

MEMORANDUM

TO: Supervisor Ellen Calves and the
Members of the Town of Bedford Town Board

FROM: Eric L. Gordon, Esq.

RE: Bedford Hills – Katonah Phase II Sewer District Project
Approval of Easement Agreements

DATE: November 20, 2023

The Town is in the process of commencing development of a public sewer system in order to bring sewers to additional locations in the Town of Bedford. This includes 94 residential properties in the Hamlet of Katonah along Bedford Road, Edgemont Road and Valley Road, along with the Bedford Lake apartments and Lakeside at Bedford condominiums in Bedford Hills, as well as 14 commercial properties on Railroad Avenue (the “Phase II Project”). The Phase II Project will also include an expansion of the capacity of the Bedford Hills Waste Water Treatment Plant (“Bedford Hills WWTP”) and decommissioning of the existing Bedford Lake Waste Water Treatment Plant (“Bedford Lake WWTP”). The newly proposed Bedford Hills – Katonah Phase II Sewer District is referred to as the “Phase II District”.

The Bedford Lake WWTP is proposed to be converted to a pump station, with the existing Bedford Lake WWTP and treatment systems to be decommissioned. Flow would be pumped through a new 4-inch force main in order to connect with the Phase I District collection system. The capacity of the force main would be a factor of where and how many future connections are proposed, balanced with design of the Bedford Lake pump station. The proposed force main route would run along Bedford Road and cross the Saw Mill River Parkway. Upgrades would need to occur at Phase I District Pump Station B to accommodate the additional flow and new force main discharge.

The flow would then travel through the existing Bedford Hills – Katonah Business Sewer District (the “Phase I District”) sewer system, ultimately being conveyed to the Bedford Hills WWTP. The Phase II District sewer system connection to the Bedford Hills WWTP will require an additional 22,000 gallons per day of capacity. Therefore, upgrades to the soon to be Town owned Bedford Hills WWTP will be necessary in order to treat the additional flow from the properties in the Phase II District.

On August 17, 2020, a Negative Declaration was issued pursuant to the New York State Environmental Quality Review Act (“SEQRA”) with respect to the potential environmental impacts from the proposed Phase II Project and Phase II District. On the same date, and following a comprehensive review of the matter and public hearing, the Town Board determined that “all the property and property owners benefited are included within the limits of said proposed Bedford Hills-Katonah Phase II Sewer District; and the establishment of said proposed Bedford Hills-Katonah Phase II Sewer District is in the public interest.” In addition, a referendum with respect to the Phase II District was approved by a vote of the majority of the property owners in the Phase II District in a special election held on October 19, 2020.

Contracts with respect to the proposed construction of the Phase II District and upgrades to the Bedford Hills WWTP have now been approved by the Town Board and awarded to contractors who are in the process of commencing the initial phase of construction. In order to proceed with the construction of the Phase II Project, the Town has agreed to install and maintain lateral sewer pipes over private property owned by certain residential property owners. The Town has also agreed to install and maintain grinder pump systems on private property owned by 14 commercial properties on Railroad Avenue. The Town now requires easement agreements to permit the installation and future maintenance of the sewer laterals and grinder pump systems.

A form of easement agreement with respect to the sewer laterals has been prepared and provided herewith. A separate form of easement agreement with respect to the grinder pump systems has also been prepared and provided herewith. Also submitted with this Memorandum are two separate proposed Resolutions approving the form of sewer lateral easement agreement and the form of grinder pump system easement. Attached to each of these Resolutions is a list of properties for which such easement agreements would be required.

We are recommending that the Town Board approve each of the proposed Resolutions at the Town Board meeting on November 21, 2023, authoring the Town Supervisor to enter into easement agreements in the form attached with each of the property owners listed in the attached Resolutions.

Please do not hesitate to contact me if you have any questions regarding this matter.

cc: Doug Goodfriend, Esq.
Ken Kohlbrenner, Woodard & Curran
Kevin Winn, Commissioner of Public Works
Jessica Youngblood, Planning Director
Lisbeth Fumagalli, Town Clerk