

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MAMARONECK HELD ON MONDAY, JULY 9, 2007 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE  
HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Philip Trifiletti
	Trustees	Thomas A. Murphy Toni Pergola Ryan John M. Hofstetter Anthony Fava
	Village Manager	Leonard M. Verrastro
	Deputy Village Attorney	Joseph Messina
	Police Chief	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 9th day of July, 2007, at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW NO. 12-2007, a local law adding a new Article IV (Removal of Illegal Sewer Connections and Elimination of Illegal Discharge of Liquids) to Chapter 282 (Sewers) of the Code of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law No. 12-2007 is on file with the Clerk-Treasurer of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco  
Clerk-Treasurer

Dated: July 2, 2007

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Public Hearing on Proposed Local Law 12-2007, is hereby open for discussion.

Ayes:	Fava, Hofstetter, Ryan, Murphy, Trifiletti
Nays:	None

Deputy Village Attorney Messina reminded the Board that this proposed law had been brought up previously and that it deals with the illegal connections residents have to storm water and or local sewer lines. This was submitted for comment to the Water Quality Committee and Westchester County. These comments

have been incorporated into the most recent draft. This law basically states that before a home could be sold, it would have to be inspected for illegal connections.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Public Hearing on Proposed Local Law 12-2007, is hereby opened.

Ayes: Fava, Hofstetter, Ryan, Murphy, Trifiletti

Nays: None

Mr. Stuart Tiekert raised the issue that Section 282-13 does not state that before title is transferred a certificate of compliance must be obtained. Deputy Village Attorney Messina informed him that this is clearly stated in Section 1, where it states, "The Village Board henceforth will require a discharge certificate for real property located in the Village that is sold after July 1, 2007" and the renewal event is the subsequent sale. Ms. Suzanne McCrory was confused by the Village not allowing property owner's sanitary sewer lines being connected to the Village's lines and questioned where that discharge is supposed to go. Trustee Murphy explained that the purpose of this proposed law is to prohibit storm water from inflowing or infiltrating the Village's sewer line and that the property owner's line must be intact and be maintained by the property owner. Ms. McCrory suggested the property owner state how water is discharged from their home.

The issue of drywells and storm drains was discussed and how there are not storm drains accessible to every Village resident. Ms. Nora Lucas appeared and expressed her concern with many areas of the Village not having access to storm drains and the residents who are pumping into the storm drains. She is also concerned about her neighborhood's drywell's not being effective.

Ms. Liz Redo, Chair of the Mayor's Advisory Committee on Water Quality appeared. She informed the Board that on April 15<sup>th</sup>, there were 100 million gallons of water that flowed in through a supposedly closed system. On a typical day, there are about 20 million gallons going into the water treatment plant. Clearly water was going into the storm water system and it was coming from somewhere. This water going into the Sound has an impact on the water temperature, which changes the air temperature, which changes the storms. It is a very delicate cycle. She also stated that it is important that Mamaroneck has an adequate storm water system and that you do not want storm water and sanitary system water mixing. She believes this law is a step in the right direction. She recommended sending letters to home owners and title companies informing them when this law is adopted.

Ms. Natasha Cherney asked where her storm water is supposed to go if the storm drains are overwhelmed. Mayor Trifiletti stated that the drains are not perfect and that work needs to be done on them, but that this law is the first step in solving this problem. Ms. Cherney stated that she believes homes should be moved off of flood plains.

Mr. Tiekert inquired if a resident could hook up to a storm drain. He was told that yes they could as long as they had a permit to do so.

On motion of Trustee Fava, seconded by Trustee Hofstetter:

RESOLVED that Proposed Local Law 11-2007, is hereby closed.

Ayes: Fava, Hofstetter, Ryan, Murphy, Trifiletti

Nays: None

On motion of Trustee Fava, seconded by Trustee Hofstetter:

RESOLVED that Proposed Local Law 12-2007 be and hereby is enacted as Local Law No. 9-2007 and shall read as follows:

A Local Law adding a new Article IV (Removal of Illegal Sewer Connections and Elimination of Illegal Discharge of Liquids) to Chapter 282 (Sewers) of the Code of the Village of Mamaroneck

**SECTION 1.** Purpose. The Village Board finds that, despite all of the Village's efforts at enforcement, there continue to be properties which have illegal connections to the public storm water or sanitary sewer lines or both. Additionally, some of these properties, as well as others, illegally discharge liquids onto or towards streets, sidewalks and rights-of-way. These violations have a negative impact upon the environment of the Village. They also have a negative impact upon the conditions of the Long Island Sound since such discharges overtax the effluent treatment systems and at times cause untreated sewerage to be discharged directly into the Long Island Sound. The County of Westchester (the County) continuously monitors the flow through the public storm water and sanitary sewer lines. It regularly admonishes the Village for not being more effective in bringing an end to illegal connections to the public storm water and sanitary sewer system. Furthermore, the State of New York has issued manuals containing rigorous standards for the disposal of storm water and effluent (see E.G. New York Standards and Specifications for Erosion and Sediment Control (Blue Book) and New York State Stormwater Design Manual). To combat these violations and eventually bring about total compliance with applicable Codes, the Village Board henceforth will require a discharge compliance certificate for real property located in the Village that is sold after **July 1, 2007**. For apartment buildings, cooperatives and condominium complexes, a discharge compliance certificate shall be required for each building on or before August 1, 2007 and renewed every five years thereafter.

