mains in service with Greacen Point Road today, along with other public utilities such as water, storm and gas lines. Putting an additional private line under the road may ultimately prevent the Village, another public utility, or property owner from utilizing the limited amount of space underneath the road. Given the utility and sewer setbacks from water/gas/storm, installing an additional private line may prevent future uses of the space under the road, which should not occur for the benefit of a single individual, but use for common benefit. It should also be noted that there are 16 other homes along Greacen Point Road served by septic systems. Should private lines be required for these additional 16 homes, as many as 27 private force mains could be forced to be installed within the Greacen Point Roadbed.

There is currently minimal drainage infrastructure on Greacen Point Road. Should the Village intend to install additional drainage at a future date, the real estate that is taken up by the private JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC | JMC Site Development Consultants, LLC

sewer lines is limiting where the drainage infrastructure could be located. The information on the locations and details of the existing lines is minimal and identification of individual lines would be difficult. Though a survey is available, the locations of the plastic low pressure sewer lines and transite water mains are questionable due to their inability to be radio electronically traced.

**Operation Maintenance and Infiltration & Inflow Monitoring (I & I) Responsibility:**

Shutting off a line for a repair, periodically checking for leaks, even entering the receiving manhole these are all tasks that are required for the successful operation of a sewer system. This responsibility currently falls upon numerous private individuals. There are practicality concerns over the installation of another private line for which the maintenance and operation is exclusively the responsibility of yet an additional individual. The Village does not currently have the ability to shut off most of the I I lines that are currently under Greacen Point Road so they can safely enter the receiving manhole should they need to perform a repair on their own manhole.

As outlined in Sec. 824.71 and 824.72 of the Westchester County Sanitary code, each municipality is responsible for the prohibition of excessive inflow and infiltration into the county trunk sewer system. Excessively long private services and the confusion of which line comes from where makes it difficult to identify and eliminate illegal source flows from sump pumps and other stormwater connections. Municipalities are required to take immediate action to discover and prohibit any illegal connections.

**Emergency Responsibility:** If one line begins to leak, the individual responsible for the line must be identified, isolated and repaired. However, in order to identify the owner of the line, the leaking line would need to first be exposed and traced. Since there are currently I I lines in the same trench, the ability to identify the owner and successfully make a repair without damaging any other lines is extremely difficult. In fact, to identify the owner of the one individual line responsible for this repair may not even be possible given the extent of such a leak and the responsibility for the repair would effectively default back to the Village.

The addition of another private line further complicates issues related to emergency repairs should the Village, Con Ed, or WJWW be conducting regular maintenance and one of the private lines is damaged or broken. Hernane De Almieda did not want this liability to ultimately come back to the Village. As noted above, since no individuals have the ability to operate the line to the extent something goes wrong, the responsibility defaults to the Village per §282-15(b) of the Village Code.

NYS Municipal Code 753 requires a party to mark-out utilities within 48 hours, less if the excavation is to repair something that is endangering property or persons, such as a water main break or a gas leak. All municipalities, and utility owners are subject to this requirement to mark out these lines. If someone calls in a "Code 753", it is unclear as to who would be responsible for delineating these lines and making sure that they get marked out.

Furthermore, if the water main ruptures within Greacen Point Road, WJWW risks hitting the unmarked sewer lines and the cross contamination of a public water supply.

**NY DEC Penalties for Environmental Impacts of a Leaking Line:** If a line started leaking for any reason (hit by a repair, deteriorated connection, etc.) and any of the leak runs into Long Island Sound, a \$30,000 a day fine from NYSDEC could be implemented. If the Village does not have the ability to monitor the lines given the private nature of ownership, as the holder of the NYSDEC MS4 permit, there could be substantial penalties which fall to the Village.

**Public Sewer Line Feasibility:** Should a public line be constructed, it must be installed to accommodate all the homes on Greacen Point and the Village would be responsible for the maintenance and operation per paragraph 32 in Chapter 30 of the Recommended Standards for Wastewater Facilities, 2004 Edition (10 States Standards for Wastewater Facilities). Wastewater facilities conveyance systems shall be sized to accommodate the ultimate tributary population, namely in this instance the whole of Greacen Point Road. In that case, all the private lines within Greacen Point Road must be terminated and tied into the new main. For some homes, there may not be positive displacement pumps in place so their existing pumps would not be able to connect to the main without substantial upgrades. Each lot owner would be required to have a service connection with an individual check valve and shut offs.

Per Westchester County Health Code Section 873.727, “The owner of any habitable building or property used for human occupancy, employment, recreation or other purpose abutting upon any street, alley or right-of-way in which there is located a public sanitary sewer may be required to install at the expense of such owner suitable toilet facilities therein and to connect such facilities directly with the public sanitary sewer, in accordance with any local regulations of the municipality owning such sewer, within 90 days after date of an order in writing issued by the commissioner to do so, provided that such sewer is within 100 feet of any property line of such premises and is otherwise accessible. Where a public sanitary sewer is available no new arrangement shall be made other than an individual connection to serve each building site.” Therefore, the Village would be tasked with coordinating with each residence served by a private sewer line or a functioning OWTS to abandon its private property and connect to the new public sewer.

In accordance with Chapter 873, Article XXII, Section 873.2202 of the Laws of Westchester County, guidelines for the construction of a low pressure sewer main, the following applies. The municipality should own the grinder pumps and as owner of the low pressure sewer system, guarantee 24 hour repair time and have on hand spare pumps at a ratio of 1 for every 8 to 10 operating pumps. The Village must be willing and prepared to accept the added costs and responsibility of having the pumps on hand and changing them on an emergency basis should the need arise.

To create the public main to serve 1165 Greacen, the public main would have to enter the privately held portion of Greacen Point Road. Therefore, the Greacen Point Road Corporation would need to provide the Village with an easement. If these property owners that comprise the Greacen Point Road Corporation are being forced to abandon their existing force mains and functioning septic systems and connect to a new public line, there is a question about whether they would be willing to grant such an easement to the Village.

Additionally, in order for the public sewer line to be operational, the Village must be willing to take over the line and assume the added cost and responsibility associated with extending a public main. To date, our team has not received a response from the Village Manager to further discuss the Village’s willingness to take over a public sewer line within Greacen Point.

**Low Pressure Sewer Line versus Gravity Septic:** The proposed gravity septic system will operate with anticipated life span of 30-40 years with proper monitoring and minimal maintenance that includes pumping of the septic tank every two years. A low pressure sewer will require regular

maintenance such as changing out pumps every 7-10 years and there are many more moving parts associated with it such as control boards, floats, pumps and other electrical components that have a finite life and are not as reliable as a gravity system.

**Conclusion:** While private sewer lines currently exist underneath the roadway, it is prudent not to exacerbate the situation by adding another line that the Village would not have the ability to control.

It is worth noting that there are a number of existing homes within the Village that are currently served by an onsite wastewater treatment system and most of these homes are within the flood plain. The use of fill to provide a suitable disposal area is a common practice and inconsequential to the floodplain. The importation of fill poses no impacts as outlined in the letter prepared by Leonard Jackson and Associates, an expert in floodplain analysis. A new WCDOH septic system will be regularly pumped and monitored by a licensed septage hauler that is required by law to report any breach of sewerage to the WCDOH. The system will be constructed in accordance with the Health Department regulations with an area that will be set aside for a repair should the future need ever arise.

We have concerns over the practicability of forcing the Applicants to forego replacement of the existing septic system and require the installation of a substantial sewer connection in excess of 1,500 linear feet. It is our opinion that development of the Site with an onsite wastewater disposal system is consistent with LWRP policies.

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