**SECTION 2.** A new Article IV (Removal of Illegal Sewer Connections and Elimination of Illegal Discharge of Liquids) is hereby added to Chapter 282 (Sewers) of the Code of the Village of Mamaroneck, which shall read as follows:

#### ARTICLE IV

##### **Removal of Illegal Sewer Connections and Elimination of Illegal Discharge of Liquids**

###### **§ 282-12. Definitions:**

As used in this Article, the following terms are defined as follows:

“DIRECTOR” or “CODE ENFORCEMENT OFFICER” means the Code Enforcement Officer of the Village of Mamaroneck, or his designee.

“DISCHARGE COMPLIANCE CERTIFICATE” means a certificate issued by the Director stating that: (1) all of the connections leading from the real property (a) to the public storm water sewer lines, and (b) to the public sanitary sewer lines, comply with the requirements of the New York State Building Code; the Westchester County Sewer Act, the Westchester County Sanitary Code and the Village Code, and (2) there are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids directly onto or directly toward a street, sidewalk or right-of-way.

“PLUMBER’S CERTIFICATION” means a certification made to the County by a plumber licensed to do business within the County that the plumber (1) has inspected all of the connections leading from the real property to (a) to the public storm water sewer lines and (b) to the public sanitary sewer lines and that all such connections comply with the requirements of the New York State Building Codes and the Village Code; (2) has inspected the real property and found that there are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids directly onto or directly toward a street, sidewalk or right-of-way; and (3) has inspected the sanitary sewer lateral pipes leading from the real property and determined that such lateral pipes do not directly or indirectly allow inflow or infiltration therefrom into the Village’s public sanitary sewer lines.

“REAL PROPERTY/COMMERCIAL PROPERTY” means a lot with respect to which a renewal event occurs after **July 1, 2007**.

“RENEWAL EVENT” means the transfer of title in connection with the sale of real property located in the Village. However, in connection with an apartment building, cooperative or condominium association, a “renewal event” occurs only once every five years and not when there is a transfer in title of one of the units within the apartment building, cooperative or condominium complexes.

**§ 282-13. Issuance of Discharge Compliance Certificate.**

A. No building on real property shall be used or occupied, in whole or in part, unless a discharge compliance certificate is issued. To apply for a discharge compliance certificate, a plumber’s certification that complies with this article shall be submitted to the Director, together with whatever forms and other documentation may be required by the Director and the fee for a discharge compliance certificate shall be paid. The Director can issue a discharge compliance certificate based upon a plumber’s certification or any duly authorized representative of any apartment building, cooperative or condominium complex as defined in subdivision B below, may conduct an inspection of the real property to determine whether any of the connections leading from the real property to the public storm water sewer lines or the public sanitary sewer lines violate a requirement of the New York State Building Code or the Westchester County Sewer Act, the Westchester County Sanitary Code or the Village Code; whether there are any culverts, drains, hoses, leaders, lines, pipes or pumps on the real property that discharge liquids directly onto or directly towards a street, sidewalk or right of way or whether the sanitary sewer lateral pipes leading from the real property directly or indirectly allow inflow or infiltration therefrom into the Village’s public sanitary sewer lines. By applying for a discharge compliance certificate, the owner of the real property authorizes the Director or a designee of the Director to enter upon the real property for the purpose of conducting such inspection.

B. With the Director’s approval, any apartment building, cooperative or condominium complex may appoint an authorized representative who is a certified plumber licensed to do business within the County to conduct an inspection of the real property to determine whether any of the connections leading from the real property to the public storm water sewer lines or the public sanitary sewer lines violate a requirement of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code or the Village Code; whether there are any culverts, drains, hoses, leaders, lines, pipes or pumps on the real property that discharge liquids directly onto or directly towards a street, sidewalk or right of way, or whether the sanitary sewer lateral pipes leading from the real property directly or indirectly allow inflow or infiltration therefrom into the Village’s public sanitary sewer lines. The results of any inspection shall be provided to the Director in order to ensure compliance and to obtain the required discharge compliance certificate.

C. A discharge compliance certificate can be issued at any time after a renewal event has occurred. A discharge compliance certificate can also be issued prior to a renewal event; however, such certificate shall expire on the 60th day after it is issued, unless the renewal event shall have occurred before its expiration date.

D. A discharge compliance certificate issued after a renewal event has occurred shall expire when the next renewal event with respect to that real property occurs. A discharge compliance certificate issued prior to a renewal event that does not expire pursuant to § 282-13C also shall expire when the next renewal event with respect to the real property occurs. Nothing contained in this section shall be construed as preventing the Director from revoking a discharge compliance certificate if there are grounds to do so.

**§ 282-14. Revocation of certificate of occupancy, certificate of completion and like documents.**

The Director may revoke a certificate of completion, a certificate of occupancy (permanent or temporary), a discharge compliance certificate, or a letter of compliance in the following instances:

A. Where there has been any false statement or misrepresentations as to a material fact in the application, the plans or the specifications on which the Director relied when issuing such certificate or letter; or

B. Where such certificate was issued in error and should not have been issued in accordance with applicable provisions of law.

C. Where it is determined that the owner of real property directly or indirectly causes or allows the resumption of any use of practice on the real property after issuance of the discharge compliance certificate which, if discovered at or prior to its issuance would have precluded the Director from issuing the discharge compliance certificate.

**§ 282-15. Fees.**

The fee for the issuance of a discharge compliance certificate shall be as set forth in Chapter A347, Fees.

**SECTION 3.** If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority or competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**SECTION 4.** This Local Law shall become effective immediately upon filing in the office of the Secretary of State.

Ayes: Fava, Hofstetter, Ryan, Murphy, Trifiletti

Nays: None

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER